



University of
Nottingham
Rights Lab

Antislavery in domestic legislation country reports

States' international
obligations and domestic
legislation regarding slavery,
servitude, forced labour, and
human trafficking



MONASH University
Castan Centre for Human Rights Law

Introduction to the country reports

To assess the extent to which slavery and related forms of human exploitation have been prohibited in domestic law, this Project compiles the constitutional, criminal, and labour legislation of 193 UN Member States, drawing provisions dealing with slavery, servitude, institutions and practices similar to slavery, forced labour and human trafficking from the texts. Each Country Report sets out the international instruments to which the State is party, and the various international obligations with regard to human exploitation flowing from these undertakings. Each Reports then provide analysis as to the extent to which each UN Member State has carried out its international obligations through the enactment of domestic legislation.

Methodology

Consideration of domestic legislation is drawn from open, publicly available sources. Searches were conducted in multiple languages with relevant provisions translated. Material is drawn from online sources, including [QUB Slavery in Domestic Jurisdictions](#); [UNODC SHERLOC](#); [ILO NATLEX](#); [Constitute Project](#); [Walk Free Government Response](#); [US State Department Trafficking in Persons Report](#); the Awad Report, UN Doc. E/4168/Rev.1, 1966; Engen Report UN Doc. E/2673, 1955, and States' own legislative websites, among others.

Legislative provisions were selected not only for direct references to the relevant forms of human exploitation, but for their relation to some element of the prohibition in question. Thus, conclusions drawn on the existence of legislation are inclusive rather than restrictive. In total, over 700 pieces of domestic legislation were analysed, with thousands of relevant provisions drawn from their texts.

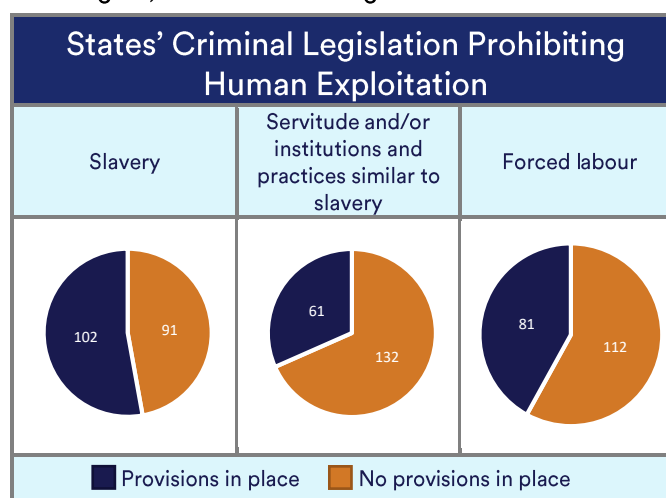
Relevant international obligations were drawn from seven core international instruments. Definitions of the various forms of exploitation are drawn from these texts, as are the obligations States undertake.

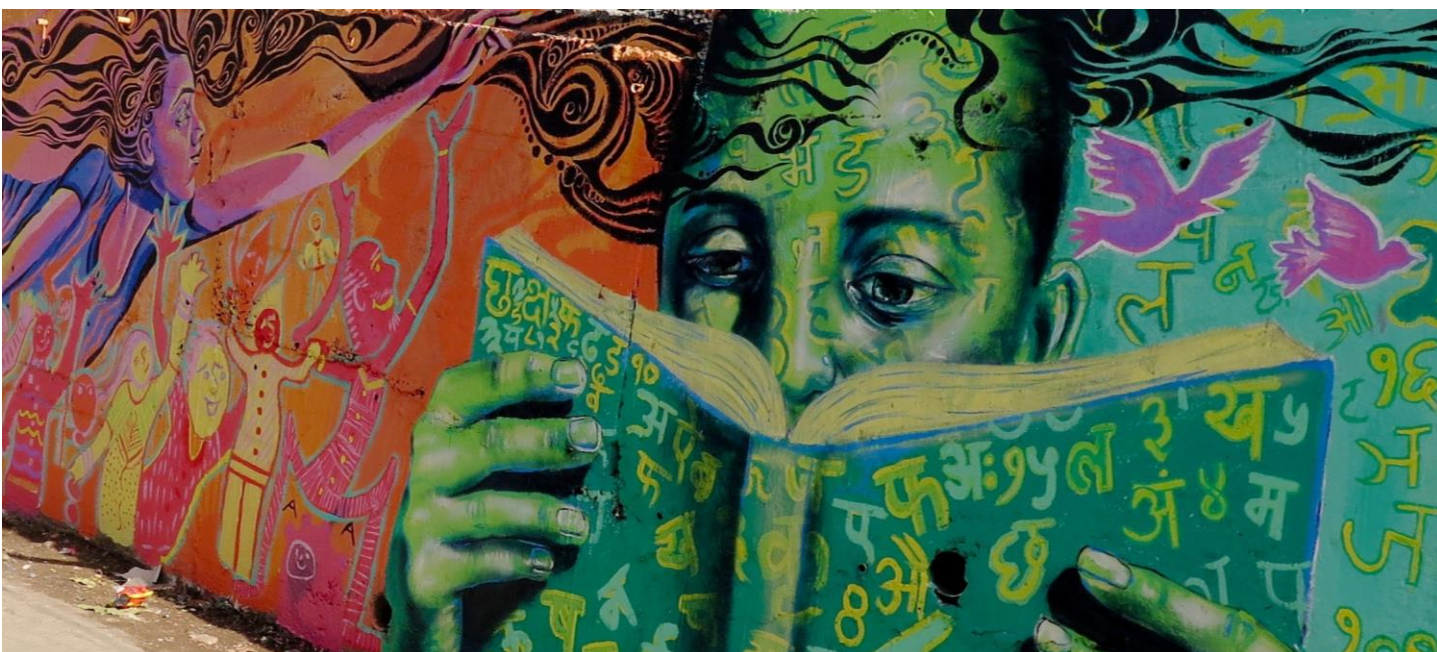
This collection of [Country Reports](#) represents the body of data collected to date in this research, which continues to be the subject of research and analysis being conducted by Katarina Schwarz (University of Nottingham) and Jean Allain (Monash University).

Findings

This research provides an understanding of the extent and scope of domestic legislation governing slavery and related exploitation. It highlights a significant implementation gap as regards international obligations undertaken and required by the 1926 and 1956 Slavery Conventions, the 1930 Forced Labour Convention, and the 1966 International Covenant on Civil and Political Rights; and follow-through at the domestic level.

Analysis of the dynamics and contours of this implementation gap is ongoing. Current analysis accounts for the presence, or absence, of legislation in relation to each form of exploitation, irrespective of the alignment of domestic provisions with international definitions. Further research is exploring the extent to which States' national provisions align with international definitions, providing a more nuanced picture of the extent to which States have fulfilled their obligations in this regard. Additional research is also exploring other aspects of domestic legislation beyond criminalisation, considering various aspects of antislavery law to provide a detailed, global picture of successes, failures, and trends in antislavery legislation.





The development of the legislation database platform

A publicly available online platform for this legislation database is currently under development, funded by the University of Nottingham. The platform will make the full text of the hundreds of domestic statutes studied in this research accessible for researchers and practitioners around the world. More importantly, however, it draws the thousands of provisions relevant to slavery and related forms of exploitation from these texts for comparative analysis. It presents these provisions alongside States' international commitments, and an analysis of trends, successes, and failures in the domestication of international law.

As well as providing more comprehensive country reports and analysis, the platform will visualise comparative performance of States across a range of metrics relevant to antislavery legislation, and enable multi-variate search and filtering functions to tailor content to the needs of a range of users.

[This platform will be launched late 2019.](#)

The role of the United Nations Secretary-General

Under the terms of the 1926 Slavery Convention and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the UN Secretary-General is meant to gather all legislation of the type developed in our dataset and make it available to all States. In 1954, the UN Secretary-General tasked Hans Engen to gather this information. Subsequently, in 1966, Mohamed Awad carried out the same task. However, since 1966 – that is: for more than 50 years – no systematic gathering of States' domestic legislation has been undertaken by the UN Secretary-General.

This Project seeks to assist the UN Secretary-General in renewing his role as a clearing house for domestic legislation relating to slavery and other forms of exploitation. We welcome the possible use of our Country Reports by the UN Secretary-General as a basis for once again inquiring with States as to whether the material the Project has gathered is the most accurate and up-to-date. We also invite States to share relevant laws that may have been overlooked.

Acknowledgements

This is a continuing study by Jean Allain (Monash University) and Katarina Schwarz (University of Nottingham), initiated in 2016 by a Working Group which also included Amanda Kramer, Aisling Ledwith, Andrew Chisholm, and Egle Vasiliauskaite.

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Afghanistan

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Afghanistan which prohibits **slavery** although the 2009 Law on Elimination of Violence against Women 2009 prohibits the “selling and buying women for the purpose of or under pretext of marriage”.
- ii) There appears to be **no legislation** in place in Afghanistan which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the 2004 Constitution which prohibits forced labour at article 49. Provisions on forced labour are also found in Articles 10 and 79 of the Labour Law of Afghanistan and the Minerals Law of 2005 and 2010 prohibit forced labour.
- iv) **Provisions** related to **trafficking in persons** are found in the 2008 Law on the Campaign against Abduction and Human Trafficking which criminalises trafficking under article 8.

2) International Obligations: Afghanistan consents to:

1926 Slavery Convention: (9 November 1935, accession)
1930 Forced Labour Convention: N/A
1953 Protocol to the 1926 Slavery Convention: (16 August 1954, succession)
1956 Slavery Convention: (16 November 1966, accession)
1957 Abolition of Forced Labour Convention: (16 May 1963, ratification)
1966 ICCPR: (24 January 1983, accession)
1998 Rome Statute of the ICC: (10 February 2003, accession)
2000 Palermo Protocol (Trafficking in Persons): (15 August 2014, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Afghanistan appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), the [ICC National Implementing Legislation Database](#), and the [Constitute Project website](#).

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF AFGHANISTAN 2004

Article 7

The state shall observe the United Nations Charter, interstate agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights. The state shall prevent all kinds of terrorist activities, cultivation and smuggling of narcotics, and production and use of intoxicants.

Article 24

Liberty is the natural right of human beings. This right has no limits unless affecting others freedoms as well as the public interest, which shall be regulated by law. Liberty and human dignity are inviolable. The state shall respect and protect liberty as well as human dignity.

Article 48

Work is the right of every Afghan. Working hours, paid holidays, employment and employee rights and related matters shall be regulated by the law. Choice of occupation and craft shall be free within the bounds of law.

Article 49

Forced labor shall be forbidden. Active participation in times of war, disaster, and other situations that threaten public life and comfort shall be among the national duties of every Afghan. Forced labor on children shall not be allowed.

PENAL CODE OF AFGHANISTAN

Article 517

1– A person who gives in marriage a widow, or a girls who is 18 years or older, contrary to her will or consent, shall be sentenced in view of the circumstances to short imprisonment.

2– If commitment of the crime specified under the above paragraph is for the purpose of compensation for a wrongdoing (bad dadan), the offender shall be sentenced to medium imprisonment not exceeding 2 years.

3– A criminal claim against perpetrator of crimes listed in paragraphs 1–2 of this article may be filed only if the victim makes a complaint.

LABOR LAW OF AFGHANISTAN

Article 10

Forced labor shall not be allowed. The labor shall be deemed forced when an individual is forced to work through intimidation or through other means contrary to his volition. And the labor which a person is obliged to perform legally shall not be deemed forced labor.

Article 79

Special Regulations Mineral Activities shall be conducted in accordance with applicable laws and international norms relating to labor, social protection and human rights. The use of Forced Labor or Harmful Child Labor in connection with Mineral Activities is prohibited.

LAW ON THE CAMPAIGN AGAINST ABDUCTION AND

Article 3 Definitions

The following terms in this Law shall have the following meanings:
...

HUMAN TRAFFICKING 2008

2– Trafficking in Persons: Is transferring, transiting, employment, keeping of a person for the purpose of exploitation by taking advantage of poor economic and desperate condition of the victim through paying and receiving money, interest or using other deceiving means in order to obtain the consent of the victim or his/her guardian.

3– Exploitation: Getting advantage of the victim of crimes of abduction and trafficking in persons through employment, selling, engaging in sexual, criminal activities, provision of pictures and movies that are prejudicial to public morality (pornography), armed conflicts, forced labor or removal his/her organ or body tissues or conducting medical and health examinations and forcing him/her into other illegal activities.

...

Article 8 Human Trafficking

(1) Any person who commits human trafficking offence, in accordance with circumstances shall be sentenced to long imprisonment not more than 8 years.

(2) If the victim is a child or a female, the perpetrator shall be sentenced to long imprisonment not less than 12 years.

(3) If adultery or pederasty is taken place against victim, the perpetrator in addition to punishment prescribed for the human trafficking crime shall be also convicted to the punishment of adultery or pederasty crime.

Article 10 Punishment for Person Who Cuts and Removes Body Organs or Tissues

(1) Any person who cuts and remove organ and tissues of the body of the victim of this Law but does not cause his/her death, in accordance with circumstances he/she shall be sentenced to long imprisonment.

(2) If the action stated in paragraph (1) of this Law causes death of the victim, the perpetrator in accordance with circumstances shall sentenced to continued imprisonment or execution.

MINERALS LAW 2005

Article 44

Obligations of Holders of Authorizations for Quarry Exploration (4) The Holder of an Authorization for Quarry Exploration must comply with all applicable laws and regulations regarding health, safety of labor, human rights, use of water, protection of the environment and protection of communities affected due to the Exploration work.

Article 50

Obligations of Holders of Authorizations for Quarry Exploitation 3) The Holder of an Authorization for Quarry Exploitation must comply with all applicable laws and regulations regarding health, safety of labor, human rights, use of water, protection of the environment and protection of affected communities.

Article 55

Obligations of the Holder of the Authorization for Artisanal Exploitation (1) The Holder of an Authorization for Artisanal Exploitation must comply with all applicable laws and regulations regarding health, safety of labor,

human rights, use of water, and protection of the environment and protection of affected communities.

Article 20

Child Labor or" means the employment of persons under the age of eighteen (18) years that is economically easily exploitative, interferes with, the child's education, is harmful to the child's health, [or] has a mal effect on the child's physical, mental, or social development.

Article 79

Special Regulations Mineral Activities shall be conducted in accordance with applicable laws and international norms relating to labor, social protection and human rights. The use of Forced Labor or Harmful Child Labor in connection with Mineral Activities is prohibited.

MINERALS LAW 2010

Article 76

The Mineral Activities are carried out in accordance with the applicable laws and international standards established in relation to labor, protection of communities and human rights. Forced employment of labor and recruitment of children in Mineral Activities is prohibited.

LAW ON ELIMINATION OF VIOLENCE AGAINST WOMEN AFGHANISTAN AUGUST 2009

Article 2

"fighting against customs, traditions and practices that cause violence against women contrary to the religion of Islam," and preventing and prosecuting violence against women.

Article 5

Lists 22 acts, the commission of which constitutes violence against women: rape; forced prostitution; publicising the identity of a victim in a damaging way; forcing a woman to commit self-immolation; causing injury or disability; beating; selling and buying women for the purpose of or under pretext of marriage; baad (retribution of a woman to settle a dispute); forced marriage; prohibiting the choice of a husband; marriage before the legal age; abuse, humiliation or intimidation; harassment or persecution; forced isolation; forced drug addiction; denial of inheritance rights; denying the right to education, work and access to health services; forced labour and marrying more than one wife without observing Article 86 of the Civil Code.

Article 31

If a person forces a woman to isolation, he shall, depending on the circumstances, be convicted to short-term imprisonment of not more than three months.

Article 35

If a person prohibits a woman from the right to education, work and access to medical services or use of other rights stipulated in the law, he shall, depending on the circumstances, be convicted to short-term imprisonment not exceeding six months.

Albania

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Albania which prohibits **slavery**, although the Criminal Code criminalises slavery when committed as a part of human trafficking under articles 110a (adults) and 128b (minors).

ii) There appears to be **no legislation** in place in Albania which prohibits **servitude**, although the Criminal Code criminalises 'forms similar to slavery' when committed as a part of human trafficking under articles 110a (adults) and 128b (minors). Coercion into marriage is also criminalised at article 130.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 26 which prohibits forced labour and the Labour Code at Article 8 which prohibits compulsory labour.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code at articles 110a and 128b.

2) International Obligations: Albania consents to:

1926 Slavery Convention: (2 July 1957, accession)
1930 Forced Labour Convention: (25 June 1957, ratification)
1953 Protocol to the 1926 Slavery Convention: (2 July 1957, accession)
1956 Slavery Convention: (6 November 1958, accession)
1957 Abolition of Forced Labour Convention: (27 February 1997, ratification)
1966 ICCPR: (4 October 1991, accession)
1998 Rome Statute of the ICC: (31 January 2003, ratification)
2000 Palermo Protocol (Trafficking in Persons): (21 August 2002, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Albania appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION OF THE REPUBLIC OF ALBANIA

Article 26

No one may be required to perform forced labor, except in cases of the execution of a judicial decision, the performance of military service, or for a service that results from a state of war, a state of emergency or a natural disaster that threatens human life or health.

Article 49

1. Everyone has the right to earn the means of living by lawful work that he has chosen or accepted himself. He is free to choose his profession, place of work, and his own system of professional qualification.
2. Employees have the right to social protection of labor.

Article 54

1. Children, the young, pregnant women and new mothers have the right to special protection by the state.
2. Children born out of wedlock have rights equal to those born within marriage.
3. Every child has the right to be protected from violence, ill treatment, exploitation and from performing any work, especially under the minimum age for child labor, which could damage his health and morals or endanger his life or normal development.

CRIMINAL CODE OF THE REPUBLIC OF ALBANIA (AMENDED BY LAW NO 8733 2001 AND LAW NO 144 2013)

Article 74 Crimes against humanity

Murder, enforced disappearance, extermination, enslaving, internment and expulsion and any other kind of human torture or violence committed according to a concrete premeditated plan or systematically, against a group of the civil population for political, ideological, racial, ethnical and religious motives, shall be punishable to not less than fifteen years of or life imprisonment.

Article 75 War crimes

Offences committed by different persons at war time, such as murder, maltreatment or deportation for slave labor, as well as any other inhuman exploitation to the detriment of civil population or in occupied territory, the killing or maltreatment of war prisoners, the killing of hostages, destruction of private or public property, destruction of towns, commons or villages, which are not ordained from military necessity, are sentenced with no less than fifteen years, or life imprisonment.

Article 110/a Trafficking in adult persons

The recruitment, transport, transfer, hiding or reception of persons through threat or the use of force or other forms of compulsion, kidnapping, fraud, abuse of office or taking advantage of social, physical or psychological condition or the giving or receipt of payments or benefits in order to get the consent of a person who controls another person, with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or forms similar to slavery, putting in use or transplanting organs, as well as other forms of exploitation, both within and beyond the territory of the Republic of Albania, shall be punishable by imprisonment from eight to fifteen years.

When such offence is committed against an adult female person, it shall be punishable by imprisonment of from ten to fifteen years.

The organization, management and financing of the trafficking of persons is punished with imprisonment of from seven to fifteen years. When such offence is committed in collaboration, more than once, accompanied with maltreatment and forcing the victim to commit various actions through the use of physical or psychological violence, causing serious consequences to the health or threatening his life, is punishable by imprisonment of no less than fifteen years

When the offence as a consequence has caused the death of the victim, it is punished by imprisonment of no less than twenty years or with life imprisonment.

When the criminal offence is committed through the utilization of a state function or public service, the punishment of imprisonment is increased by ($\frac{1}{4}$) one fourth of the punishment given.

Article 110/b Benefit from or use of services provided by trafficked persons

The benefit from or use of services provided by trafficked persons, or services which are subject to exploitation by trafficking, being aware that the person is trafficked, shall be punishable by imprisonment of from two to five years.

When this offence is committed against a minor, it shall be punishable by imprisonment of from three to seven years.

Article 110/c Actions facilitating trafficking

Forgery, possession, or provision of identity cards, passports, visas or other travel documents, or their retaining, removal, hiding, damaging or destruction which have served for the trafficking of adult persons, but having no knowledge of this fact, shall constitute criminal offence and shall be punishable by two to five years of imprisonment.

The same offence, when committed in complicity, more than once, or is committed by the person who has the task to issue the ID card, passport, visa, or the travel document, or has enabled trafficking of children, shall be punishable by four to eight years of imprisonment.

The same offence, when it results in serious consequences, shall be punishable by not less than five years of imprisonment.

Article 128/b Trafficking of Minors

Recruitment, sale, transport, transfer, hiding or reception of minors with the purpose of exploitation for prostitution or other forms of sexual exploitation, forced labor of service, slavery or forms similar to slavery, putting in use or transplanting organs, as well as other forms of exploitation, shall be punishable by ten to twenty years of imprisonment. Organization, management and financing of the trafficking of minors is punished with imprisonment of from ten to twenty years.

When this crime is committed in collaboration or more than once, or is accompanied with the maltreatment and forcing of the victim through physical or psychological violence to commit various actions, or bring serious consequences to health, it is punished with imprisonment of no less than fifteen years.

When the offence as a consequence has brought about the death of the victim it is punished with imprisonment of no less than twenty years or with life imprisonment.

When the criminal offence is committed through the utilization of a state function or public service, the punishment of imprisonment is increased by one fourth of the punishment given.

Article 130 Coercion or obstruction of cohabitating, concluding or dissolving a marriage

Coercing or obstructing the initiation or continuation of cohabitation, or coercion to enter into or dissolve the marriage, shall constitute a criminal misdemeanour and is punishable with a fine or imprisonment up to three months.

Intentional request to an adult or child to leave the territory of the Republic of Albania for purposes of obliging him to enter into marriage, shall constitute a criminal misdemeanour and is punishable with a fine or imprisonment up to three months

**CODE OF LABOR OF
THE REPUBLIC OF
ALBANIA**

Article 8

(1) All forms of compulsory labor are prohibited.

(2) With compulsory or forced labor is meant any job or service imposed on the individual against his/her will, threatening him/her through whatever punishment. Prohibited is the use of compulsory labor as:

- a) a coercive measure or sanction against persons that have or air beliefs running contrary to the ruling political, economic and social order;
- b) a method of mobilization or exploitation of labor force for the purpose of economic development;
- c) a disciplinary measure at work;
- d) a punishment for having participated in a strike;
- e) a measure of racial, social, national or religious discrimination.

(3) The following are not considered to be compulsory labor:

- a) any job or service imposed on the basis of the law on the Armed Forced of the Republic of Albania, which are designed to serve activities of purely military character;
- b) any job or service imposed on the individual as a punishment determined by the court and during which the person is not put at the service of the citizens or private juridical persons, except for the cases provided for in paragraph 2 of this Article.
- c) any job imposed in case of war or because of forces majeures, natural calamities, especially in case of fire, floods, starvation, earthquakes, epidemics and under all circumstances threatening life or normal living conditions of the entire population or of one part of it.

Algeria

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Algeria which prohibits **slavery** although Article 8 of the 1996 Constitution states that institutions have the objective of “the suppression of exploitation of man by man”. The 2009 Criminal Code also criminalises slavery when committed as a part of human trafficking under Section 5, Article 303(4).

ii) There appears to be **no legislation** in place in Algeria which prohibits **servitude** although the 2009 Criminal Code criminalises servitude when committed as a part of human trafficking under Section 5, Article 303 (4).

iii) There appears to be **no legislation** in place in Algeria which prohibits **forced labour** although the 1996 Constitution establishes the “suppression of the exploitation of man by man” as one of its objectives in article 8 and prohibits institutions from establishing “relations of exploitation and bonds of dependency” in article 9. The Algerian Labor Law provides protection for workers, but does not specifically prohibit forced labour.

iv) **Provisions** related to **trafficking in persons** are found in the 2009 Criminal Code which criminalises trafficking in persons under section 5, article 303(4).

2) International Obligations: Algeria consents to:

1926 Slavery Convention: (20 November 1963, accession)
 1930 Forced Labour Convention: (19 October 1962, ratification)
 1953 Protocol to the 1926 Slavery Convention: (20 November 1963, accession)
 1956 Slavery Convention: (31 October 1963, accession)
 1957 Abolition of Forced Labour Convention: (12 June 1969, ratification)
 1966 ICCPR: (12 September 1989, accession)
 1998 Rome Statute of the ICC: (28 December 2000, signature)
 2000 Palermo Protocol (Trafficking in Persons): (9 March 2004, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Algeria appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF THE PEOPLE'S
DEMOCRATIC
REPUBLIC OF ALGERIA
1989 (AMENDED BY
THE CONSTITUTIONAL
REVISION OF 1996,
REVISED 2008)

Article 8

The people shall establish institutions which have as their objective: • the safeguarding and the consolidation of national independence; • the safeguarding and consolidation of national identity and national unity; • the protection of fundamental rights and the social and cultural development of the Nation; • the suppression of the exploitation of man by man; • the protection of the national economy against all forms of embezzlement or misappropriation, hoarding or illegal confiscation.

Article 9

The institutions shall not indulge in: • feudal, regionalist and nepotist practices; • the establishments of relations of exploitation and bonds of dependency; • practices contrary to Islamic morals and the values of the November Revolution.

Article 32

The fundamental liberties and the rights of man and of the citizen shall be guaranteed. They shall constitute the common heritage of all Algerians, who have the task of transmitting it from generation to generation in its integrity and inviolability.

Article 33

The individual and collective defense of the fundamental Rights of Man and of individual and collective liberties shall be guaranteed.

Article 34

The State shall guarantee the inviolability of the human person. Any form of physical or moral violence or infringement of dignity shall be prohibited.

Article 35

The infringements of rights and liberties as well as any physical or moral attacks on the integrity of the human person shall be punished by statute.

Article 55

All citizens shall have the right to work.
The right to protection, security and hygiene at work shall be guaranteed by statute.
The right to rest shall be guaranteed. Statute shall determine the modalities of its exercise.

CRIMINAL CODE 2009

Article 303

(4)Is considered trafficking, the recruitment, transportation, transfer, accommodation or receipt of one or more persons, by the threat or use of force or other forms of coercion, kidnapping, fraud, deception, abuse of authority or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having authority over another purpose of exploitation. Exploitation includes the exploitation of the prostitution of others or other forms of sexual

exploitation, exploitation of others into begging, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Human trafficking is punishable by imprisonment of three (3) years to ten (10) and a fine of 300,000 DA 1,000,000.

When law is applied to a person whose situation of vulnerability is due to his age, illness or physical or mental disability, perceived or known to the perpetrator, the penalty is imprisonment of five (5) years fifteen (15) years and a fine of 500,000 DA DA 1,500,000

ORDINANCE NO. 66-156 OF 8 JUNE 1966 ON THE PENAL CODE, P. 530. (JORA NO. 49 OF 11-06-1966)

Article 320

A penalty of two to six months imprisonment and 500 to DA 20,000 fine: 1 Anyone who has, in a spirit of greed, caused the parents or a them to abandon their child or unborn; 2 ° Any person who made purchase, or attempted to subscribe by prospective parents or one of them, an act under which they undertake to abandon the unborn child, who has held such a act in a used or attempted to use it; 3 ° Any person who, in a spirit of lucre, brought or attempted to provide through to raise a child. Crimes and offenses tending to prevent the identification of the child

Article 342

Anyone who excites, encourages or facilitates usually debauchery or corruption of minors twenty-year-year of age or the other sex, or even occasional minor fifteen, is punished imprisonment for a term of two to five years and a fine of 500-25000 DA. Attempted offenses under this section is subject to the pains provided for these offenses.

Article 343

The punishment is imprisonment for six months to three years and a fine of 500 to 20,000 AD, unless the fact constitutes a offense more importantly, who knowingly

1 in any way aids, assists, or protects the prostitution of others or soliciting for prostitution;

2 in any form, sharing the proceeds of prostitution of others or receives money from a person engaged usually at the prostitution or derives from the same resource Prostitution of Others;

3 lives with a person who habitually engages in the prostitution;

4 being normal relations with one or more people prostitutes cannot justify resource corresponding to its lifestyle;

5 procures, entices or keeps, even with consent, Most people even to prostitution, or to book prostitution or debauchery;

6 acts as an intermediary in any capacity between the persons engaged in prostitution or debauchery and individuals exploit or remunerate the prostitution or debauchery of others;

7 by threat, pressure, deception or other means, obstacle action to prevent, control, assistance or re-education undertaken by qualified organizations for persons engaged in prostitution or at risk of prostitution. Attempted offenses under this section is subject to the pains provided for these offenses.

Article 344

The penalties laid down in Article 343 are brought to a imprisonment of two to five years and a fine of 1,000 to 40,000 DA when:

- 1 The crime was committed against a minor under eighteen years;
 - 2 The offense was accompanied by threats, coercion, violence, assault, abuse of authority or fraud;
 - 3 The offender was carrying a weapon or apparent hidden;
 - 4 The perpetrator is a husband, father, mother or guardian of victim or belongs to one of the categories enumerated in Article 337
 - 5 The offender is required to participate, through its functions, to against prostitution, protection of health or Youth or to maintain public order;
 - 6 The crime was committed against several persons;
 - 7 Victims of crime have been delivered or incited to engage in the prostitution outside Algerian territory;
 - 8 Victims of crime have been delivered or incited to engage in the prostitution on arrival or within a short period of arrival on the Algerian territory;
 - 9 The crime was committed by several perpetrators or accomplices.
- Attempted offenses under this section is subject to the pains provided for these offenses.

ALGERIAN LABOUR LAW

Article 6

Within the framework of the working relationship, the workers also have the right: • with an effective occupation; • with the respect of their physical and moral integrity and their dignity; • with a protection against any discrimination to occupy a station other than that founded on their aptitude and their merit; • with the vocational training and promotion in work, • with the regular payment of the remuneration which is due for them; • with social works; • with all advantages rising specifically from the contract of employment.

Article 15

The minimum age required for a recruitment cannot, to in no case, to be lower than sixteen years, except within the framework of apprenticeship contracts drawn up in accordance with the legislation and with the regulation in force. The minor worker can be recruited only on presentation of an authorization established by his legal guardian. The minor worker cannot be employed with work dangerous, unhealthy and vermin with his health or prejudicial with his morality.

Article 80

The other hand of provided work, the worker has right to remuneration with the title of which it perceives wages or an income proportional to the results of work.

Article 81

By wages, for the present law, it is necessary to hear: • the basic wage, such as it results from the professional classification of the organization employer.

Article 85

Remuneration is expressed in exclusively monetary terms and its payment is carried out in exclusively monetary means.

Article 88

The employer is held to pay regularly with each worker and in the long term fallen, the remuneration which is due for him.

LABOUR RELATIONS ACT 1990

Article 8

The People set up institutions having as objectives: - the safeguard and consolidation of the national independence; - the safeguard and consolidation of the national identity and unity; - the protection of fundamental liberties of the citizen and the social and cultural progress of the Nation; - the suppression of the exploitation of man by man; - the protection of the national economy from any form of embezzlement or misappropriation, illegitimate monopolizing or seizure.

Article 9

The institutions are not allowed :
- feudal, regionalist and nepotistic practices;
- setting up exploitation relationships and dependence links; - practices that are contrary to the Islamic ethics and to the values of the November Revolution.

Article 22

Power abuse is repressed by the law.

Article 33

Individual or associative defence of the fundamental human rights and individual and collective liberties is guaranteed.

Article 34

The State guarantees the inviolability of the human entity. Any form of physical or moral violence or breach of dignity is forbidden.

Article 35

Infringements committed against rights and liberties and violations of physical or moral integrity of a human being are repressed by the law.

Article 55

All citizens have right for work. The right for protection, security and hygiene at work is guaranteed by the law. The right to rest is guaranteed; the law defines the relevant clauses.

FAMILY CODE

Article 9

Marriage is contracted by consent of the future partners, in the presence of the legal guardian and two witnesses for purposes of authorizing marriage, and by payment of dowry.

Article 10

Consent flows from the request of one of the two parties and the acceptance of the other party.

Article 38

The wife has the right to full freedom in the disposition of her property

Andorra

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code at article 134 which criminalises slavery with a penalty of up to 12 years.

ii) **Provisions** related to **servitude** are found in the Criminal Code at article 134 which criminalises servitude with a penalty of up to 12 years.

iii) There appears to be **no legislation** in place prohibiting forced labour, although the Criminal Code prohibits dangerous and degrading work at article 249 and unfair labour conditions at article 250.

iv) **Provisions** related to **trafficking in persons** are found in the Legislative Decree of 2015 amending the Criminal Code, which prohibits trafficking for organ removal (article 121 bis), for slavery or servitude (article 134 bis), and for sexual exploitation (article 157 bis).

2) International Obligations: Andorra consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: *N/A*

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: *N/A*

1966 ICCPR: (22 September 2006, ratification)

1998 Rome Statute of the ICC: (30 April 2001, ratification)

2000 Palermo Protocol (Trafficking in Persons): *N/A*

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Andorra appears to be:

- in breach of its obligations under the ICCPR in regards to forced labour.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF ANDORRA

Article 1

2. The Constitution proclaims that the action of the Andorran State is inspired by the principles of respect and promotion of liberty, equality, justice, tolerance, defence of human rights and dignity of the person.

Article 4

The Constitution recognises human dignity to be inalienable and therefore guarantees the inviolable and imprescriptible rights of the individual, which constitute the foundation of political order, social peace and justice.

Article 5

The Universal Declaration of Human Rights is binding in Andorra.

Article 9

1. All persons have the right to liberty and security and shall only be deprived of them on such grounds and in accordance with such procedures as are established in the Constitution and the laws.

Article 19

Workers and employers have the right to defend their own economic and social interests. A Law shall regulate the conditions to exercise this right in order to guarantee the functioning of the services essential to the community.

Article 29

All persons have the right to work, to their promotion through work, and to just income which shall guarantee a living befitting human dignity for themselves and their families, as well as to the reasonable limitation of the working day, weekly rest and paid vacation.

CRIMINAL CODE OF ANDORRA 2005

Article 134 Slavery

A person who subjects a person to slavery or servitude must be punished with a term of imprisonment of four to twelve years.

Slavery is the situation of the person over whom another person even, in fact, exercises all or some of the attributes of the right of ownership, such as buying, selling, lending or giving in exchange.

Article 249 Degrading or dangerous working conditions

Those who impose working conditions that are incompatible with human dignity or are dangerous to health with abuse of vulnerability or necessity must be punished with imprisonment of up to two years and prohibition of the exercise of the profession or Up to six years.

If degrading or dangerous conditions are imposed on minors, penalties must be imposed in their upper half.

Article 250 Unfair labor conditions

A person who, by deceit or abuse of necessity, imposes on workers in his service working or security conditions which infringe, abolish or restrict the rights recognized to them by special legal provisions or by a normative Or maintaining them in such circumstances, shall be punished with a penalty of arrest and a ban on the exercise of the trade or post up to three years.

Article 252 Trafficking in persons for the purpose of their employment

1. Any person who, with intent to gain, promotes or intervenes in the recruitment or transport of clandestine immigrants passing through the Principality of Andorra or who has their origin or destination in the Principality, shall be punished with A prison sentence of three months to three years and a fine of up to 60,000 euros, without prejudice to the criminal responsibilities which may be incurred by the commission of other offenses.

2. Must be punished with imprisonment of two to five years and a fine of up to € 180,000 if he performs such behavior if there is any of these circumstances:

- Whether it belongs to an organization which is, inter alia, possibly or permanently involved in, or acting in connection with, that activity.
- He uses deception.
- Use violence or intimidation.
- That it endangers life or causes a serious risk to the health or physical integrity of the victims.

- Whether victims are under the age of eighteen or incapable.

3. The penalty of deprivation of liberty corresponding to points 1 and 2 of this article shall be imposed in its upper half, respectively, on the person conducting the conduct provided for in any of these points and that there shall be the assistance of one Any of the following circumstances:

- That the author be a civil servant and act in the exercise of his functions. In this case, in addition to the penalties provided for above, the penalty for prohibiting the exercise of public office up to eight years shall be imposed.
- Whether the author is the chief, the administrator or the person in charge of the criminal organization.

LEGISLATIVE DECREE
OF 29-4-2015
PUBLICATION OF THE
REVISED LAW 9/2005
OF 21 FEBRUARY,
DESCRIBED THE
CRIMINAL CODE

Article 121 bis Trafficking in human beings for organ removal order

1. Whoever, for purposes of removal of organs, recruits, transports, transfers, host or hosts one or more persons, shall be punished with imprisonment from two to six years, subject, where applicable, penalties that apply to other offenses committed, at least when using one of the following:

- a) recourse to violence or other forms of intimidation or coercion, or the threat to do so.
 - b) That there is fraud, deception, abuse of authority or a situation of vulnerability.
 - c) intend or accept payments or benefits to obtain the consent of a person exercising authority in fact or in law, of another person.
- The attempt is punishable.

2. When not used any of the means mentioned in the preceding paragraph, is considered human trafficking with the purpose of organ removal action committee that describes, if carried out on a minor, without prejudice, where appropriate, of the penalties that apply to other offenses committed.

The attempt is punishable.

3. In the cases provided for in paragraph 2 and paragraph 1 if the victim is particularly vulnerable according to their status or physical or mental disability, the penalty should be imposed in the upper half.

4. In all cases, constitutes an aggravating circumstance in criminal liability for having endangered the life of the victim.

Article 134 bis - Trafficking in human beings for the purposes of slavery or servitude

1. Whoever, for purposes of slavery or servitude, recruits, transports, transfers, host or hosts one or more persons, shall be punished with imprisonment from two to six years, subject, in the case of penalties that apply to other offenses committed, at least when using one of the following:

a) recourse to violence or other forms of intimidation or coercion, or the threat to do so.

b) That there is fraud, deception, abuse of authority or a situation of vulnerability.

c) intend or accept payments or benefits to obtain the consent of a person exercising authority in fact or in law, on the other.

The attempt is punishable.

2. When not used any of the means mentioned in the preceding paragraph, is considered trafficking in human beings for the purposes of slavery or servitude commission describes the action that, if done on a minor, without prejudice, where appropriate, of the penalties that apply to other offenses committed.

The attempt is punishable.

3. In the cases provided for in paragraph 2 and paragraph 1 if the victim is particularly vulnerable according to their status or physical or mental disability, the penalty should be imposed in the upper half.

4. In all cases, constitutes an aggravating circumstance in criminal liability for having endangered the life of the victim.

Article 157 bis - Trafficking in human beings for the purposes of sexual exploitation

1. Whoever, for the purpose of prostitution of others or other crimes against sexual freedom, recruits, transports, transfers, host or hosts one or more persons, shall be punished with imprisonment from two to six years without prejudice, where appropriate, of the penalties that apply to other offenses committed, when using at least one of the following:

a) recourse to violence or other forms of intimidation or coercion, or the threat to do so.

b) That there is fraud, deception, abuse of authority or a situation of vulnerability.

c) intend or accept payments or benefits to obtain the consent of a person exercising authority in fact or in law, on the other.

The attempt is punishable.

2. When not used any of the means mentioned in the preceding paragraph, is considered trafficking in human beings for the purposes of sexual exploitation commission describes the action, if performed on a minor of age, without prejudice, where appropriate, of the penalties that apply to other offenses committed.

The attempt is punishable.

3. In the cases provided for in paragraph 2 and paragraph 1 if the victim is particularly vulnerable according to their status or physical or mental disability, the penalty should be imposed in the upper half.

4. In all cases, constitutes an aggravating circumstance in criminal liability for having endangered the life of the victim.

Angola

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Criminal Code as amended in 2014, which criminalises slavery at article 18 with sentences of 7 to 12 years imprisonment.
- ii) **Provisions** related to **servitude** are found in the Criminal Code as amended in 2014, which criminalises servitude at article 18 with sentences of 7 to 12 years imprisonment.
- iii) There appears to be **no legislation** in place in Angola which prohibits **forced labour**.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code as amended in 2014, which prohibits all forms of trafficking in persons.

2) International Obligations: Angola consents to:

1926 Slavery Convention: *N/A*
1930 Forced Labour Convention: (4 June 1976, ratification)
1953 Protocol to the 1926 Slavery Convention: *N/A*
1956 Slavery Convention: *N/A*
1957 Abolition of Forced Labour Convention: (4 June 1976, ratification)
1966 ICCPR: (10 January 1992, accession)
1998 Rome Statute of the ICC: (7 October 1998, signature)
2000 Palermo Protocol (Trafficking in Persons): (19 September 2014, accession)
2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Angola appears to be:

- in breach of its obligations under the ICCPR in regards to forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions in regards to forced labour.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF ANGOLA 2010

Article 2 Democratic State Based on the Rule of Law

2. The Republic of Angola shall promote and defend the basic human rights and freedoms of individuals and members of organised social groups and shall ensure respect for them and guarantee their implementation through the legislative, executive and judicial powers, their organs and institutions, and on the part of all individuals and corporate bodies.

Article 21 Fundamental Tasks of the State

The fundamental tasks of the Angolan state shall be:

...

- b. To ensure fundamental rights, freedoms and guarantees;
- c. To gradually create the necessary conditions required to effectively implement the economic, social and cultural rights of citizens;

...

Article 26 Scope of Fundamental Rights

1. The fundamental rights established in this Constitution shall not exclude others contained in the laws and applicable rules of international law.
2. Constitutional and legal precepts relating to fundamental rights must be interpreted and incorporated in accordance with the Universal Declaration of the Rights of Man, the African Charter on the Rights of Man and Peoples and international treaties on the subject ratified by the Republic of Angola.
3. In any consideration by the Angolan courts of disputes concerning fundamental rights, the international instruments referred to in the previous point shall be applied, even if not invoked by the parties concerned.

Article 31 Right to Personal Integrity

1. The moral, intellectual and physical integrity of individuals shall be inviolable.
2. The state shall respect and protect the human person and human dignity.

Article 36 Right to Physical Freedom and Personal Security

1. Everyone shall have the right to physical freedom and individual security.
2. No-one may be deprived of their freedom, except in cases prescribed by the Constitution and the law.
3. The right to physical freedom and individual security shall also involve:
 - a. The right not to be subjected to any form of violence by public or private entities;
 - b. The right not to be tortured or treated or punished in a cruel, inhumane or degrading manner;
 - c. The right to fully enjoy physical and mental integrity;
 - d. The right to protection and control over one's own body;
 - e. The right not to be submitted to medical or scientific experiments without prior informed and duly justified consent.

Article 60 Ban on Torture and Degrading Treatment

No-one shall be subjected to torture, forced labour or cruel, degrading or inhuman treatment.

Article 61 Repugnant and Violent Crimes

The following shall be imprescriptible and ineligible for amnesty or provisional release, through the application of coercive measures:

- a. Genocide and crimes against humanity, as stipulated in law;
- b. Crimes stipulated as such in law.

Article 64 Deprivation of Freedom

1. Deprivation of freedom shall only be permitted in cases and under the conditions determined by law.

Article 76 Right to Work

- 1. Work shall be the right and duty of all.
- 2. Every worker shall have the right to vocational training, fair pay, rest days, holidays, protection, and workplace health and safety, in accordance with the law.
- 3. In order to ensure the right to work, the state shall be charged with promoting:
 - a. The implementation of policies to generate work;
 - b. Equal opportunities in the choice of profession or type of work and conditions which prevent preclusion or limitation due to any form of discrimination;
 - c. Academic training and scientific and technological development, as well as vocational development for workers.
- 4. Dismissal without fair cause shall be illegal and employers shall be obliged to pay just compensation for workers who have been dismissed, under the terms of the law.

PENAL CODE

Article 163 Abduction

- 1. Who, by means of violence, threat or cunning, abducts another person, Transferring from one place to another, with the intention of:
 - A) to submit to slavery;
 - B) to submit to extortion;
 - C) commit a crime against their sexual self-determination;
 - D) obtain redemption or reward
- is punished with imprisonment from 1 to 5 years. 2. The penalty is imprisonment from 2 to 10, from 2 to 12 or from 5 to 14 years, if it occurs, respectively, any of the situations described in paragraphs 2, 3 or 4 of Previous article.

Article 165 Slavery

- 1. Whoever reduces another person to the status of an individual over whom the powers inherent in the right to property are exercised in whole or in part shall be punished with imprisonment from 7 to 15 years.
- 2. He commits the same crime and is punished with the same penalty whoever alienates, assigns, acquires or seizes a person for the purpose of maintaining In the state or condition described in the previous number.
- 3. Commits, further, the crime of slavery and is punished with imprisonment from 1 to 5 years who buy or sell a child under the age of

14 to adoption or, for the same purpose, to broker a business or an equal transaction or similar.

Article 368 Crimes against humanity

Who, in the course of a widespread or systematic attack on a population or in the context of an armed conflict, international or internal, or during military occupation of a State, territory or part of territory, commit the following acts against protected persons:

...

C) slavery;

...

E) abuse of the dignity of persons by, inter alia, the use of torture and other cruel, inhuman and degrading treatment;

F) rape, sexual slavery, prostitution, pregnancy and sterilization:

...

Shall be punished with a prison sentence of 3 to 20 years, if a
Another criminal provision.

Article 369 Definitions

(C) "slavery" means the exercise of a power translated into a right of or possession of a person, including the exercise of that power in the context of trafficking in persons;

...

(F) "sexual slavery" means the exercise of inherent or associated powers to the right of ownership over one or more persons, who are by those who arrogate those powers to the practice of one or more acts of a sexual nature;

Article 157 Maltreatment of minors, incapacitated or relatives

1. Anyone who lives with or is under the care of a minor or incapacitated person under his authority or service or who has been surrendered for the purpose of education, instruction, treatment, supervision, custody or professional or artistic training, and habitually:

(A) treating them cruelly or inflicting physical or psychological ill-treatment on them;

B) to employ them in dangerous, inhuman or prohibited activities;

C) to overload them with excessive work;

D) forcing them to exercise begging

is punishable by a term of imprisonment of 6 months to 4 years or a fine of 60 to 480 days, if a more severe penalty is not due to them by virtue of another criminal provision.

2. With the same penalty is punished those who habitually exercise physical or psychological violence over their spouse or person with whom they live in situation similar to that of the spouses or their own children, the children of the spouse or of the person with whom he lives in a situation analogous to that of the spouses.

Article 177 Sexual trafficking of persons

Who, using violence, threat, ardor, fraudulent maneuver or taking advantage of any relationship of dependence or situation of particular vulnerability of a person to induce or constrain the practice of prostitution in a foreign country or favor this exercise, transporting,

lodging or accepting, is punished with the prison sentence of 2 to 10 years.

Article 183 Sexual trafficking of minors

1. Persons who are under 18 years of age to engage in the practice of prostitution in a foreign country or, for the same purpose, to transport, spoil or otherwise favor such exercise shall be punished by imprisonment of 2 to 10 years.
2. If the agent uses violence, threat or fraud, acts profitably or makes profession of the activity described in the preceding paragraph, the minor suffers from psychic anomaly or is under 14 years of age, the penalty is imprisonment of 3 to 12 years.

AMENDMENT TO THE PENAL CODE 2014

In February 2014, the government amended the 1886 penal code to prohibit all forms of trafficking in persons, proscribing penalties of eight to 12 years' imprisonment—penalties that are both sufficiently stringent and commensurate with those proscribed for other serious crimes. Article 19 criminalizes the act of delivering, enticing, accepting, transporting, housing, or keeping of persons for the purposes of sexual exploitation, forced labor, or trafficking of organs, including by force, fraud, or coercion. Article 19 also makes the enticement, transport, or housing of a child for such purposes by any means a trafficking offense; in keeping with international law, it does not require the use of fraud, force, or coercion to prove a trafficking case when a child is the victim. This provision would appear, however, to overlap with Article 22, pimping of minors, which provides a lower penalty of two to 10 years' imprisonment for promoting, encouraging, or facilitating the exercise of the prostitution of children, with enhanced penalties for the use of force, threat, or fraud of five to 12 years' imprisonment. Slavery and servitude are separately criminalized in Article 18 with sentences of seven to 12 years' imprisonment.

GENERAL LABOUR LAW 2000

Article 96 Length of working time

1. Except as otherwise provided by law, the normal period of work shall not exceed the following limits:
 - (a) 44 hours per week
 - (b) 8 hours per day
2. The normal period of work per week may be extended up to 54 hours where the employer adopts shift work patterns or modulated or flexible hours, where a recovery schedule is in effect or where the work is intermittent or simply requires presence.

Article 97 Rest periods

The normal daily working time must be interrupted by a rest and meal break of not less than one hour and not exceeding two hours, such that workers do not work for more than five hours of normal working time consecutively.

2. To the extent possible unless otherwise agreed with the workers' representative organization, the interval shall be one hour if there is a canteen in the workplace which can provide meals to the workers, or otherwise two hours.

Antigua and Barbuda

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the 1981 Antigua and Barbuda Constitutional Order which prohibits slavery at article 6.
- ii) **Provisions** related to **servitude** are found in the 1981 Antigua and Barbuda Constitutional Order which prohibits servitude at article 6. The Trafficking in Persons (Prevention) Act 2010 also prohibits debt bondage at article 17.
- iii) **Provisions** related to **forced labour** are found in the 1981 Antigua and Barbuda Constitutional Order which prohibits forced labour at article 6.
- iv) **Provisions** related to **trafficking in persons** are found in the Trafficking in Persons (Prevention) Act 2010.

2) International Obligations: Antigua and Barbuda consents to:

- 1926 Slavery Convention: (25 October 1988, succession)
- 1930 Forced Labour Convention: (2 February 1983, ratification)
- 1953 Protocol to the 1926 Slavery Convention: (25 October 1988, succession)
- 1956 Slavery Convention: (25 October 1988, succession)
- 1957 Abolition of Forced Labour Convention: (2 February 1983, ratification)
- 1966 ICCPR: N/A
- 1998 Rome Statute of the ICC: (18 June 2001, ratification)
- 2000 Palermo Protocol (Trafficking in Persons): (17 February 2010, ratification)
- 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Antigua and Barbuda appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 511

Slavery, the slave trade, and institutions and practices similar to slavery do not exist in Antigua, having been abolished by the Slavery Abolition Act of 1833 (3 and 4 Will. 4c 73).

THE ANTIGUA AND BARBUDA CONSTITUTIONAL ORDER 1981

6. Protection From Slavery And Forced Labour

1. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced labour.
3. For the purposes of this section, the expression "forced labour" does not include-
 - a.any labour required in consequence of the sentence or order of a court;
 - b.any labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
 - c.any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;
 - d.any labour required during any period of public emergency or, in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.

THE TRAFFICKING IN PERSONS (PREVENTION) ACT 2010

2 Interpretation

In this Act—

“exploitation” means all forms of sexual exploitation, forced labour, slavery or practices similar to slavery, servitude, any illegal activity or the removal of human organs;

“forced labour” means labour or services obtained or maintained through threats, the use of force, intimidation or other forms of coercion, or physical restraint;

“servitude” means a condition in which the labour or service of a person is provided or obtained through threats of harm to that person or another person, or through any scheme, plan or pattern intended to cause the person to believe that, if he does not perform the labour or provide the service in question, he or another person would suffer harm;

“slavery” means reducing a person by any means to a state of submitting to the control of another person as if that other person were the owner of the first-mentioned person;

“trafficking in persons” means the recruitment, transportation, transfer, harbouring, or receiving of a person by means of the threat or use of force or other means of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;

13. Offence of trafficking in persons

A person who engages in trafficking in persons commits an offence and, subject to sections 15 and 16, is liable on summary conviction to a fine

not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.

14. Directing, conspiring, inciting etc., the commission of trafficking in person

A person who—

- (a) performs an act which is aimed at committing the offence of trafficking in persons;
 - (b) incites, instigates, commands, directs, aids, advises, recruits, encourages or procures another person to commit the offence of trafficking in persons; or
 - (c) conspires with another person to commit the offence of trafficking in persons or to aid in the commission thereof;
- commits an offence and, subject to sections 15 and 16, is liable on summary conviction to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.

17. Debt bondage

A person who intentionally engages in conduct that causes another person to enter into debt bondage commits an offence and is liable on summary conviction to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.

18. Using services of trafficked person

- (1) A person commits an offence if he intentionally—
 - (a) benefits, financially or otherwise, from the services of a trafficked person or of a person he knows or ought reasonably to have known to be a trafficked person; or
 - (b) uses or enables another person to use the services of a trafficked person or of a person he knows or ought reasonably to have known to be a trafficked person.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.

ANTIGUA AND BARBUDA LABOUR CODE

C21.

- (1) No person shall employ anyone to perform labour or services at a basic wage less than that which shall be established by the Minister after recommendations made to him by a Minimum Wage Advisory Committee specially appointed by him to investigate the conditions of work, extent of unemployment, the cost of living, and the general conditions of the economy in Antigua and Barbuda.

C29.

- (1) The money wages of a workman shall be payable in legal tender, provided, however, that the payment of wages by cheque on a bank in Antigua and Barbuda or by postal order shall be deemed to be payment in legal tender in cases in which payment in such manner is customary or necessary or is consented to by the workman: Provided however that nothing herein shall be construed as prohibiting the giving of food, a dwelling-place, or other allowances and privileges in addition to money

wages as a remuneration for service; except however, that noxious drugs or intoxicating liquor; and (b) said allowances and privileges are fairly evaluated at cost to the employer.

(2) Nothing herein shall be construed as prohibiting the distribution to a workman of gratuities received from customers of the employer as part of remuneration for services:

Provided, however, that the amount distributed in gratuities shall not be considered a part of the minimum basic wage which is required by section C 21 or C 22.

Argentina

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution at article 15 and the Penal Code at article 140 which criminalises slavery.
- ii) **Provisions** related to **servitude** are found in the Penal Code at article 140 which prohibits servitude and compulsion to servile marriage.
- iii) **Provisions** related to **forced labour** are found in the Penal Code at article 140 which criminalises forced labour.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal code at articles 145 bis and 145 ter.

2) International Obligations: Argentina consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (14 March 1950, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: (13 August 1964, accession)
1957 Abolition of Forced Labour Convention: (2 February 1983, ratification)
1966 ICCPR: (8 August 1986, ratification)
1998 Rome Statute of the ICC: (8 February 2001, ratification)
2000 Palermo Protocol (Trafficking in Persons): (19 November 2002, ratification)
2014 Protocol to the Forced Labour Convention: (9 November 2016, enters into force 9 November 2017)

3) Outcome: Argentina appears to be:

- in compliance with its obligations under the 1956 Convention and ICCPR with regard to slavery and servitude;
- in compliance with its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in compliance with its basic obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 39

Slavery was abolished throughout the entire territory of the Argentine Republic even before the promulgation of the National Constitution (1 May 1853). Article 15 of the Constitution states:

“In the Argentine nations there are no slaves; the few that exist today are free with effect from the promulgation of this Constitution; and special law shall regulate whenever indemnifications this declaration may give rise to. Any contract for the purchase or sale of persons is a crime for which those committing it, and the notary or officer authorizing it, shall be responsible. And slaves, whatever the manner in which they shall be introduced, shall be free by the mere fact of setting foot on the territory of the Republic.”

Paragraph 40

Furthermore, under the Criminal Code any violation of individual freedom is an offence. This, article 140 provides that:

“Anyone who reduces a person to servitude or any similar condition, and anyone who receives a person in a state of servitude with a view to keeping him in that condition, shall be liable to a penalty of three to fifteen years’ rigorous imprisonment or imprisonment.

CONSTITUTION OF THE ARGENTINE NATION 1853 (REINST. 1983, REV. 1994)

Article 14bis

Labor in its diverse forms shall enjoy the protection of the law, which shall ensure to workers: dignified and equitable working conditions; a limited working day; paid days of rest and vacation; fair remuneration; adjustable minimum living wages; equal pay for equal work; a share in the earnings of enterprises, with control over production and collaboration in management; protection against arbitrary discharge; permanence of public employment; free and democratic organization of labor unions, recognized simply by inscription in a special register. Trade unions are hereby guaranteed: [the right] to conclude collective bargaining agreements; [the right] to resort to conciliation and arbitration; the right to strike. Union representatives shall enjoy the guarantees necessary for the performance of their union tasks and those relating to the permanence of their employment.

The State shall grant the benefits of social security, which shall be comprehensive and unwaivable. In particular, the law shall establish: compulsory social security, which shall be under the charge of national or provincial entities having financial and economic autonomy, administered by the interested parties with State participation, but without the existence of overlapping contributions; adjustable retirement pay and pensions; full protection of the family; protection of the welfare of the family; economic compensation to families and access to decent housing.

Article 15

In the Argentine Nation there are no slaves; the few that exist today are free from the promulgation of this Constitution; and a special law shall regulate the indemnification arising from this declaration. Any contract of purchase and sale of persons is a crime for which those performing it, and the notary or official approving it, shall be responsible. And slaves, by whatever manner they may be introduced, shall be free by the mere act of setting foot in the territory of the Republic.

PENAL CODE

Article 127

It will be repressed with imprisonment of four (4) to six (6) years, which will exploit financially the exercise of prostitution of a person, even if the consent of the victim.

The penalty shall be five (5) to ten (10) years in prison, if any of the following circumstances occur:

1. Mediare deceit, fraud, violence, threat or any other means of intimidation or coercion, abuse of authority or of a situation of vulnerability, or granting or receiving payments or benefits to obtain the consent of a person having authority over the victim .
2. The author is an ascendant, descendant, spouse, relative in a straight line, collateral or cohabiting, guardian, curator, authority or minister of any cult recognized or not, or in charge of education or guardianship of the victim.
3. The author was a public official or member of a security force, police or penitentiary. When the victim is under eighteen (18) years the penalty shall be ten (10) to fifteen (15) years in prison.

Article 140

Those who reduce a person to slavery or servitude, under any modality, and whoever receives it in such condition to maintain it in it, shall be punished with imprisonment or imprisonment of four (4) to fifteen (15) years. In the same penalty shall be incurred by a person to perform forced labor or services or to contract servile marriage.

Article 141

Be repressed with imprisonment or imprisonment from six months to three years; The one that illegally deprives another of his personal freedom.

Article 142

Prison or imprisonment of two to six years, which deprives another of his personal freedom, will be applied when any of the following circumstances:

1. If the act is committed with violence or threats or for religious purposes or revenge;
2. If the act is committed in the person of an ascendant, a brother, the spouse or another individual to whom particular respect is due;
3. If it results in serious harm to the person, health or business of the victim, provided that the fact does not matter another crime for which the law imposes greater penalty;
4. If the act is committed by simulating public authority or Public authority;
5. If the deprivation of liberty lasts more than one month.

Article 142 bis

Prison or imprisonment of five (5) to fifteen (15) years, to which he subtracts, retains or conceals a person for the purpose of forcing the victim or a third party to do, not do, or tolerate something against your will. If the author achieves its purpose, the minimum penalty shall be increased to eight (8) years.

The penalty shall be from ten (10) to twenty-five (25) years of imprisonment or imprisonment:

1. If the victim was a pregnant woman; A minor of eighteen (18)

year old; Or over seventy (70) years of age.

2. If the fact is committed in the person of an ascendant; of a brother; Of the spouse or partner; Or of another individual to whom it is due respect.

3. If serious or very serious injury is caused to the victim.

4. Where the victim is a person who is disabled, ill or unable to fend for herself.

5. When the agent is an official or public employee or belongs or has belonged to the moment of commission of the fact to an armed force, security or intelligence agency of the State.

6. When three (3) or more persons participate in the event.

The penalty shall be from fifteen (15) to twenty-five (25) years of imprisonment if the offended person's death results, as a consequence not wanted by the author.

The penalty shall be imprisonment or life imprisonment if it is caused intentionally the offended person's death.

The penalty of the participant who, dissociating himself from the others, will strive to so that the victim can recover his freedom, without such a result being the consequence of the achievement of the author's purpose, will be reduced by a third to the half.

Article 145

It will be repressed with imprisonment of two to six years, which will lead to a person outside the borders of the Republic, with the purpose of illegally submitting it to the power of another or enlisting it in a foreign army.

Article 145 bis

The person who offers, captures, transfers, receives or accepts persons for the purpose of exploitation, whether within the national territory, or to or from other countries, shall be punished by imprisonment of four (4) to eight (8) Although the consent of the victim will be measured.

Article 145 ter

In the cases of article 145 bis, the penalty shall be five (5) to ten (10) years imprisonment, when:

1. Mediare deceit, fraud, violence, threat or any other means of intimidation or coercion, abuse of authority or of a situation of vulnerability, or granting or receiving payments or benefits to obtain the consent of a person having authority over the victim .

2. The victim is pregnant, or is older than seventy (70) years.

3. The victim is a person who is disabled, ill or unable to fend for himself.

4. The victims are three (3) or more.

5. Three (3) or more persons shall participate in the commission of the crime.

6. The author is an ascendant, descendant, spouse, relative in a straight line, collateral or cohabiting, guardian, curator, authority or minister of any cult recognized or not, or in charge of education or guardianship of the victim.

7. The author was a public official or member of a security force, police or penitentiary.

When the exploitation of the victim of trafficking in persons is consummated, the penalty shall be eight (8) to twelve (12) years in prison.

When the victim is under eighteen (18) years the penalty shall be ten (10) to fifteen (15) years in prison.

Armenia

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Armenia which prohibits **slavery**, although 'kidnapping' for the purpose of slavery is criminalised in article 131 of the Criminal Code. Article 133 also criminalises 'illegal deprivation of freedom' that does not constitute kidnapping.

ii) There appears to be **no legislation** in place in Armenia which prohibits **servitude**, although 'kidnapping' for the purpose of servitude is criminalised in article 131 of the Criminal Code.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits compulsory labour at article 32.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code of the Republic of Armenia which makes 'trafficking' for the purpose of sexual exploitation or forced labour an offence at article 132. Article 131 also criminalises 'kidnapping' for the purpose of prostitution, sexual exploitation, forced labour or services, slavery, practices similar to slavery, servitude, or the removal of human organs. The acts and means required for 'kidnapping' are consistent with trafficking under the Palermo Protocol.

2) International Obligations: Armenia consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (17 December 2004, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (17 December 2004, ratification)

1966 ICCPR: (23 June 1993, accession)

1998 Rome Statute of the ICC: *N/A*

2000 Palermo Protocol (Trafficking in Persons): (1 July 2003, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Armenia appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF THE REPUBLIC OF ARMENIA

Article 32

Everyone shall have the right of choice of employment.

Each employee shall have the right to fair remuneration in the amount no less than the minimum set by law, as well as the right to working conditions in full compliance with safety and hygiene requirements.

Employees shall have the right to strike for the protection of their economic, social and employment interests, the procedure for and limitations thereon shall be prescribed by law.

The children under the age of 16 shall not be allowed to work full time.

The procedure and conditions for their hiring to a part-time job shall be defined by law.

Compulsory labor shall be prohibited.

CRIMINAL CODE OF THE REPUBLIC OF ARMENIA

Article 131. Kidnapping.

1. The recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force, of kidnapping, of fraud, of other deception, of the abuse of power or of a position of vulnerability or bribing to achieve the consent of a person having control over another person, for the purpose of prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of human organs, is punished with imprisonment for the term of 2 to 5 years.

2. The same action committed:

- 1) by a group of persons with prior agreement;
- 2) by using violence dangerous for life or health or threat of using violence;
- 3) by using weapons or items used as weapons;
- 4) against a minor;
- 5) against a pregnant woman;
- 6) against two or more persons;
- 7) with mercenary motives,
- 8) by a person previously convicted for kidnapping, is punished with imprisonment for the term of 4 to 8 years.

3. The act envisaged in part 1 or 2 of this Article, if:

- 1) it was done by an organized group;
- 2) by negligence the death of the aggrieved was caused or other grave consequences, or grave damage was inflicted to his health, is punished with imprisonment for the term of 7 to 10 years.

Article 132. Trafficking

1. Recruitment, transportation, transfer, harboring, or receipt of persons for the purpose of sexual exploitation or forced labor, by means of the threat or use of force, of fraud, of using the dependence, of blackmail, of threat of destruction or damage to property, if this was done for mercenary purposes, is punished with a fine in the amount of 300 to 500 minimal salaries, or correctional labor for up to 1 year, or arrest for up to 2 months, or imprisonment for the term of 1 to 4 years.

2. The same act committed:

- 1) by a group of persons with prior agreement;
- 2) with violence dangerous for life or health, or threat thereof;
- 3) against a minor;
- 4) against 2 or more persons;

is punished with correctional labour for up to 2 years, or imprisonment for up to 4 to 7 years.

3. Actions envisaged in parts 1 or 2 of this Article, which:

- 1) were done by an organized group;
- 2) caused the death of the aggrieved by negligence or other grave consequences, is punished with imprisonment for 5 to 8 years.

Article 133. Illegal deprivation of freedom.

1. Illegal deprivation of freedom not concerned with kidnapping is punished with correctional labor for up to 2 years, or with arrest for the term of 1 to 3 months, or with imprisonment for up to 2 years.

2. The same act committed:

- 1) by a group with prior agreement;
- 2) using dangerous violence or threat of using violence;
- 3) by using weapons or items used as weapons;
- 4) against a minor;
- 5) against a pregnant woman;
- 6) against two or more persons;
- 7) with mercenary motives,

is punished with imprisonment for 3 to 5 years.

3. Actions envisaged in parts 1 and 2 of this Article, if:

- 1) done by an organized group;
 - 2) the death of the aggrieved was caused by negligence or other grave consequences,
- is punished with imprisonment for 4 to 8 years.

Article 392. Crimes against human security.

Deportation, illegal arrest, enslavement, mass and regular execution without trial, kidnapping followed by disappearance, torture or cruel treatment of civilians, due to racial, national, ethnic identity, political views and religion, is punished with imprisonment for 7-15 years or for life.

LABOUR CODE OF THE REPUBLIC OF ARMENIA

Article 3. Principles of Labor Legislation

1. The main principles of the labor legislation are:

- 1) freedom of employment, including the right to employment, which should be freely selected or agreed upon by each person; the right to administer the labor capacities, choose the profession and type of activity;
- 2) prohibition of any type of compulsory work and violence with respect to employees;
- 3) Legal equality of parties of labor relations irrespective of their gender, race, nation, language, origin, citizenship, social status, religion, marital and family status, age, philosophy, political party, trade union or public organization membership, other factors unrelated to the employee's professional qualities;
- 4) provision the right to fair working conditions for each employee, including working conditions meeting safety and healthy working conditions;
- 5) equality of the rights and opportunities of the workers;
- 6) provision of the timely and complete remuneration of the employees at the rate not lower than the minimal salary stipulated by the law

- 7) provision of the right to freely make union for the protection of the rights and interests of the employees and employers, including the rights to create trade and employers unions or join them;
 - 8) stability of labor relationships
 - 9) freedom of collective negotiations;
 - 10) responsibility of the parties to the collective contract for their obligations.
2. The State shall ensure the implementation of the labor law rights in accordance with the provisions of this Code and other laws. Labor rights may be restricted only by law, if such restrictions are necessary for public security, public order, public health and morals, rights and interests of the others, honor and good reputation.

Article 9. International Treaties

Where international treaties of the Republic of Armenia establish norms other than envisaged by this Code rules of treaties are applied.

Article 179. Minimum Wage

1. The law shall determine the minimum monthly wage and minimum hourly pay. The law may establish other rates of the minimum monthly wage (hourly pay) for certain branches of economy, regions or categories of employees.

The additional, supplementary pays, bonuses and other encouraging pays shall not be included in the minimum wage.

2. Collective contracts may establish higher rates of the minimum wage than those specified in section 1 of this Article.
3. The hourly pay or the monthly wage of an employee may not be less than the minimum rates referred to in section 1 and 2 of this Article.

Australia

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Criminal Code which prohibits slavery at article 270.2 and criminalises slavery at article 270.3.
- ii) **Provisions** related to **servitude** are found in the Criminal Code Act 1995, which criminalises servitude at article 270.4, forced marriage at 270.7B, and debt bondage at 271.8.
- iii) **Provisions** related to **forced labour** are found in the Criminal Code Act 1995 which criminalises forced labour at article 270.6A.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code Act 1995 at articles 271.2 and 271.5. Trafficking in children is separately criminalised at articles 271.4 and 271.7. These provisions cover both international and domestic trafficking.

2) International Obligations: Australia consents to:

- 1926 Slavery Convention: (18 June 1927, ratification)
- 1930 Forced Labour Convention: (2 January 1932, ratification)
- 1953 Protocol to the 1926 Slavery Convention: (9 December 1953, definitive signature)
- 1956 Slavery Convention: (6 January 1958, ratification)
- 1957 Abolition of Forced Labour Convention: (7 June 1960, ratification)
- 1966 ICCPR: (13 August 1980, ratification)
- 1998 Rome Statute of the ICC: (1 July 2002, ratification)
- 2000 Palermo Protocol (Trafficking in Persons): (14 September 2005, ratification)
- 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Australia appears to be:

- in compliance with its basic obligations under the above instruments with regard to slavery, servitude, forced or compulsory labour, and trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 42

The non-recognition of slavery in Australia is supported by the Slavery Abolition Act, 1833, which provides that “slavery shall be and is hereby utterly and forever abolished and declared unlawful”.

Paragraph 44

Any attempt to effectively “own” a slave or a person of servile status or to enslave a person or place him in servile status would involve an offence under the criminal law. For example, section 355 of the Criminal Code of the State of Queensland provides as follows:

“355. Any person who unlawfully confines or detains another in any place against his will or otherwise unlawfully deprives another of his personal liberty is guilty of a misdemeanour and is liable to imprisonment with hard labour for three years.”

Paragraph 46

In addition, section 3 of the Slave Trade Act, 1824, which applies in most Territories (including Papua and New Guinea and Nauru) makes it an offence to “carry away or remove or contract for the carrying away or removing of slaves or other persons, as order to their being dealt with as slaves”. Criminal responsibility would attach to a person who aids in the commission of any criminal act involved in owning a slave or person of servile status or enslaving another person or placing him in servile status...

Paragraph 47

Section 3 of the Slave Trade Act, 1824, referred to above, applies the penalty laid down by the section to persons who procure, counsel, aid or abet the commission of an offence under the section.

Paragraph 754

The relevant legislation is to be found in the following Acts which continue to apply in Australia and to most Australian territories (including Papua and New Guinea and Nauru):

Slave Trade Act, 1824

Slave Trade Act, 1843

Slave Trade Act, 1873

Under section 9 of the 1824 Act, any British subject or person residing within the Queen’s dominions is deemed to be guilty of piracy who upon the high seas or in any place within Admiralty jurisdiction knowingly and wilfully carries away or assists in carrying away any person as a slave or for the purpose of that person being sold, used or dealt with as a slave; or (2) on the high seas or within the Admiralty jurisdiction ships, receives or detains or assists in shipping, receiving or detaining on board ship any person for any such purpose. In the case of an offence committed in Australia, the punishment appears to be penal servitude for life or for not less than three years, or imprisonment with or without hard labour for not more than two years.

Under section 10 of the 1824 Act, any person is guilty of a felony who (1) deals or trades in slaves or persons intended to be dealt with as slaves; (2) imports or contracts for importing into any place slaves or receives, detains, or confines on board any such persons for the purpose of the above purposes; (3) ships, receives, detains or confines on board any such person for the purpose of their being dealt with as slaves; (4) fits

out or navigates ships for any of the above purposes; (5) lends or becomes security for money or goods to be used for such purposes; or (6) knowingly and wilfully becomes guarantee for agents employed with the same object, or engages in any such adventure as partner, agent or otherwise; (7) ships money or goods to be employed for such purposes; (8) acts as master, mate, surgeon or supercargo on any ship so employed; or (9) insures any slaves or any property so employed. In the case of an offence committed in Australia, the punishment applicable appears to be penal servitude for not more than fourteen years nor less than three years, or imprisonment with or without hard labour for not more than two years.

Under section 11 of the Act, a seaman on board a ship employed for objects declared unlawful by the 1824 Act is guilty of a misdemeanour punishable by imprisonment not exceeding two years.

CRIMINAL CODE ACT
1995 AS AMENDED BY
THE CRIMES
LEGISLATION
AMENDMENT
(SLAVERY, SLAVERY-
LIKE CONDITIONS
AND PEOPLE-
TRAFFICKING) ACT
2013
UP TO DATE 8
DECEMBER 2016

Division 268 - Genocide, crimes against humanity, war crimes and crimes against the administration of the justice of the International Criminal Court

Subdivision C – Crimes against Humanity

268.10 Crimes against humanity – enslavement

(1) A person (the **perpetrator**) commits an offence if:

(a) the perpetrator exercises any or all of the powers attaching to the right of ownership over one or more persons (including the exercise of a power in the course of trafficking in persons, in particular women and children); and

(b) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

(2) In subsection (1):

exercises any or all of the powers attaching to the right of ownership over a person includes purchases, sells, lends or barter a person or imposes on a person a similar deprivation of liberty and also includes exercise a power arising from a debt incurred or contract made by a person.

268.15 Crime against humanity—sexual slavery

(1) A person (the **perpetrator**) commits an offence if:

(a) the perpetrator causes another person to enter into or remain in sexual slavery; and

(b) the perpetrator intends to cause, or is reckless as to causing, that sexual slavery; and

(c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

(2) For the purposes of this section, ***sexual slavery*** is the condition of a person who provides sexual services and who, because of the use of force or threats:

(a) is not free to cease providing sexual services; or

(b) is not free to leave the place or area where the person provides sexual services.

(3) In this section:

threat means:

- (a) a threat of force; or
- (b) a threat to cause a person's deportation; or
- (c) a threat of any other detrimental action unless there are reasonable grounds for the threat of that action in connection with the provision of sexual services by a person.

268.16 Crime against humanity—enforced prostitution

(1) A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator causes one or more persons to engage in one or more acts of a sexual nature without the consent of the person or persons, including by being reckless as to whether there is consent; and
- (b) the perpetrator intends that he or she, or another person, will obtain pecuniary or other advantage in exchange for, or in connection with, the acts of a sexual nature; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

(2) In subsection (1):

consent means free and voluntary agreement.

The following are examples of circumstances in which a person does not consent to an act:

- (a) the person submits to the act because of force or the fear of force to the person or to someone else;
- (b) the person submits to the act because the person is unlawfully detained;
- (c) the person is asleep or unconscious, or is so affected by alcohol or another drug as to be incapable of consenting;
- (d) the person is incapable of understanding the essential nature of the act;
- (e) the person is mistaken about the essential nature of the act (for example, the person mistakenly believes that the act is for medical or hygienic purposes);
- (f) the person submits to the act because of psychological oppression or abuse of power;
- (g) the person submits to the act because of the perpetrator taking advantage of a coercive environment.

threat of force or coercion includes:

- (a) a threat of force or coercion such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power; or
- (b) taking advantage of a coercive environment.

(3) In subsection (1), being reckless as to whether there is consent to one or more acts of a sexual nature includes not giving any thought to whether or not the person or persons are consenting to engaging in the act or acts of a sexual nature.

Subdivision E—Other serious war crimes that are committed in the course of an international armed conflict

268.60 War crime—sexual slavery

(1) A person (the **perpetrator**) commits an offence if:

- (a) the perpetrator causes another person to enter into or remain in sexual slavery; and

(b) the perpetrator intends to cause, or is reckless as to causing, that sexual slavery; and

(c) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

(2) For the purposes of this section, **sexual slavery** is the condition of a person who provides sexual services and who, because of the use of force or threats:

(a) is not free to cease providing sexual services; or

(b) is not free to leave the place or area where the person provides sexual services.

(3) In this section:

threat means:

(a) a threat of force; or

(b) a threat to cause a person's deportation; or

(c) a threat of any other detrimental action unless there are reasonable grounds for the threat of that action in connection with the provision of sexual services by a person.

268.61 War crime—enforced prostitution

(1) A person (the perpetrator) commits an offence if:

(a) the perpetrator causes one or more persons to engage in one or more acts of a sexual nature without the consent of the person or persons, including by being reckless as to whether there is consent; and

(b) the perpetrator intends that he or she, or another person, will obtain pecuniary or other advantage in exchange for, or in connection with, the acts of a sexual nature; and

(c) the perpetrator's conduct takes place in the context of, and is associated with, an international armed conflict.

Penalty: Imprisonment for 25 years.

(2) In subsection (1): consent means free and voluntary agreement. The following are examples of circumstances in which a person does not consent to an act:

(a) the person submits to the act because of force or the fear of force to the person or to someone else;

(b) the person submits to the act because the person is unlawfully detained;

(c) the person is asleep or unconscious, or is so affected by alcohol or another drug as to be incapable of consenting;

(d) the person is incapable of understanding the essential nature of the act;

(e) the person is mistaken about the essential nature of the act (for example, the person mistakenly believes that the act is for medical or hygienic purposes);

(f) the person submits to the act because of psychological oppression or abuse of power;

(g) the person submits to the act because of the perpetrator taking advantage of a coercive environment.

threat of force or coercion includes:

(a) a threat of force or coercion such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power; or

(b) taking advantage of a coercive environment.

(3) In subsection (1), being reckless as to whether there is consent to one or more acts of a sexual nature includes not giving any thought to whether or not the person is consenting to the act or acts of a sexual nature.

Subdivision G—War crimes that are other serious violations of the laws and customs applicable in an armed conflict that is not an international armed conflict

268.83 War crime—sexual slavery

(1) A person (the *perpetrator*) commits an offence if:

(a) the perpetrator causes another person to enter into or remain in sexual slavery; and

(b) the perpetrator intends to cause, or is reckless as to causing, that sexual slavery; and

(c) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for 25 years.

(2) For the purposes of this section, *sexual slavery* is the condition of a person who provides sexual services and who, because of the use of force or threats:

(a) is not free to cease providing sexual services; or

(b) is not free to leave the place or area where the person provides sexual services.

(3) In this section:

threat means:

(a) a threat of force; or

(b) a threat to cause a person's deportation; or

(c) a threat of any other detrimental action unless there are reasonable grounds for the threat of that action in connection with the provision of sexual services by a person.

268.84 War crime—enforced prostitution

(1) A person (the *perpetrator*) commits an offence if:

(a) the perpetrator causes one or more persons to engage in one or more acts of a sexual nature without the consent of the person or persons, including by being reckless as to whether there is consent; and

(b) the perpetrator intends that he or she, or another person, will obtain pecuniary or other advantage in exchange for, or in connection with, the acts of a sexual nature; and

(c) the perpetrator's conduct takes place in the context of, and is associated with, an armed conflict that is not an international armed conflict.

Penalty: Imprisonment for 25 years.

(2) In subsection (1):

consent means free and voluntary agreement.

The following are examples of circumstances in which a person does not consent to an act:

(a) the person submits to the act because of force or the fear of force to the person or to someone else;

(b) the person submits to the act because the person is unlawfully detained;

- (c) the person is asleep or unconscious, or is so affected by alcohol or another drug as to be incapable of consenting;
- (d) the person is incapable of understanding the essential nature of the act;
- (e) the person is mistaken about the essential nature of the act (for example, the person mistakenly believes that the act is for medical or hygienic purposes);
- (f) the person submits to the act because of psychological oppression or abuse of power;
- (g) the person submits to the act because of the perpetrator taking advantage of a coercive environment.

threat of force or coercion includes:

(a) a threat of force or coercion such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power; or

(b) taking advantage of a coercive environment.

(3) In subsection (1), being reckless as to whether there is consent to one or more acts of a sexual nature includes not giving any thought to whether or not the person is consenting to the act or acts of a sexual nature.

Division 270—Slavery and slavery-like conditions

Subdivision A—Preliminary

270.1A Definitions for Division 270

In this Division:

coercion includes coercion by any of the following:

- (a) force;
- (b) duress;
- (c) detention;
- (d) psychological oppression;
- (e) abuse of power;
- (f) taking advantage of a person's vulnerability.

conducting a business includes:

- (a) taking any part in the management of the business; and
- (b) exercising control or direction over the business; and
- (c) providing finance for the business.

deceive has the same meaning as in Division 271 (see section 271.1).

Note: **Deception** has a corresponding meaning (see section 18A of the *Acts Interpretation Act 1901*).

forced labour has the meaning given by section 270.6.

forced marriage has the meaning given by section 270.7A.

servitude has the meaning given by section 270.4.

slavery has the meaning given by section 270.1.

slavery-like offence means an offence against any of the following provisions:

- (a) section 270.5 (servitude offences);
- (b) section 270.6A (forced labour offences);
- (c) section 270.7 (deceptive recruiting for labour or services);
- (d) section 270.7B (forced marriage offences).

threat means:

- (a) a threat of coercion; or
- (b) a threat to cause a person's deportation or removal from Australia; or

(c) a threat of any other detrimental action, unless there are reasonable grounds for the threat of that action in connection with the provision of labour or services by a person.

Note: **Threat** includes a threat made by any conduct, whether express or implied and whether conditional or unconditional (see the definition in the Dictionary).

Subdivision B—Slavery

270.1 Definition of *slavery*

For the purposes of this Division, **slavery** is the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person.

270.2 Slavery is unlawful

Slavery remains unlawful and its abolition is maintained, despite the repeal by the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* of Imperial Acts relating to slavery.

270.3 Slavery offences

(1) A person who, whether within or outside Australia, intentionally:

- (aa) reduces a person to slavery; or
 - (a) possesses a slave or exercises over a slave any of the other powers attaching to the right of ownership; or
 - (b) engages in slave trading; or
 - (c) enters into any commercial transaction involving a slave;
- or
- (d) exercises control or direction over, or provides finance for:

- (i) any act of slave trading; or
 - (ii) any commercial transaction involving a slave;
- commits an offence.

Penalty: Imprisonment for 25 years.

(2) A person who:

- (a) whether within or outside Australia:
 - (i) enters into any commercial transaction involving a slave; or
 - (ii) exercises control or direction over, or provides finance for, any commercial transaction involving a slave; or
 - (iii) exercises control or direction over, or provides finance for, any act of slave trading; and
- (b) is reckless as to whether the transaction or act involves a slave, slavery, slave trading or the reduction of a person to slavery; commits an offence.

Penalty: Imprisonment for 17 years.

(3) In this section:

commercial transaction involving a slave includes a commercial transaction by which a person is reduced to slavery.
slave trading includes:

- (a) the capture, transport or disposal of a person with the intention of reducing the person to slavery; or
- (b) the purchase or sale of a slave.

(4) A person who engages in any conduct with the intention of securing the release of a person from slavery does not commit an offence against this section.

(5) The defendant bears a legal burden of proving the matter mentioned in subsection (4).

Subdivision C—Slavery-like conditions

270.4 Definition of *servitude*

(1) For the purposes of this Division, ***servitude*** is the condition of a person (the ***victim***) who provides labour or services, if, because of the use of coercion, threat or deception:

(a) a reasonable person in the position of the victim would not consider himself or herself to be free:

(i) to cease providing the labour or services; or

(ii) to leave the place or area where the victim provides the labour or services; and

(b) the victim is significantly deprived of personal freedom in respect of aspects of his or her life other than the provision of the labour or services.

(2) Subsection (1) applies whether the coercion, threat or deception is used against the victim or another person.

(3) The victim may be in a condition of servitude whether or not:

(a) escape from the condition is practically possible for the victim; or

(b) the victim has attempted to escape from the condition.

270.5 *Servitude offences*

Causing a person to enter into or remain in servitude

(1) A person commits an offence if:

(a) the person engages in conduct; and

(b) the conduct causes another person to enter into or remain in servitude.

Penalty:

(a) in the case of an aggravated offence (see section 270.8)—imprisonment for 20 years; or

(b) in any other case—imprisonment for 15 years.

Conducting a business involving servitude

(2) A person commits an offence if:

(a) the person conducts any business; and

(b) the business involves the servitude of another person (or persons).

Penalty:

(a) in the case of an aggravated offence (see section 270.8)—imprisonment for 20 years; or

(b) in any other case—imprisonment for 15 years.

Alternative verdict of forced labour

(3) Subsection (4) applies if, in a prosecution for an offence (the ***servitude offence***) against a provision listed in column 1 of the following table, the trier of fact:

(a) is not satisfied that the defendant is guilty of that offence; but

(b) is satisfied beyond reasonable doubt that the defendant is guilty of an offence (the **forced labour offence**) against the corresponding provision listed in column 2 of the table.

Servitude and forced labour offences		
Item	Column 1 Servitude offences	Column 2 Forced labour offences
1	Subsection (1) of this section	Subsection 270.6A(1)
2	Subsection (2) of this section	Subsection 270.6A(2)

(4) The trier of fact may find the defendant not guilty of the servitude offence, but guilty of the forced labour offence, so long as the defendant has been afforded procedural fairness in relation to that finding of guilt.

270.6 Definition of **forced labour**

(1) For the purposes of this Division, **forced labour** is the condition of a person (the **victim**) who provides labour or services if, because of the use of coercion, threat or deception, a reasonable person in the position of the victim would not consider himself or herself to be free:

- (a) to cease providing the labour or services; or
- (b) to leave the place or area where the victim provides the labour or services.

(2) Subsection (1) applies whether the coercion, threat or deception is used against the victim or another person.

(3) The victim may be in a condition of forced labour whether or not:

- (a) escape from the condition is practically possible for the victim; or
- (b) the victim has attempted to escape from the condition.

270.6A Forced labour offences

Causing a person to enter into or remain in forced labour

(1) A person commits an offence if:

- (a) the person engages in conduct; and
- (b) the conduct causes another person to enter into or remain in forced labour.

Penalty:

- (a) in the case of an aggravated offence (see section 270.8)—imprisonment for 12 years; or
- (b) in any other case—imprisonment for 9 years.

Conducting a business involving forced labour

(2) A person commits an offence if:

- (a) the person conducts any business; and
- (b) the business involves the forced labour of another person (or persons).

Penalty:

- (a) in the case of an aggravated offence (see section 270.8)—imprisonment for 12 years; or
- (b) in any other case—imprisonment for 9 years.

Note: On a trial for an offence against section 270.5 (servitude offences), the trier of fact may find a defendant not guilty of that offence

but guilty of the corresponding offence under this section (see subsections 270.5(3) and (4)).

270.7 Deceptive recruiting for labour or services

A person (the **recruiter**) commits an offence if:

- (a) the recruiter engages in conduct; and
- (b) the recruiter engages in the conduct with the intention of inducing another person (the **victim**) to enter into an engagement to provide labour or services; and
- (c) the conduct causes the victim to be deceived about:
 - (i) the extent to which the victim will be free to leave the place or area where the victim provides the labour or services; or
 - (ii) the extent to which the victim will be free to cease providing the labour or services; or
 - (iii) the extent to which the victim will be free to leave his or her place of residence; or
 - (iv) if there is or will be a debt owed or claimed to be owed by the victim in connection with the engagement—the quantum, or the existence, of the debt owed or claimed to be owed; or
 - (v) the fact that the engagement will involve exploitation, or the confiscation of the victim’s travel or identity documents; or
 - (vi) if the engagement is to involve the provision of sexual services—that fact, or the nature of sexual services to be provided (for example, whether those services will require the victim to have unprotected sex).

Penalty:

- (a) in the case of an aggravated offence (see section 270.8)—imprisonment for 9 years; or
- (b) in any other case—imprisonment for 7 years.

270.7A Definition of *forced marriage*

(1) A marriage is a **forced marriage** if one party to the marriage (the **victim**) entered into the marriage without freely and fully consenting:

- (a) because of the use of coercion, threat or deception; or
- (b) because the party was incapable of understanding the nature and effect of the marriage ceremony.

(2) For the purposes of subsection (1), **marriage** includes the following:

- (a) a registered relationship within the meaning of section 2E of the *Acts Interpretation Act 1901*;
- (b) a marriage recognised under a law of a foreign country;
- (c) a relationship registered (however that process is described) under a law of a foreign country, if the relationship is of the same, or a similar, type as any registered relationship within the meaning of section 2E of the *Acts Interpretation Act 1901*;
- (d) a marriage (including a relationship or marriage mentioned in paragraph (a), (b) or (c)) that is void, invalid, or not recognised by law, for any reason, including the following:
 - (i) a party to the marriage has not freely or fully consented to the marriage (for example, because of natural, induced or age-related incapacity);

(ii) a party to the marriage is married (within the meaning of this subsection) to more than one person.

Note: Section 2E of the *Acts Interpretation Act 1901* covers relationships registered under a law of a State or Territory that are prescribed by regulations under that Act.

(3) Paragraph (1)(a) applies whether the coercion, threat or deception is used against the victim or another person.

(4) For the purposes of proving an offence against this Division or Division 271, a person under 16 years of age is presumed, unless the contrary is proved, to be incapable of understanding the nature and effect of a marriage ceremony.

Note: A defendant bears a legal burden in relation to proving the contrary (see section 13.4).

270.7B Forced marriage offences

Causing a person to enter into a forced marriage

(1) A person (the **first person**) commits an offence if:

(a) the first person engages in conduct; and

(b) the conduct causes another person to enter into a forced marriage as the victim of the marriage.

Penalty:

(a) in the case of an aggravated offence (see section 270.8)—imprisonment for 9 years; or

(b) in any other case—imprisonment for 7 years.

Being a party to a forced marriage

(2) A person commits an offence if:

(a) the person is a party to a marriage (within the meaning of section 270.7A); and

(b) the marriage is a forced marriage; and

(c) the person is not a victim of the forced marriage.

Penalty:

(a) in the case of an aggravated offence (see section 270.8)—imprisonment for 9 years; or

(b) in any other case—imprisonment for 7 years.

(3) Strict liability applies to paragraph (2)(c).

Note: For strict liability, see section 6.1.

(4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (4) (see subsection 13.3(3)).

270.8 Slavery-like offences—aggravated offences

(1) For the purposes of this Division, a slavery-like offence committed by a person (the **offender**) against another person (the **victim**) is an **aggravated offence** if any of the following applies:

(a) the victim is under 18;

(b) the offender, in committing the offence, subjects the victim to cruel, inhuman or degrading treatment;

(c) the offender, in committing the offence:

(i) engages in conduct that gives rise to a danger of death or serious harm to the victim or another person; and

(ii) is reckless as to that danger.

(2) If the prosecution intends to prove an aggravated offence, the charge must allege the relevant aggravated offence.

(3) If, on a trial for an aggravated offence, the trier of fact is not satisfied that the defendant is guilty of the aggravated offence, but is otherwise satisfied that the defendant is guilty of the corresponding slavery-like offence, it may find the defendant not guilty of the aggravated offence, but guilty of the corresponding slavery-like offence.

(4) Subsection (3) only applies if the defendant has been afforded procedural fairness in relation to the finding of guilt for the corresponding slavery-like offence.

Subdivision D—Offences against Division 270: general

270.11 Offences against Division 270—no defence of victim consent or acquiescence

To avoid doubt, it is not a defence in a proceeding for an offence against this Division that a person against whom the offence is alleged to have been committed consented to, or acquiesced in, conduct constituting any element of the offence.

Division 271—Trafficking in persons and debt bondage

Subdivision A—Definitions

271.1 Definitions

In this Division:

coercion has the same meaning as in Division 270 (see section 270.1A).

confiscate, in relation to a person's travel or identity document, means to take possession of the document, whether permanently or otherwise, to the exclusion of the person, or to destroy the document.

constitutional corporation means a corporation to which paragraph 51(xx) of the Constitution applies.

deceive means mislead as to fact (including the intention of any person) or as to law, by words or other conduct.

Note: *Deception* has a corresponding meaning (see section 18A of the *Acts Interpretation Act 1901*).

exploitation has the meaning given by section 271.1A.

threat has the same meaning as in Division 270 (see section 270.1A).

271.1A Definition of exploitation

For the purposes of this Division, *exploitation*, of one person (the *victim*) by another person, occurs if the other person's conduct causes the victim to enter into any of the following conditions:

- (a) slavery, or a condition similar to slavery;
- (b) servitude;
- (c) forced labour;
- (d) forced marriage;
- (e) debt bondage.

Note: Division 270 (slavery and slavery-like offences) deals with slavery, servitude, forced labour and forced marriage. Subdivision C of this Division deals with debt bondage.

Subdivision B—Offences relating to trafficking in persons

271.2 Offence of trafficking in persons

(1) A person (the *first person*) commits an offence of trafficking in persons if:

- (a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Australia; and
- (b) the first person uses coercion, threat or deception; and

(c) that use of coercion, threat or deception results in the first person obtaining the other person's compliance in respect of that entry or proposed entry or in respect of that receipt.

Penalty: Imprisonment for 12 years.

(1A) A person (the *first person*) commits an offence of trafficking in persons if:

- (a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and
- (b) the first person uses coercion, threat or deception; and
- (c) that use of coercion, threat or deception results in the first person obtaining the other person's compliance in respect of that exit or proposed exit.

Penalty: Imprisonment for 12 years.

(1B) A person (the *first person*) commits an offence of trafficking in persons if:

- (a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Australia; and
- (b) in organising or facilitating that entry or proposed entry, or that receipt, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that entry or receipt.

Penalty: Imprisonment for 12 years.

(1C) A person (the *first person*) commits an offence of trafficking in persons if:

- (a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and
- (b) in organising or facilitating that exit or proposed exit, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that exit.

Penalty: Imprisonment for 12 years.

(2) A person (the *first person*) commits an offence of trafficking in persons if:

- (a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Australia; and
- (b) the first person deceives the other person about the fact that the other person's entry or proposed entry, the other person's receipt or any arrangements for the other person's stay in Australia, will involve the provision by the other person of sexual services or will involve the other person's exploitation or the confiscation of the other person's travel or identity documents.

Penalty: Imprisonment for 12 years.

(2A) A person (the *first person*) commits an offence of trafficking in persons if:

- (a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and
- (b) the first person deceives the other person about the fact that the other person's exit or proposed exit is for purposes that involve the provision by the other person of sexual services outside Australia or will involve the other person's exploitation or the confiscation of the other person's travel or identity documents.

Penalty: Imprisonment for 12 years.

(2B) A person (the *first person*) commits an offence of trafficking in persons if:

- (a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Australia; and
- (b) there is an arrangement for the other person to provide sexual services in Australia; and
- (c) the first person 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 or her place of residence;
 - (v) if 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.

Penalty: Imprisonment for 12 years.

(2C) A person (the *first person*) commits an offence of trafficking in persons if:

- (a) the first person organises or facilitates the exit or proposed exit of another person from Australia; and
- (b) there is an arrangement for the other person to provide sexual services outside Australia; and
- (c) the first person 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 or her place of residence;
 - (v) if 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.

Penalty: Imprisonment for 12 years.

(3) Absolute liability applies to paragraphs (1)(c) and (1A)(c).

271.3 Trafficking in persons—aggravated offence

(1) A person (the *first person*) commits an aggravated offence of trafficking in persons if the first person commits the offence of trafficking in persons in relation to another person (the *victim*) and any of the following applies:

- (a) the first person commits the offence intending that the victim will be exploited, either by the first person or another:
 - (i) if the offence of trafficking in persons is an offence against subsection 271.2(1), (1B), (2) or (2B)—after entry into Australia; or
 - (ii) if the offence of trafficking in persons is an offence against subsection 271.2(1A), (1C), (2A) or (2C)—after exit from Australia;
- (b) the first person, in committing the offence, subjects the victim to cruel, inhuman or degrading treatment;
- (c) the first person, in committing the offence:

- (i) engages in conduct that gives rise to a danger of death or serious harm to the victim or another person; and
- (ii) is reckless as to that danger.

Penalty: Imprisonment for 20 years.

(2) If, on a trial for an offence against this section, the court, or if the trial is before a jury, the jury, is not satisfied that the defendant is guilty of the aggravated offence, but is satisfied that he or she is guilty of an offence against section 271.2, it may find the defendant not guilty of the aggravated offence but guilty of an offence against that section.

(3) Subsection (2) only applies if the defendant has been afforded procedural fairness in relation to the finding of guilt for the offence against section 271.2.

Note: Section 271.2 provides for offences of trafficking in persons.

271.4 Offence of trafficking in children

(1) A person (the *first person*) commits an offence of trafficking in children if:

- (a) the first person organises or facilitates the entry or proposed entry into Australia, or the receipt in Australia, of another person; and
- (b) the other person is under the age of 18; and
- (c) in organising or facilitating that entry or proposed entry, or that receipt, the first person:

- (i) intends that the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that entry or receipt; or

- (ii) is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that entry or receipt.

Penalty: Imprisonment for 25 years.

(2) A person (the *first person*) commits an offence of trafficking in children if:

- (a) the first person organises or facilitates the exit or proposed exit from Australia of another person; and
- (b) the other person is under the age of 18; and
- (c) in organising or facilitating that exit or proposed exit, the first person:

- (i) intends that the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that exit; or

- (ii) is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that exit.

Penalty: Imprisonment for 25 years.

271.5 Offence of domestic trafficking in persons

(1) A person (the *first person*) commits an offence of domestic trafficking in persons if:

- (a) the first person organises or facilitates the transportation or proposed transportation of another person from one place in Australia to another place in Australia; and
- (b) the first person uses coercion, threat or deception; and

(c) that use of coercion, threat or deception results in the first person obtaining the other person's compliance in respect of that transportation or proposed transportation.

Penalty: Imprisonment for 12 years.

(2) A person (the *first person*) commits an offence of domestic trafficking in persons if:

(a) the first person organises or facilitates the transportation or proposed transportation of another person from one place in Australia to another place in Australia; and

(b) in organising or facilitating that transportation or proposed transportation, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that transportation.

Penalty: Imprisonment for 12 years.

(2A) A person (the *first person*) commits an offence of domestic trafficking in persons if:

(a) the first person organises or facilitates the transportation of another person from one place in Australia to another place in Australia; and

(b) the first person deceives the other person about the fact that the transportation, or any arrangements the first person has made for the other person following the transportation, will involve the provision by the other person of sexual services or will involve the other person's exploitation or the confiscation of the other person's travel or identity documents.

Penalty: Imprisonment for 12 years.

(2B) A person (the *first person*) commits an offence of domestic trafficking in persons if:

(a) the first person organises or facilitates the transportation of another person from one place in Australia to another place in Australia; and

(b) there is an arrangement for the other person to provide sexual services; and

(c) the first person 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 or her place of residence;

(v) if 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.

Penalty: Imprisonment for 12 years.

(3) Absolute liability applies to paragraph (1)(c).

271.6 Domestic trafficking in persons—aggravated offence

(1) A person (the first person) commits an aggravated offence of domestic trafficking in persons if the first person commits the offence of domestic trafficking in persons in relation to another person (the victim) and any of the following applies:

- (a) the first person commits the offence intending that the victim will be exploited, either by the first person or by another, after arrival at the place to which the person has been transported;
- (b) the first person, in committing the offence, subjects the victim to cruel, inhuman or degrading treatment;
- (c) the first person, in committing the offence:
 - (i) engages in conduct that gives rise to a danger of death or serious harm to the victim or another person; and
 - (ii) is reckless as to that danger.

Penalty: Imprisonment for 20 years.

(2) If, on a trial for an offence against this section, the court, or if the trial is before a jury, the jury, is not satisfied that the defendant is guilty of the aggravated offence, but is satisfied that he or she is guilty of an offence against section 271.5, it may find the defendant not guilty of the aggravated offence, but guilty of an offence against that section.

(3) Subsection (2) only applies if the defendant has been afforded procedural fairness in relation to the finding of guilt for the offence against section 271.5.

Note: Section 271.5 provides for offences of domestic trafficking in persons.

271.7 Offence of domestic trafficking in children

A person commits an offence of domestic trafficking in children if:

- (a) the first-mentioned person organises or facilitates the transportation of another person from one place in Australia to another place in Australia; and
- (b) the other person is under the age of 18; and
- (c) in organising or facilitating that transportation, the first-mentioned person:
 - (i) intends that the other person will be used to provide sexual services or will be otherwise exploited, either by the first-mentioned person or another, during or following the transportation to that other place; or
 - (ii) is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited, either by the first-mentioned person or another, during or following the transportation to that other place.

Penalty: Imprisonment for 25 years.

Subdivision C—Offences relating to debt bondage

271.8 Offence of debt bondage

A person commits an offence of debt bondage if:

- (a) the person engages in conduct that causes another person to enter into debt bondage; and
- (b) the person intends to cause the other person to enter into debt bondage.

Penalty: Imprisonment for 4 years.

271.9 Debt bondage—aggravated offence

(1) A person (the *offender*) commits an offence of aggravated debt bondage if the offender commits an offence of debt bondage in relation to another person (the *victim*) and any of the following applies:

- (a) the victim is under 18;

(b) the offender, in committing the offence, subjects the victim to cruel, inhuman or degrading treatment;

(c) the offender, in committing the offence:

(i) engages in conduct that gives rise to a danger of death or serious harm to the victim or another person; and

(ii) is reckless as to that danger.

Penalty: Imprisonment for 7 years.

(2) If, on a trial for an offence against this section, the trier of fact is not satisfied that the defendant is guilty of the aggravated offence, but is satisfied that the defendant is guilty of an offence against section 271.8, it may find the defendant not guilty of the aggravated offence, but guilty of an offence against that section.

(3) Subsection (2) only applies if the defendant has been afforded procedural fairness in relation to the finding of guilt for the offence against section 271.8.

Note: Section 271.8 provides for the offence of debt bondage.

Austria

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code at section 104 which criminalises slave trafficking, deprivation of freedom in the form of slavery, and causing a person to be enslaved.

ii) **Provisions** related to **servitude** are found in the Criminal Code at section 104 which criminalises deprivation of freedom in the form of slavery-like situations and causing a person to be brought into a slavery-like situation.

iii) There appears to be **no legislation** in place in Austria which prohibits **forced labour**

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code at section 104a although the acts constituting trafficking appear to be limited relative to the Palermo Protocol.

2) International Obligations: Austria consents to:

1926 Slavery Convention: (19 August 1927, ratification)
 1930 Forced Labour Convention: (7 June 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: (16 July 1954, acceptance)
 1956 Slavery Convention: (7 October 1963, accession)
 1957 Abolition of Forced Labour Convention: (5 March 1958)
 1966 ICCPR: (10 September 1978, ratification)
 1998 Rome Statute of the ICC: (28 December 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (15 September 2005, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Austria appears to be:

- in breach of its obligations under the ICCPR in regards to forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 53

Article 16 of the generally applicable Civil Code of 1 June 1811 provides that slavery and serfdom and the exercise of any power based thereon shall not be allowed in Austria.

Paragraph 54

In pursuance of these basic provisions, the Court Decree of 19 August 1826 specified that any slave becomes free as soon as he becomes an Austrian national.

Paragraph 56

The Court Decree is further supplemented by “Provisions against the Trade in and Maltreatment of Slaves...

Paragraph 59

Article 95 of the Austrian Penal Code reiterates the principle laid down in the aforementioned Court Decree of 1826 and, in addition, provides for the punishment of any person who, in preventing a slave acquired by him from exercising his personal freedom, or in disposing of him as a slave in Austrian territory or abroad, commits the crime of public violence by treating a human being as a slave. The same offence is committed by a master of a ship who undertakes merely to convey a slave or slaves or who, either personally or through others, prevents a slave who has boarded an Austrian ship from exercising the personal freedom thereby acquired. These offences are punishable by rigorous imprisonment for a term of one to twenty years.

Paragraph 62

Slavery and every kind of vassalage and servitude are prohibited, as a matter of constitutional law, by the State Constitution Act of 21 December 1867 (RCBl. No. 142) concerning the general rights of citizens. Article 7 provides that every relationship of vassalage and servitude shall be abolished in perpetuity, that every encumbrance or charge attaching to real property by reason of the division of ownership shall be redeemable, and that in future no real property shall be encumbered with any such irredeemable charge.

CONSTITUTION OF AUSTRIA 1920 (REINST. 1945, REV. 2013)

Article 9A

1. Austria subscribes to comprehensive national defence. Its task is to preserve the Federal territories outside independence as well as its inviolability and its unity, especially as regards the maintenance and defence of permanent neutrality. In this connection, too, the constitutional establishments and their capacity to function as well as the democratic freedoms of residents are to be safeguarded and defended against acts of armed attack from outside.
2. Universal national defence comprises military, intellectual, civil and economic national defence.
3. Every male national is liable to military service. Female nationals may render voluntary service in the Federal Army as soldiers and have the right to terminate such service.
4. Conscientious objectors who refuse the fulfilment of compulsory military service and are exonerated therefrom must perform an alternative service (civilian service).

CRIMINAL CODE 1974,
AMENDED 2015

Section 104 Slavery

- (1) Anyone who practices slave trafficking or otherwise deprives personal liberty from another person in the form of slavery or a slavery-like situation shall be punished with a sentence of 10 to 20 years' imprisonment.
- (2) It is also necessary to punish who causes another to be enslaved or brought into a slavery-like position, or that another person shall enter into slavery or slavery-like situation.

Section 104a Human trafficking

- (1) Anyone who takes, or otherwise accepts, promotes, or offers to a person other than a person of the age with the intention that he is exploited (paragraph 3) with the use of unfair means (para Imprisonment of six months to five years.
- (2) Unfair means are the use of force or threat, the deception of facts, the use of an authority position, a compulsory condition, a spirit sickness or a condition that makes the person helpless, the intimidation and the granting or acceptance of an advantage for the Surrender of rule over the person.
- (3) Exploitation includes sexual exploitation, exploitation by organ harvesting, exploitation of labor, exploitation of begging, exploitation to commit violent acts.
- (4) Anyone who commits the act in the context of a criminal organization, with the use of force majeure or so that the life of the person is intentionally or grossly negligently endangered (§ 6 para 3) or the act a particularly serious disadvantage for the Person is to be punished with imprisonment of one to ten years.
- (5) A penalty of up to ten years shall also be imposed on the person who is hunted, accommodated or promoted, promoted or offered to a minor, with the proviso that he is exploited (paragraph 3).

BASIC LAW OF 21
DECEMBER 1867 ON
THE GENERAL RIGHTS
OF NATIONALS IN
THE KINGDOMS AND
LÄNDER
REPRESENTED IN THE
COUNCIL OF THE
REALM

Article. 4.

[1] There is no restriction on freedom of movement by the individual and his possessions inside the boundaries of the state.

Article. 12.

Austrian nationals have the right of assembly and to constitute associations. The exercise of these rights will be prescribed in special laws.

Article. 18.

Everyone has the right to choose his vocation and to train for it how and where he wishes.

LAW ON PERSONAL
FREEDOM 27 OCT
1862

Section 5

No one can, without legally substantiated requirement, be restricted (interned, confined) to a stay in a particular place or area. In the same way, except in cases specified by law, no one may be expelled from a particular place or area.

Azerbaijan

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Criminal Code which prohibits slavery at article 106.
- ii) There appears to be **no legislation** in place in Azerbaijan which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the 1995 Constitution which prohibits forced labour at article 35(3).
- iv) **Provisions** related to **trafficking in persons** are found in the 2005 Law on Fight against Human Trafficking.

2) International Obligations: Azerbaijan consents to:

1926 Slavery Convention: (16 August 1996, accession)
1930 Forced Labour Convention: (19 May 1992, ratification)
1953 Protocol to the 1926 Slavery Convention: (16 August 1996, accession)
1956 Slavery Convention: (16 August 1996, accession)
1957 Abolition of Forced Labour Convention: (9 August 2000, ratification)
1966 ICCPR: (13 August 1992, accession)
1998 Rome Statute of the ICC: N/A
2000 Palermo Protocol (Trafficking in Persons): (30 October 2003, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Azerbaijan appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to servitude;
- in breach of its obligations under the ICCPR in regards to servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF THE AZERBAIJAN REPUBLIC 1995

Article 35 Right to work

1) Labor is the basis of personal and public prosperity. (2) Everyone has the right to choose independently, based on his/her abilities, kind of activity, profession, occupation and place of work. (3) Nobody might be forced to work. (4) Labor agreements are concluded voluntarily. Nobody may be forced to conclude labor agreement.

CRIMINAL CODE OF THE AZERBAIJAN REPUBLIC

Article 106. Slavery

106.1. The slavery, that is full or partial realization above a person of the competencies inherent to the property right â€

shall be punished by imprisonment for the term from five up to ten years.

106.2. The same act accomplished concerning a minor or with the

purpose of moving of a person in the foreign state â€

shall be punished by imprisonment for the term from seven up to twelve years.

106.3. Slavery sales, that is maintenance of the person with a purpose of transfer into to slave or use as a slave, his sale or an exchange, and also any act connected with slave sales or transfer into slave, as well as sexual slavery or an encroachment on sexual freedom on grounds of slavery â€

shall be punished by imprisonment for the term from five up to ten years.

Article 116. Infringement of norms of the international humanitarian right during confrontations

116.0. Infringement of norms of the international humanitarian right during confrontations, shall be :

116.0.17. commitment of other actions connected to rape, sexual slavery, compulsory prostitution, compulsory sterilization, compulsory pregnancy, and also sexual violence ;

LAW ON FIGHT AGAINST HUMAN TRAFFICKING 2005

Article 1. Basic definitions

1.0. The following basic definitions are used in this Law:

1.0.1. human trafficking involving, obtaining, storage, concealment, transportation, delivering or accepting of people (involving, obtaining, storage, concealment, transportation, delivering or accepting children for exploitation purposes shall be considered as human trafficking even if the means stipulated in this Article were not used) for exploitation purposes by using force or under the threat of force, by threat or other methods of compulsion, by means of theft, fraud, deception, abuse of possibility to influence or victim's weakness, or by providing or obtaining material and other boons, privileges or concession in order to get the consent of the person controlling another person;

1.0.2. human exploitation - forced labour (service), sexual exploitation, slavery, practices similar to slavery and dependence deriving from them, illegally extracting human organs and tissues, conducting illegal bio-medical research on a person, involving into illegal including criminal activity as well as other forms of exploitation of people (if human trafficking is conducted using means specified in Article 1.0.1, the consent of the victim of human trafficking to be subjected to exploitation shall not be taken into account);

1.0.3. forced labour (service) - illegally forcing a person to do certain work (to provide service);

1.0.4. sexual exploitation - using a person for prostitution, sexual slavery or production of pornographic materials, profiting from sexual exploitation of others;

1.0.5. slavery - carrying out powers in full or partially characteristic of the right to property over a person;

1.0.6. practices similar to slavery institutions and practices mentioned in Article 1 of "Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery" from 30 April 1956;

Article 21. Responsibility for human trafficking

21.1. Individuals participating in human trafficking shall be brought before criminal responsibility in accordance with the legislation of the Republic of Azerbaijan.

21.2. Action or inaction of an official that may create conditions for human trafficking shall lead to criminal responsibility in accordance with the legislation of the Republic of Azerbaijan.

21.3. A foreigner or a stateless person who is assumed of being engaged in human trafficking shall not be granted an access to the territory of the Republic of Azerbaijan and entry visas issued to them shall be considered void.

The Bahamas

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the 1973 Constitution which prohibits slavery at article 18(1). Slavery is also criminalised where it forms a part of an offence of human trafficking under the Trafficking in Persons (Prevention and Suppression) Act.
- ii) **Provisions** related to **servitude** are found in the 1973 Constitution which prohibits servitude at article 18(1). Servitude is also criminalised where it forms a part of an offence of human trafficking under the Trafficking in Persons (Prevention and Suppression) Act.
- iii) **Provisions** related to **forced labour** are found in the 1973 Constitution which prohibits forced labour at article 18(2). Forced labour is also criminalised where it forms a part of an offence of human trafficking under the Trafficking in Persons (Prevention and Suppression) Act.
- iv) **Provisions** related to **trafficking in persons** are found in the Trafficking in Persons (Prevention and Suppression) Act.

2) International Obligations: The Bahamas consents to:

1926 Slavery Convention: (10 June 1976, succession)
 1930 Forced Labour Convention: (25 May 1976, ratification)
 1953 Protocol to the 1926 Slavery Convention: (10 June 1976, succession)
 1956 Slavery Convention: (10 June 1976, succession)
 1957 Abolition of Forced Labour Convention: (25 May 1976, ratification)
 1966 ICCPR: (23 December 2008, ratification)
 1998 Rome Statute of the ICC: (29 December 2000, signature)
 2000 Palermo Protocol (Trafficking in Persons): (26 September 2008, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: The Bahamas appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 512

The following Acts of the Parliament of the United Kingdom apply in the Bahama Islands:

- (a) The Slave Trade Act 1824 (5 Geo. IV c. 113)
- (b) The Slavery Abolition Act 1833 ((3 and 4 Will. 4c 73)
- (c) The Slave Trade Act 1843 (6 and 7 Vic. C. 98); and
- (d) The Slave Trade Act 1873 (36 and 37 Vic. C. 88)

By the Slavery abolition Act, slavery in the British colonies was abolished with effect from 1 August 1834, and slavery was declared unlawful through the British colonies.

Paragraph 513

The Constitution of the Bahama Islands (which came into force on 1 January 1964) declares that “no person shall be held in slavery or servitude”; and section 14 provides for enforcement of the rights of the individual. There has always been protection of the individual under the *Habeas Corpus* Act (ch. 99).

THE BAHAMAS CONSTITUTION 1973

18 Protection from slavery and forced labour.

1. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced labour.
3. For the purposes of this Article, "forced labour" does not include-
 - a.any labour required in consequence of the sentence or order of a court;
 - b.any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service in a naval, military or air force, any labour which that person is required by law to perform in place of such service;
 - c.labour required of any person while he is lawfully detained which, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place in which he is detained; or
 - d.any labour required during a period of public emergency (that is to say, a period to which Article 29 of this Constitution applies) or in the event of any other emergency or calamity that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable, in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.

IMMORAL TRAFFIC AND OFFENCES AGAINST FEMALES AND CHILDREN

Article 41

- (1) If it appears to any magistrate, on complaint laid before him upon oath by any parent, guardian, or relative of any female or by any other person who, in the opinion of the magistrate, is bona fide acting in her interests, that there is reasonable cause to suspect that she is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such magistrate, he may issue a warrant authorising any person named therein to search for her, and when found, to take her to and detain her in a place of safety until she can be brought before him or some other magistrate; and the magistrate before whom she is brought may cause her to be delivered up to her parents or guardian or to be otherwise dealt with as circumstances may permit and require.
- (2) The magistrate issuing the warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining the female

to be arrested and brought before him or some other magistrate, and proceedings to be taken for punishing the person according to law.

(3) A female shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any person, whether any particular person or generally, and either-

(a) is under sixteen years of age;

(b) if of or above sixteen years of age and under eighteen years of age, is so detained against her will or against the will of her father or mother, or of any other person having the lawful care or charge of her;

(c) if of or above eighteen years of age, is so detained against her will.

(4) Any person who is authorised by warrant under this section to search for any female so detained may enter (if need be by force) any house, building or other place mentioned in the warrant and may remove her therefrom.

SEXUAL OFFENCES AND DOMESTIC VIOLENCE ACT, 1991.

Article 7.

Any person who-

(a) procures or attempts to procure any person under eighteen years of age to have unlawful sexual intercourse, either in or outside The Bahamas, with any other person;

(b) procures or attempts to procure any person to become, either in or outside The Bahamas, a common prostitute;

(c) procures or attempts to procure any person to leave The Bahamas with intent that he may become an inmate of or frequent a brothel elsewhere;

(d) procures or attempts to procure any person to leave his usual place of abode in The Bahamas with intent that he may, for the purposes of prostitution, become an inmate of or frequent a brothel either in or outside The Bahamas; by threats or intimidation, procures or attempts to procure any person to have unlawful sexual intercourse either in or outside The Bahamas;

(f) by false pretences or false representations, procures any person to have any unlawful sexual intercourse either in or outside The Bahamas; or

(g) applies, administers or causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower, so as thereby to enable any other person to have unlawful sexual intercourse with such first-mentioned person,

is guilty of an offence and liable to imprisonment for eight years.

Article 20.

Any person who, by force, takes away or detains any other person of any age against his will, with intent to marry or co-habit or have unlawful sexual intercourse with him, or to cause him to be married to or to co-habit or have unlawful sexual intercourse with another person, is guilty of an offence and liable to imprisonment for fourteen years.

Article 21.

(1) Any person who detains any other person against his will-

(a) in or upon premises with intent that that other person may co-habit or have unlawful sexual intercourse with another person, whether any particular person or generally; or

(b) in a brothel,

is guilty of an offence and liable to imprisonment for two years.

TRAFFICKING IN
PERSONS
(PREVENTION AND
SUPPRESSION) ACT

Article 2.

In this Act —

“exploitation” means —

- (a) keeping a person in a state of slavery;
- (b) subjecting a person to practices similar to slavery;
- (c) compelling or causing a person to provide forced labour or services;
- (d) keeping a person in a state of servitude, including sexual servitude;
- (e) exploitation of prostitution of another;
- (f) engaging in any 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;

“forced labour” means labour or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint;

“practices similar to slavery” includes, in general, debt bondage, serfdom, forced or servile marriages and delivery of children for exploitation;

“servitude” means a condition of dependency in which the labour or services of a person are provided or obtained by threats of 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 labour or services, that person or another person would suffer serious harm;

“slavery” means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;

“trafficking in persons” means the recruitment, transportation, transfer, harbouring 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 purposes of exploitation;

Article 3.

(1) Whoever engages in or conspires to engage in, or attempts to engage in, or assist or otherwise facilitates another person to engage in

“trafficking in persons” shall —

(a) on summary conviction —

(i) be sentenced to not less than three years nor more than five years imprisonment;

(ii) be subject to forfeiture of property under section 7; and

(iii) be ordered to pay full restitution to the victim under section 6;

(b) on conviction on information —

(i) be sentenced to life imprisonment or to a term not less than five years;

(ii) be subject to forfeiture of property under section 7; and

(iii) be ordered to pay full restitution to the victim under section 6.

(2) A person commits the offence of trafficking in persons where, for the purpose of exploitation he —

(a) recruits, transports, transfers, harbours or receives another person within The Bahamas;

(b) recruits, transports or transfers another person from The Bahamas to another country; or

(c) recruits, transports, transfers, or receives or facilitates the arrival of another person from another country into The Bahamas, by any of the means specified in subsection (3).

(3) The means referred to in subsection (2) are —

(a) threat or use of force or other form 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 a benefit in order to obtain the consent of a person who has control over another person.

(4) Notwithstanding the absence of the use of any of the means specified in paragraphs (a) to (e) of subsection (3) a person who recruits, transports, transfers, harbours or receives a child for the purpose of exploitation of that child commits the offence of trafficking in persons.

(5) In subsection (3) a reference to “deception or fraud” includes deceiving another person about the fact that the other person's exit from or arrival in The Bahamas is for a purpose that involves the provision by the other person of sexual services in or outside The Bahamas or will involve the other person's exploitation or the confiscation of the other person's travel or identity document.

Article 9.

(1) In a prosecution for trafficking in persons under section 3 or the offence under section 4 the alleged consent of a person to the intended or realized exploitation is irrelevant.

(2) In a prosecution for the offence of trafficking in persons under section 3, evidence of a victim's past sexual behaviour is irrelevant and inadmissible for the purpose of providing that the victim engaged in other sexual behaviour, or to prove the victim's sexual predisposition.

Bahrain

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Bahrain which prohibits **slavery**, although personal freedom is guaranteed in Article 19a of the Constitution. Slavery may also form an element of an offence of trafficking under article 2 of the 2008 Law on Combating Trafficking in Persons.

ii) There appears to be **no legislation** in place in Bahrain which prohibits **servitude**, although servitude and practices similar to slavery may also form elements of an offence of trafficking under article 2 of the 2008 Law on Combating Trafficking in Persons.

iii) **Provisions** related to **forced labour** are found in the Constitution at Article 13c which prohibits compulsory work. The Minerals Law 2010 also prohibits forced employment of labour in Mineral Activities at article 76. Forced labour or services may also form an element of an offence of trafficking under article 2 of the Law on Combating Trafficking in Persons.

iv) **Provisions** related to **trafficking in persons** are found in the Law on Combating Trafficking in Persons which makes trafficking an offence under article 2, although penalties are limited to fines.

2) International Obligations: Bahrain consents to:

1926 Slavery Convention: (27 March 1990, accession)
 1930 Forced Labour Convention: (11 June 1981, ratification)
 1953 Protocol to the 1926 Slavery Convention: (27 March 1990, accession)
 1956 Slavery Convention: (27 March 1990, accession)
 1957 Abolition of Forced Labour Convention: (14 July 1998, ratification)
 1966 ICCPR: (20 September 2006, accession)
 1998 Rome Statute of the ICC: (11 December 2000, signature)
 2000 Palermo Protocol (Trafficking in Persons): (7 June 2004, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Bahrain appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions and the 1953 Protocol with regard to slavery and servitude;
- in breach of its obligations towards the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Conventions with regard to forced labour; and
- in breach of its obligations under the Palermo Protocol with regard to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>.

1966 Awad Report: no law mentioned; 1955 Engen Report: reference below.

ENGEN REPORT

Paragraph 31

The slave-trade has been totally prohibited in Bahrain, Qatar and Kuwait... The proclamations issued in Bahrain [1937], Kuwait [1949] and Qatar [1952] are thought to have been completely effective.

THE CONSTITUTION OF THE KINGDOM OF BAHRAIN (2002)

Article 13. Work

- b. The State guarantees the provision of job opportunities for its citizens and the fairness of work conditions.
- c. Compulsory work cannot be imposed on any person except in the cases specified by law for national exigency and for a fair consideration, or pursuant to a judicial ruling.

Article 19a Personal Freedom

- a. Personal freedom is guaranteed under the law.

BAHRAIN PENAL CODE, 1976

Article 324

Every person who entices a male or a female to commit acts of immorality or prostitution or assists in such acts in any manner whatsoever shall be liable for a prison sentence. If the victim is less than 18 years of age, the punishment shall be a prison sentence for a term not exceeding 5 years.

Article 325

Every person who forces a male or a female to commit acts of immorality or prostitution by way of coercion, threat or deceit shall be liable for imprisonment for a period of no less than 2 years and no more than 7 years. If the victim is less than 18 years of age, the punishment shall be a prison sentence for a period not exceeding 3 years and no more than 10 years.

LAW NO 36 OF 2012 – LABOUR LAW

Article 24: minimum age for work 15 years

Article 27: minimum age for hazardous work 18 years

Minimum age does not apply to children working in certain industries such as domestic work.

LAW NO.1 OF 2008 WITH RESPECT TO TRAFFICKING IN PERSONS

Article (1)

a. For the purpose of implementing the provisions of this Law, trafficking in persons shall mean the recruitment, transportation, transfer, harbouring, or receiving persons, by means of threat or the use of force or other forms of coercion, abduction, fraud, deceit, abuse of power or of position or any other direct or indirect unlawful means.

Exploitation shall include the exploitation of such person or the prostitution of others or any other forms of exploitation, sexual assault, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

b. Recruitment, transportation, transfer, harbouring, or receiving of persons who are less than eighteen years of age or who are in a condition or personal state in which their consent or freedom of choice cannot be guaranteed shall be deemed as trafficking in persons if the intent is to exploit them even if such act is not accompanied by any of the means provided for in the preceding paragraph.

c. The perpetrator shall be presumed to have knowledge of the real age of the victim who is not eighteen years of age.

Article (2)

Without prejudice to any harsher penalty prescribed by the Penal Code or any other law, any person committing a crime or trafficking in persons shall be punished by imprisonment and a fine of no less than Bahrain Dinars two thousand and not more than Bahrain Dinars ten thousand. In case of conviction, the perpetrator shall be obliged to pay the costs, including the costs of repatriating the victim to his country where he is a foreigner.

In all cases, the Court shall order the confiscation of the funds, luggage, tools and other items that are used or prepared for use in committing the crime or that resulted therefrom.

MINISTERIAL ORDER
NO 23 OF 2013

Prohibition of hazardous occupations or activities for children, articles 1 and 2

BAHRAIN'S DEFENSE
FORCE ACT, LAW NO
32 OF 2002

Article 24: minimum age for voluntary military service 18 years (no conscription)

THE MINERALS LAW
2010 ARTICLE 76:
PROHIBITION OF
FORCED
EMPLOYMENT

Note: The Mineral Activities are carried out in accordance with the applicable laws and international standards established in relation to labour, protection of communities and human rights. Forced employment of labour and recruitment of children in Mineral Activities is prohibited.

Bangladesh

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code of 1860. Section 370 addresses importing, exporting, removing, buying, selling, disposing, accepting, receiving or detaining against his will of any person as a slave; and section 371 criminalises habitual dealing in slaves. Article 14 of the 1971 Constitution additionally makes it the responsibility of the State to “emancipate the toiling masses the peasants and workers and backward sections of the people from all forms and exploitation.”

ii) There appears to be **no legislation** in place in Bangladesh which prohibits **servitude** although section 9(b) of the Oppression of Women and Children (Special Enactment) Act 1995 and section 366 of the Penal Code prohibit the abduction of women with intent or knowledge that she will be forced to marry against her intentions. Additionally, section 9 of the Human Trafficking Deterrence and Suppression Act 2012 prohibits bonded labour.

iii) **Provisions** related to **forced labour** are found in the Constitution at Article 34 which prohibits forced labour and makes contravention of this rule a punishable offence. The Human Trafficking Deterrence and Suppression Act 2012 also prohibits forced or bonded labour service at section 9, and the Penal Code of 1860 prohibits compulsory labour at section 374 punishable with imprisonment for up to one year, and/or a fine.

iv) **Provisions** related to **trafficking in persons** are found in the Human Trafficking Deterrence and Suppression Act 2012 which criminalises trafficking under article 6.

2) International Obligations: Bangladesh consents to:

1926 Slavery Convention: (7 January 1985, accession)
 1930 Forced Labour Convention: (22 June 1972, ratification)
 1953 Protocol to the 1926 Slavery Convention: (7 January 1985, acceptance)
 1956 Slavery Convention: (5 February 1985, accession)
 1957 Abolition of Forced Labour Convention: (22 June 1972, ratification)
 1966 ICCPR: (6 September 2000, accession)
 1998 Rome Statute of the ICC: (23 March 2010, ratification)
 2000 Palermo Protocol (Trafficking in Persons): N/A
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Bangladesh appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude; and
- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF THE PEOPLE'S
REPUBLIC OF
BANGLADESH, 1971

Article 14. Emancipation of peasants and workers.

It shall be a fundamental responsibility of the State to emancipate the toiling masses the peasants and workers and backward sections of the people from all forms and exploitation.

Art 34 Prohibition of Forced Labour

- (1) All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
(2) Nothing in this article shall; apply to compulsory labour-
- a. By persons undergoing lawful punishment for a criminal offence; or
 - b. Required by law for any public purposes.

PENAL CODE 1860,
ACT NO XLV OF 1860

364A.

Whoever kidnaps or abducts any person under the age of ten, in order that such person may be murdered or subjected to grievous hurt, or slavery, or to the lust of any person or may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery, or to the lust of any person shall be punished with death or with 126[imprisonment] for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years.]

366.

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

366A.

Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

366B.

Whoever imports into Bangladesh from any country outside Bangladesh any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

367.

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any

person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

368.

Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that for which he conceals or detains such person in confinement.

370.

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

371.

Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with [imprisonment] for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

372.

Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution of illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

373.

Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

374.

(1) Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

(2) Whoever compels a prisoner of war or a protected person to serve in the armed forces of Bangladesh shall be punished with imprisonment of either description for a term which may extend to one year.

Explanation. In this section the expressions "prisoner of war" and "protected person" shall have the same meaning as have been assigned to them respectively by Article 4 of the Geneva Convention Relative to

the Treatment of Prisoners of War of August 12, 1949, and Article 4 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949,

**HUMAN TRAFFICKING
DETERRENCE AND
SUPPRESSION ACT
2012**

3. Human Trafficking

(1) "human trafficking" means the selling or buying, recruiting or receiving, deporting or transferring, sending or confining or harbouring either inside or outside of the territory of Bangladesh of any person for the purpose of sexual exploitation or oppression, labour exploitation or any other form of exploitation or oppression by means of:

- (a) threat or use of force; or
- (b) deception, or abuse of his or her socio-economic or environmental or other types of vulnerability; or
- (c) giving or receiving money or benefit to procure the consent of a person having control over him or her.

(2) If the victim of trafficking is a child, it shall be immaterial whether any of the means of committing the offence mentioned in clause (a) to (c) of subsection (1) is used or not.

Explanation.-For the purposes of this section, if any person induces or assists any other person through deception and for bad intention to move, migrate or emigrate for work or service, either inside or outside of the territory of Bangladesh. though he knows that such other person would be put into exploitative labour conditions similar to practices of servitude or forced labour or into any of her form of exploitation or oppression as mentioned in sub-section (15) of section 2, such act of the person shall be included as an act within the meaning of "human trafficking" as defined in sub-section (1).

Human trafficking and ancillary offences and penalties

6. Prohibition of human trafficking and penalty.—

- (1) If any person commits any act mentioned in section 3, such act shall be deemed to be the offence of human trafficking.
- (2) The person committing the offence of human trafficking shall be punished with an imprisonment not exceeding imprisonment for life but not less than 5 (five) years of rigorous imprisonment and with fine not less than taka 50 (fifty) thousand.

9. Penalty for forced or bonded labour or service –

If any person unlawfully forces any other person to work against his will or compels to provide labour or service or holds in debt-bondage or to exact from the person any work or service by using force or other means of pressure or by threat to do such, he shall be deemed to have committed an offence be punished with rigorous imprisonment for a term not exceeding 12 (twelve) years but not less than 5 (five) years and with a fine not less than taka 50 (fifty) thousand.

**OPPRESSION OF
WOMEN AND
CHILDREN (SPECIAL
ENACTMENT) ACT,
1995**

8. Penalty for trafficking etc. in women.-

- (1) Whoever imports, exports, buys or sells or lets to hire or otherwise disposes of any woman with intent that such woman shall be employed for the purpose of prostitution or illicit intercourse or unlawful and immoral activities, shall be punishable with lifelong imprisonment, and shall also be liable to fine.

Explanation 1.- When a woman is sold, let for hire, or otherwise disposed of to a prostitute or any person keeping or managing a brothel, the person so disposing of such woman shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

Explanation 2.- Any prostitute or person keeping or managing a brothel, who buys, hires or otherwise obtains possession of any woman shall, until the contrary is proved, be presumed to have bought or hired or brought into his possession or custody such woman with intent that she shall be used as a prostitute. 8. Penalty for trafficking etc. in women.-

(2) Whoever keeps in his possession, custody or under his guardianship any woman in order to import or export her, hire her out or otherwise dispose of her with intent that she shall be employed for the purpose of prostitution or illegal intercourse or unlawful and immoral activities shall be punishable with a term of rigorous imprisonment which may extend to 14 years, and shall also be liable to fine.

9. Penalty for abducting any woman for using her in unlawful or immoral etc. activities.-

Whoever abducts any woman with intent that-

(a) she shall be employed or used for the purpose of prostitution or any other unlawful or immoral activity,

(b) she shall be forced to marry against her intentions,

(c) she shall be forced or seduced or allured to sexual intercourse, shall be punishable with lifelong imprisonment or a term of rigorous imprisonment which may extend to 10 years and shall not be less than 7 years, and shall also be liable to fine.

12. Penalty for trafficking in children.

If any person unlawfully imports, exports or sells children, or brings into his possession any child for the purpose of importing, exporting or selling such child, or if a child (destined) for such purpose is found with any person, such person shall be punishable with death or lifelong imprisonment.

THE INTERNATIONAL CRIMES (TRIBUNALS) ACT

An Act to provide for the detention, prosecution and punishment of persons for genocide, crimes against humanity, war crimes and other crimes under international law.

3

(2) The following acts or any of them are crimes within the jurisdiction of a Tribunal for which there shall be individual responsibility, namely:-

(a) Crimes against Humanity: namely, murder, extermination, enslavement, deportation, imprisonment, abduction, confinement, torture, rape or other inhumane acts committed against any civilian population or persecutions on political, racial, ethnic or religious grounds, whether or not in violation of the domestic law of the country where perpetrated;

WOMEN AND CHILDREN REPRESSION

Enacted for the sole purpose of dealing with violence against women and children, including for commercial sexual exploitation. It criminalizes trafficking for prostitution or other unlawful or 30 immoral purposes. It thus has a wide meaning, though what these immoral purposes could be

PREVENTION ACT,
2000

is not defined. The punishment provided is severe - trafficking is punishable by death or by life imprisonment between ten to twenty years

LABOUR LAW 2006

The Labor Code establishes 14 as the minimum age for work and 18 as the minimum age for hazardous work, although it permits children ages 12 and 13 to perform light work with certain restrictions. The Code also limits the hours children ages 14 to 18 can work. However, the Labor Code excludes many sectors of the economy in which children work, including small farms and domestic service.

Barbados

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the 2000 Constitution which prohibits slavery in section 14 and the 1994 Offences Against the Person Act which criminalises buying or disposing of a person as a slave.
- ii) **Provisions** related to **servitude** are found in the 2000 Constitution which prohibits servitude in section 14.
- iii) **Provisions** related to **forced labour** are found in the 2000 Constitution which prohibits forced labour in section 14 and the 1994 Offences against the Person Act which criminalises unlawful compelling labour.
- iv) **Provisions** related to **trafficking in persons** are found in the 2010 Transnational Organized Crime (Prevention and Control) Act at sections 8, 10 and 13 although these provisions do not include domestic trafficking.

2) International Obligations: Barbados consents to:

1926 Slavery Convention: (22 July 1976, succession)
1930 Forced Labour Convention: (8 May 1967, ratification)
1953 Protocol to the 1926 Slavery Convention: (22 July 1976, succession)
1956 Slavery Convention: (9 August 1972, succession)
1957 Abolition of Forced Labour Convention: (8 May 1967, ratification)
1966 ICCPR: (5 January 1973, accession)
1998 Rome Statute of the ICC: (10 December 2002, ratification)
2000 Palermo Protocol (Trafficking in Persons): (11 November 2014, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Barbados appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, and servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF BARBADOS
PROTECTION OF
FUNDAMENTAL
RIGHTS AND
FREEDOMS OF THE
INDIVIDUAL

Section 14. Protection from slavery and forced labour.

- (1) No person shall be held in slavery or servitude.
- (2) No person shall be required to perform forced labour.
- (3) For the purposes of this section, the expression “forced labour” does not include—
 - (a) Any labour required in consequence of the sentence or order of a court;
 - (b) Any labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
 - (c) Any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service; or
 - (d) Any labour required during any period when Barbados is at war or in the event of any hurricane, earthquake, flood, fire or other like calamity that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable, in the circumstances of any situation arising or existing during that period or as a result of that calamity, for the purpose of dealing with that situation.

OFFENCES AGAINST
THE PERSON ACT
1994

33. Buying or disposing of person as slave

Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave is guilty of an offence and is liable on conviction on indictment to imprisonment for life.

34. Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of an offence and is liable on summary conviction to imprisonment for a term of six months.

TRANSNATIONAL
ORGANIZED CRIME
(PREVENTION AND
CONTROL) ACT 2010

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.

10. (1) The consent of a victim of trafficking in persons is immaterial to the commission of the offence of trafficking in persons.

- (2) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be regarded as trafficking in persons even where the recruitment, transportation, transfer, harbouring or receipt did not involve any of the means specified in section 8(6).
- (3) Notwithstanding the provisions of any other law, all legal proceedings conducted in relation to the offence of trafficking in persons shall be conducted in camera.

13.

- (1) Where a person is convicted of the offence of trafficking in persons under section 8 and the victim of the offence
- (a) is a child, that person is liable on conviction on indictment to imprisonment for life;
- (b) is not a child, that person is liable on conviction on indictment to a fine of \$1 500 000 or to imprisonment for 15 years or to both.
- (2) A person who is convicted of an offence under
- (a) section 9(1), is liable on conviction on indictment to a fine of \$1 500 000 or to imprisonment for 15 years; or
- (b) section 9(2), is liable on conviction on indictment to a fine of \$2 000 000 or to imprisonment for 25 years or to both.
- (3) Where a person is convicted of an offence of trafficking, the court may, in addition to any penalty imposed pursuant to this section, order that person to pay restitution to the victim.
- (4) Restitution must compensate, where applicable, for any of the following:
- (a) costs of medical and psychological treatment;
- (b) costs of physical and occupational therapy and rehabilitation;
- (c) costs of necessary transportation, temporary housing and child care;
- (d) lost income;
- (e) attorney's fees and other legal costs;
- (f) compensation for emotional distress, pain and suffering;
- (g) any other losses suffered by the victim which the court considers applicable.
- (5) Notwithstanding subsection (3), where the property of a person convicted under this Act is forfeited, under the Proceeds of Crime Act or any other relevant Act, restitution shall be paid to the victim as far as possible, from that property or the proceeds thereof.

Belarus

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Criminal Code which makes the use of slave labour an offence at article 181-1.
- ii) There appears to be **no legislation** in place in Belarus which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 41 and the Labor Code which prohibits forced labour at article 13 although there is no specified penalty.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which makes human trafficking an offence at article 181 although the definition differs from the Palermo Protocol.

2) International Obligations: Belarus consents to:

1926 Slavery Convention: (13 September 1956, accession)
 1930 Forced Labour Convention: (21 August 1956, ratification)
 1953 Protocol to the 1926 Slavery Convention: (13 September 1956, accession)
 1956 Slavery Convention: (5 June 1957, ratification)
 1957 Abolition of Forced Labour Convention: (25 September 1995, ratification)
 1966 ICCPR: (12 November 1973, ratification)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (25 June 2003, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Belarus appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
BELARUS, 1994 (REV.
2004)

ARTICLE 32

Marriage, the family, motherhood, fatherhood, and childhood shall be under the protection of the State.

On reaching the age of consent women and men shall have the right to enter into marriage on a voluntary basis and start a family. A husband and wife shall be equal in family relationships.

Parents or persons in loco parentis shall be entitled and required to raise their children and to take care of their health, development and education. No child shall be subjected to cruel treatment or humiliation or used for work that may be harmful to its physical, mental or moral development. Children shall care for their parents or persons in loco parentis and render them assistance.

Children may be separated from their family against the consent of their parents or persons in loco parentis only according to the verdict of the court of law, if the parents or persons in loco parentis fail in their duty towards their children.

Women shall be guaranteed equal rights with men in their opportunities to receive education and vocational training, promotion in labour, socio-political, cultural and other spheres of activity, as well as in creating conditions safeguarding their labour and health.

The young people are guaranteed the right for their spiritual, moral and physical development.

The State shall create all necessary conditions for the free and effective participation of the young people in the political, social, economic and cultural development of society.

Article 41

Citizens of the Republic of Belarus shall be guaranteed the right to work as the worthiest means of an individual's self-assertion, that is, the right to choose of one's profession, type of occupation and work in accordance with one's vocation, capabilities, education and vocational training, and having regard to social needs, and the right to healthy and safe working conditions.

The State shall create conditions necessary for full employment of the population.

Where a person is unemployed for reasons which are beyond one's control, he shall be guaranteed training in new specializations and an upgrading of his qualifications having regard to social needs, and to an unemployment benefit in accordance with the law.

Citizens shall have the right to protection of their economic and social interests, including the right to form trade unions and conclude collective contracts (agreements), and the right to strike.

Forced labour shall be prohibited, other than work or service specified in the verdict of a court of law or in accordance with the law on the state of emergency or martial law.

CRIMINAL CODE OF
THE REPUBLIC OF
BELARUS

Article 181. Human Trafficking

1. The purchase or sale of a person or the performance of other transactions in relation to him, as well as the recruitment, transportation, transfer, harboring or receipt of a person (human trafficking) committed for the purpose of exploitation -

2. The same actions committed:

1) in relation to a person known to be a minor;

- 2) against two or more persons;
- 3) for the purpose of sexual exploitation;
- 4) for the purpose of removing from the injured organs or tissues for transplantation;
- 5) by a group of persons by prior agreement;
- 6) an official with the use of his official authority;
- 7) by a person who has previously committed crimes provided for in this article, Articles 171, 1711, 1811 or 187 of this Code;
- 8) in order to export the victim outside the state;
- 9) using confluence of heavy personal, family or other circumstances of the victim;
- 10) by deception, abuse of confidence or combined with violence, threat of its use or other forms of coercion, -

Shall be punished by imprisonment for a term of ten to twelve years with confiscation of property.

3. The actions provided for in subsections (1) or (2) of this article, which, by negligence, resulted in the death of the victim or causing him serious bodily harm, or other grave consequences or committed by an organized group,

Shall be punished by imprisonment for a term of twelve to fifteen years with confiscation of property.

Notes:

1. For the purposes of this article, articles 1811, 182 and 187 of this Code means the illegal coercion of a person to work or provide services if, for reasons beyond his control, he can not refuse to perform work (services), including slavery or customs, Similar to slavery.
2. Sexual exploitation in this article, Articles 182 and 187 of this Code is understood as the extraction of benefits from acts of a sexual nature carried out by another person, including the use of prostitution.

Article 181-1. Use of slave labor

1. The use of slave labor or another form of exploitation of a person in the absence of signs of a crime provided for in Article 181 of this Code -
Shall be punished by imprisonment for a term of two to five years.

2. The same actions committed:

- 1) in relation to a person known to be a minor;
- 2) against two or more persons;
- 3) by a group of persons by prior agreement;
- 4) an official with the use of his official authority;
- 5) in relation to the woman known to the perpetrator;
- 6) a person who has previously committed crimes provided for in this article,

Articles 171, 1711, 181 or 187 of this Code, -

Shall be punished by imprisonment for a term of three to ten years with confiscation of property or without confiscation.

3. The actions provided for in subsections (1) or (2) of this article, which, by negligence, resulted in the death of the victim or causing him serious bodily harm, or other grave consequences or committed by an organized group,

Shall be punished by imprisonment for a term of eight to twelve years with confiscation of property.

LAW OF THE
REPUBLIC OF
BELARUS ON
JANUARY 7, 2012 NO
350Z

Article 3. Goals of combating human trafficking

The objectives of combating human trafficking are: to protect individuals and society from human trafficking and related crimes; prevention, detection, suppression of trafficking in persons and related offenses; protection and rehabilitation of victims of trafficking.

Article 4. Principles for Countering Trafficking in Human Beings

Combating human trafficking is based on the following principles: rule of law; the complexity of the use of legal, social, economic, and information measures aimed at combating trafficking in human beings; protection of the rights of victims of trafficking; non-discrimination of victims of trafficking, ensuring their safety and rights of the defense; the inevitability of the perpetrators of human trafficking or related crime; cooperation with the competent authorities of foreign states, international and foreign organizations and public associations.

Article 27. Responsibility for human trafficking and related crimes

1. A person who commits trafficking or related crimes, carries responsibility in accordance with legislative acts of the Republic of Belarus. 2. The behavior of victims of trafficking in human beings, expressed in the reluctance or inability to change their anti-social behavior caused by human trafficking or related her crime, does not exclude the perpetrators of human trafficking or related offenses, and also can not be regarded as a circumstance softening their responsibility.

LABOUR CODE

Article 13 Prohibition of forced labor

Forced labor is prohibited. Forced labor is considered to be the work required of the employee under the threat of any violent impact, including as:

- 1) a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- 2) a method of mobilizing and using labor for purposes of economic development;
- 3) means of labor discipline;
- 4) a means of punishment for participation in strikes.

It is not considered forced labor:

- 1) the work done as a result of an enforceable court judgment under the supervision of the public authorities responsible for law enforcement in the execution of sentences;
- 2) work, which is due to the implementation of the law on military service or emergency circumstances.

Article 465. Liability for failure to comply with labor legislation

Legal and physical persons guilty of violation of labor legislation, shall bear disciplinary, administrative, criminal and other responsibility in accordance with the law.

Belgium

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Belgium which prohibits **slavery**, although enslavement as part of a widespread or systematic attack directed against any civilian population is criminalised as a crime against humanity in article 136 ter of the Criminal Code. Sexual slavery as a war crime is also prohibited by article 136 quater.
- ii) There appears to be **no legislation** in place in Belgium which prohibits **servitude** although compelling marriage is criminalised by article 391 sexies of the Criminal code.
- iii) There appears to be **no legislation** in place in Belgium which prohibits **forced labour**, although article 433 ter of the Criminal Code prohibits forced begging and exploitation of begging.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code at article 433 quinquies which prohibits trafficking in persons, although limits the purposes to the exploitation of prostitution or other forms of sexual exploitation, begging, work or services in conditions contrary to human dignity; the harvesting of organs; or the commission of crimes.

2) International Obligations: Belgium consents to:

1926 Slavery Convention: (23 September 1927, ratification)
 1930 Forced Labour Convention: (20 January 1944, ratification)
 1953 Protocol to the 1926 Slavery Convention: (13 December 1962, acceptance)
 1956 Slavery Convention: (13 December 1962, ratification)
 1957 Abolition of Forced Labour Convention: (23 January 1961, ratification)
 1966 ICCPR: (21 April 1983, ratification)
 1998 Rome Statute of the ICC: (28 June 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (11 August 2004, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Belgium appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF BELGIUM 1831 (REV. 2014)

Article 12

The freedom of the individual is guaranteed.

No one can be prosecuted except in the cases provided for by the law, and in the form prescribed by the law.

Except in the case of a flagrant offence, no one can be arrested except on the strength of a reasoned judge's order, which must be served at the time of arrest or at the latest within twenty-four hours.

Article 23

Everyone has the right to lead a life in keeping with human dignity.

To this end, the laws, federate laws and rules referred to in Article 134 guarantee economic, social and cultural rights, taking into account corresponding obligations, and determine the conditions for exercising them.

These rights include among others:

1°.the right to employment and to the free choice of an occupation within the context of a general employment policy, aimed among others at ensuring a level of employment that is as stable and high as possible, the right to fair terms of employment and to fair remuneration, as well as the right to information, consultation and collective negotiation;

2°.the right to social security, to health care and to social, medical and legal aid;

3°.the right to decent accommodation;

4°.the right to the protection of a healthy environment;

5°.the right to cultural and social fulfilment;

6°.the right to family allowances.

CRIMINAL CODE

Article 136 ter

Crimes against humanity, as defined below, whether committed in peacetime or wartime, constitute crimes under international law and shall be punished in accordance with the provisions of this Title. In accordance with the Statute of the International Criminal Court, crimes against humanity shall mean any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, and with knowledge of the attack:

...

(3) enslavement

Article 136 quater

1. The war crimes enumerated below, as referred to in the Geneva Conventions of 12 August 1949 and in their First and Second Additional Protocols, adopted at Geneva on 8 June 1977, in the laws and customs applicable to armed conflict, as defined in article 2 of the Geneva Conventions of 12 August 1949, in article 1 of the First and Second Additional Protocols to these Conventions, adopted in Geneva on 8 June 1977, and in article 8, paragraph 2(f) of the Statute of the International Criminal Court, constitute crimes under international law and shall be punished in accordance with the provisions of this Title, without prejudice to the provisions of criminal law applicable to offences of negligence, if by the action or omission such crimes infringe the protection guaranteed to persons and property under the said Conventions, Protocols, laws and customs:

...

(4) committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence constituting a grave breach of the Geneva Conventions or a grave breach of article 3 common to these Conventions

Art. 265

Shall be punished with a fine of 26 – 500 euros:

A civil registrar who proceeds with the celebration of a marriage without having secured the necessary consents

Art 391 sexies

A person who, through violence or threats, has compelled someone to enter into a marriage shall be punished by imprisonment from three months to five years and a fine from two hundred and fifty euros to five thousand euros.

The attempt is punishable by imprisonment from two months to three years and a fine of one hundred and twenty five euros to two thousand five hundred euros.

Art. 391septies.

Any person who, through violence or threats, has compelled someone to contract legal cohabitation shall be punished by imprisonment of three months to five years and a fine of two hundred and fifty euros to five thousand euros.

The attempt shall be punished by imprisonment of two months to three years and a fine of one hundred twenty-five euros to two thousand five hundred euros.

Art. 433ter.

Shall be punished by imprisonment from six months to three years and a fine from five hundred euros to twenty-five thousand euros:

(1) whoever hires, drags, embezzles or retains a person for the purpose of begging, The aura prompted to beg or continue to do so, or have it placed at the disposal of a beggar so that he may use it to arouse public commiseration;

(2) whoever has, in any manner whatsoever, exploited the begging of others.

The attempt to commit the offenses referred to in paragraph 1 shall be punishable by imprisonment from one month to two years and a fine of one hundred euros to two thousand euros.

The fine will be applied as many times as there are victims.

Art. 433c.

The offense referred to in the first paragraph of Article 433ter shall be punishable by imprisonment from one year to five years and a fine from five hundred euros to fifty thousand euros if committed:

(1) to In respect of a minor;

(2) by abusing the situation of vulnerability in which a person is placed because of his illegal or precarious administrative situation, his precarious social situation, his age, a state of pregnancy, illness, Infirmary or physical or mental impairment in such a way that the person in fact has no other real and acceptable choice than to submit to such abuse;

(3) using, directly or indirectly, fraud, violence, threats, Any form of constraint.

The fine will be applied as many times as there are victims.

Art. 433 quinquies

§ 1. The offense of trafficking in persons constitutes the offense of recruiting, transporting, transferring, harboring, accommodating, taking or transferring control of a person

(1) for the purpose of exploiting Prostitution or other forms of sexual exploitation;

(2) for the purpose of exploiting begging;

(3) for work or service purposes, in conditions contrary to human dignity;

(4) for the purpose of harvesting organs in violation of the Act of 13 June 1986 on the removal and transplantation of organs or human body

material in violation of the Law of 19 December 2008 on the

procurement and the The use of human body material for human medical applications or for scientific research purposes;

Or (5) for the commission of a crime or offense by that person against his will.

Except in the case referred to in paragraph 5, the consent of the person referred to in paragraph 1 to the proposed or actual exploitation is irrelevant.

§ 2. The offense provided for in § 1 shall be punishable by imprisonment from one year to five years and a fine from five hundred euros to fifty thousand euros.

§ 3. The attempt to commit the offense referred to in § 1 shall be punished by imprisonment of one year to three years and a fine of one hundred euros to ten thousand euros.

§ 4. The fine shall be applied as many times as there are victims.

Art. 433sexies

The offense under section 433quinquies, § 1, shall be punished by imprisonment of five to ten years and a fine of seven hundred and fifty euros and seventy-five thousand euros when the offense was committed:

(1) by a person who has authority over the victim, or by a person who has abused the authority or facilities conferred on him by his duties;

(2) by an officer or a public officer, a depositary or a law enforcement officer acting in the exercise of his functions.

The fine will be applied as many times as there are victims.

Art. 433septies

The offense provided for in article 433 quinquies, § 1, shall be punishable by imprisonment from ten years to fifteen years and a fine from one thousand euros to one hundred thousand euros in

the following cases:

(1) where the offense has been committed against a minor;

(2) where it has been committed by abusing the situation of vulnerability in which a person is found by reason of his illegal or precarious administrative position, precarious social situation, age, pregnancy, illness, infirmity or physical or mental impairment, in such a way that the person has in fact no other real and acceptable choice than to submit to such abuse;

(3) where it was committed by using, directly or indirectly, Fraud, violence, threats or any form of coercion;

(4) where the life of the victim has been endangered deliberately or by gross negligence;

(5) where the offense caused a seemingly incurable disease, permanent physical or psychological incapacity, complete loss of an organ or use of an organ, or serious mutilation;

(6) where the activity concerned constitutes a habitual activity;

(7) where it constitutes an act of participation in the principal or accessory activity of an association, whether or not the guilty party has the status of officer.

The fine will be applied as many times as there are victims. (4) where the life of the victim has been endangered deliberately or by gross negligence; (5) where the offense caused a seemingly incurable disease, permanent physical or psychological incapacity, complete loss of an organ or use of an organ, or serious mutilation; (6) where the activity concerned constitutes a habitual activity; (7) where it constitutes an act of participation in the principal or accessory activity of an association, whether or not the guilty party has the status of officer. The fine will be applied as many times as there are victims. (4) where the life of the victim has been endangered deliberately or by gross negligence; (5) where the offense caused a seemingly incurable disease, permanent physical or psychological incapacity, complete loss of an organ or use of an organ, or serious mutilation; (6) where the activity concerned constitutes a habitual activity; (7) where it constitutes an act of participation in the principal or accessory activity of an association, whether or not the guilty party has the status of officer. The fine will be applied as many times as there are victims. Permanent physical or mental disability, complete loss of organ or use of organ, or severe dismemberment; (6) where the activity concerned constitutes a habitual activity; (7) where it constitutes an act of participation in the principal or accessory activity of an association, whether or not the guilty party has the status of officer. The fine will be applied as many times as there are victims. Permanent physical or mental disability, complete loss of organ or use of organ, or severe dismemberment; (6) where the activity concerned constitutes a habitual activity; (7) where it constitutes an act of participation in the principal or accessory activity of an association, whether or not the guilty party has the status of officer. The fine will be applied as many times as there are victims. Whether or not the culprit has the status of leader. The fine will be applied as many times as there are victims. Whether or not the culprit has the status of leader. The fine will be applied as many times as there are victims.

Art. 433octies.

The offense provided for in article 433 quinquies, § 1, shall be punished by imprisonment from fifteen years to twenty years and a fine from one thousand euros to one hundred and fifty thousand euros in the following cases: (

1) where the offense has caused The death of the victim without intending to give it;

Or (2) where it constitutes an act of participation in the principal or accessory activity of a criminal organization, whether or not the offender has the status of officer.

The fine will be applied as many times as there are victims.

Art. In the cases referred to in Articles 433sexies, 433septies and 433octies, the guilty parties shall also be condemned to the prohibition of the rights set forth in the first paragraph of Article 31.

Without having regard to the status of the natural or legal person of the operator, owner, tenant or manager, the court may order the temporary or permanent closure, partial or total, of the undertaking in which the offense referred to in article 433 quinquies Was committed.

The special confiscation provided for in Article 42 (1) shall be applied to the perpetrators of the offense referred to in article 433 quinquies, even where the property of the things to which it relates does not belong to the convicted person, Without such confiscation being prejudicial to the rights of third parties over the property liable to be the subject of confiscation. It must also be applied, in the same circumstances, to the personal property, the part of it, the immovable property, the room or any other space. It may also be applied to the value of such immovables or immovables alienated between the commission of the offense and the final judicial decision.

In the event of seizure of immovable property, the procedure is carried out in accordance with the formalities of article 35bis of the Code of Criminal Procedure. It may also be applied to the value of such immovables or immovables alienated between the commission of the offense and the final judicial decision. In the event of seizure of immovable property, the procedure is carried out in accordance with the formalities of article 35bis of the Code of Criminal Procedure. It may also be applied to the value of such immovables or immovables alienated between the commission of the offense and the final judicial decision. In the event of seizure of immovable property, the procedure is carried out in accordance with the formalities of article 35bis of the Code of Criminal Procedure.

LAW OF 15
DECEMBER 1980 ON
ACCESS TO THE
TERRITORY,
RESIDENCE,
ESTABLISHMENT AND
REMOVAL OF ALIENS

Art. 77bis.

The offense of trafficking in human beings is to contribute in any way, directly or through an intermediary, to the entry, transit or residence of a person who is not a national of Member State of the European Union on or through the territory of such a State or of a State party to an international convention on the crossing of external borders which binds Belgium in breach of the law of that To obtain, directly or indirectly, a patrimonial advantage.

The offense provided for in the first paragraph shall be punishable by imprisonment from one year to five years and a fine of five hundred euros to fifty thousand euros.

The attempt to commit the offense referred to in sub - Paragraph 1 shall be punished by imprisonment of one year to three years and a fine of one hundred euros to ten thousand euros.

The fine will be applied as many times as there are victims.

Art. 77ter.

The offense provided for in article 77bis shall be punishable by imprisonment from five years to ten years and a fine of seven hundred and fifty euros to seventy-five thousand euros if committed:

- (1) by a person who has Authority over the victim, or by a person who has abused the authority or facilities conferred on him by his functions;
- (2) by an officer or a public officer, a depositary or a law enforcement officer acting in the exercise of his functions.

The fine will be applied as many times as there are victims.

Art. 77quater.

The offense provided for in article 77bis shall be punishable by imprisonment from ten years to fifteen years and a fine of from one thousand euros to one hundred thousand euros in the following cases:

- (1) where the offense has been committed against a minor;
- (2) where it has been committed by abusing the situation of vulnerability in which a person is found by reason of his illegal or precarious administrative position, precarious social situation, age, pregnancy, illness, infirmity or physical or mental impairment, in such a way that the person has in fact no other real and acceptable choice than to submit to such abuse;
- (3) where it was committed by using, directly or indirectly, fraudulent maneuvers, Violence, threats or any form of coercion;
- (4) where the life of the victim has been endangered deliberately or by gross negligence;
- (5) where the offense caused a seemingly incurable disease, permanent physical or psychological incapacity, complete loss of an organ or use of an organ, or serious mutilation;
- (6) where the activity concerned constitutes a habitual activity;
- (7) where it constitutes an act of participation in the principal or accessory activity of an association, whether or not the guilty party has the status of officer.

The fine will be applied as many times as there are victims. (4) where the life of the victim has been endangered deliberately or by gross negligence; (5) where the offense caused a seemingly incurable disease, permanent physical or psychological incapacity, complete loss of an organ or use of an organ, or serious mutilation; (6) where the activity concerned constitutes a habitual activity; (7) where it constitutes an act of participation in the principal or accessory activity of an association, whether or not the guilty party has the status of officer. The fine will be applied as many times as there are victims. (4) where the life of the victim has been endangered deliberately or by gross negligence; (5) where the offense caused a seemingly incurable disease, permanent physical or psychological incapacity, complete loss of an organ or use of an organ, or serious mutilation; (6) where the activity concerned constitutes a habitual activity; (7) where it constitutes an act of participation in the principal or accessory activity of an association, whether or not the guilty party has the status of officer. The fine will be applied as many times as there are victims. The complete loss of an organ or the use of an organ, or serious mutilation; (6) where the activity concerned constitutes a habitual activity; (7) where it constitutes an act of participation in the principal or accessory activity of an association, whether or not the guilty party has the status of officer. The fine will be applied as many times as there are victims. The complete loss of an organ or the use of an organ, or serious mutilation; (6) where the activity concerned constitutes a habitual activity; (7) where it constitutes an act of participation in the principal or accessory activity of an association, whether or not the guilty party has the status of officer. The fine will be applied as many times as there are victims.

Art. 77quinquies.

The offense provided for in Article 77bis shall be punishable by imprisonment from fifteen years to twenty years and a fine from one

thousand euros to one hundred and fifty thousand euros in the following cases: (

1) where the offense caused the death of the Victim without intending to give it;

Or (2) where it constitutes an act of participation in the principal or accessory activity of a criminal organization, whether or not the offender has the status of officer.

The fine will be applied as many times as there are victims.

Art. 77sexies.

In the cases referred to in Articles 77ter, 77quater and 77quinquies, the guilty parties shall also be ordered to prohibit the rights set forth in Article 31 of the Criminal Code.

The special confiscation provided for in article 42, paragraph 1, of the Penal Code is applied to those guilty of the offenses referred to in articles 77bis to 77quinquies, even where the property of the things to which it relates does not belong to the convicted person, Confiscation may however prejudice the rights of third parties over the property liable to be confiscated.

Belize

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the 1981 Constitution which prohibits slavery at article 8.
- ii) **Provisions** related to **servitude** are found in the 1981 Constitution which prohibits servitude at article 8. Article 58 of the Criminal Code also prohibits compelling to marriage.
- iii) **Provisions** related to **forced labour** are found in the 1981 Constitution which prohibits forced labour at article 8 and the Labour Act which prohibits imposing or permitting forced labour at article 158 with limited criminal sanctions.
- iv) **Provisions** related to **trafficking in persons** are found in the Trafficking in Persons (Prohibition) Act 2013 which criminalises trafficking under article 11.

2) International Obligations: Belize consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (15 December 1983, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: (15 December 1983, ratification)
1966 ICCPR: (10 June 1996, accession)
1998 Rome Statute of the ICC: (5 April 2000, ratification)
2000 Palermo Protocol (Trafficking in Persons): (26 September 2003, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Belize appears to be:

- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
BELIZE 1981 (REV. 2011)

8. Protection from Slavery and Forced Labour

1. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced labour.
3. For the purposes of this section, the expression "forced labour" does not include-
 - a.any labour required in consequence of the sentence or order of a court;
 - b.labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
 - c.any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service; or
 - d.any labour required during any period of public emergency or in the event of any accident or natural calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that accident or natural calamity, for the purpose of dealing with that situation.

LABOUR ACT (REV.
2000)

157. Forced Labour

In this Part-

"forced labour" means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily, provided that the term "forced labour" shall not include-

- (a) any work of a purely military character or service exacted by virtue of compulsory military service laws;
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, hurricane, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

158.- Prohibition of Forced Labour

- (1) No person shall impose or permit the imposition of forced labour.

(2) Notwithstanding anything contained in paragraphs (b) and (c) of the proviso to section 157 no person shall impose or permit the imposition of forced or compulsory labour-

- (a) as a means of political coercion or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic developments;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

(3) Any person who imposes or permits the imposition of forced labour is guilty of an offence.

199. General Penalty

Any person who commits an offence against this Act for which no special penalty is otherwise provided shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to a period of imprisonment not exceeding six months.

CRIMINAL CODE (REV. 2000)

57. Forcible Abduction for Marriage

Every person who takes away or detains against her will a female of any age with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be liable to imprisonment for thirteen years.

58. Compulsion of Marriage

Every person who by force or duress causes any person to marry against his will shall be liable to imprisonment for two years.

59. Special Provision as to Abetment

Every person who, knowing that any of the crimes mentioned in sections 54 to 58 has been committed in the case of any person, abets the unlawful detention of such person, or otherwise abets the execution of the intent with which that crime was committed, shall be deemed guilty of that crime.

60. Abandonment of Infant

Every person who, being bound by law or by virtue of any agreement or employment to keep charge of or maintain any child under five years of age, or being unlawfully in possession of any such child, abandons such child by leaving it at a hospital or workhouse, or at the house of any person, or in any other manner, shall be liable to imprisonment for two years.

TRAFFICKING IN PERSONS (PROHIBITION) ACT 2013

Article 2 Interpretation

In this Act, unless the context otherwise requires –
“debt bondage” means the status or condition of a debtor from a pledge by the debtor of his personal services or those of any person under his control as a security or payment for debt, when the length and nature of services is not respectively limited and is not clearly defined or the value of those services as reasonably assessed is not applied towards the

liquidation of the debt or where the length and nature of those services are nor respectively limited and defined;

“exploitation” means –

- (a) Keeping a person in a state of slavery;
- (b) Subjecting a person to practices similar to slavery;
- (c) Compelling or causing a person to provide forced labour or services;
- (d) Keeping a person in a state of servitude, including sexual servitude;
- (e) Exploiting another person by using such person, directly or indirectly, as a prostitute;
- (f) Engaging in any form of commercial sexual exploitation, including pimping, pandering or procuring prostitution, or profiting from sexual prostitution, maintain a brothel, or engaging in pornography or strip tease dances where females or males dance nude r in a state of semi-nudity; or
- (g) Illicit removal of human organs;

“forced labour” means labour or services obtained or maintained through force, threats of force, or other means of coercion;

“practices similar to slavery” has the meaning assigned to it in the Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery; and includes debt bondage, serfdom, forced servile marriages and delivery of children for exploitation;

“servitude” means a condition of dependency in which the labour or services of a person are provided or obtained by threats of harm to that person or another person, or through any scheme, plan, or pattern intended to cause that person to believe that, if the person did not perform, someone would suffer harm;

“slavery” means the status or condition of a person over whom any or all of the powers attaching to the rights of ownership are exercised;

“trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of a person by means of threat or use of force or other means of coercion, or abduction, fraud, deception, abuse of power or abuse of a position of vulnerability, or by the giving or receiving of payments or benefits to achieve the consent of a person having control of or over another person, for the purpose of exploitation.

Article 11 Offences of Trafficking in Persons

- (1) A person who engages in, conspires to engage in or attempts to engage in, or assists another person to engage in, or organizes or directs another person to engage in, trafficking in persons commits an offence and is liable on conviction on indictment, to imprisonment for a term of eight years.
- (2) Where the victim of the offence of trafficking in persons is a child, the offender is liable on conviction on indictment, to imprisonment for a term of twelve years.
- (3) The recruitment, transportation, harbouring, receipt of a child, or the giving of payments or benefits to obtain the consent of a person having control of a child, for the purpose of exploitation, constitutes trafficking in persons irrespective of whether any of the elements of the definition of “trafficking in persons” is present or not in any case.

Article 12 Trafficking in Children for Adoption

A person who engages in the adoption or facilitates the adoption of a child for the purpose of trafficking in persons, commits an offence and is liable on conviction on indictment, to a fine of five hundred thousand dollars or imprisonment for a term of ten years or to both.

Article 13 Offence of Facilitating Child Prostitution etc

- (1) A person who, for the purpose of trafficking in persons, acts as an intermediary to induce or encourage or facilitates another to give or promise remuneration, gifts, goods, food or other benefit to a child or any person having authority or control over a child for the purpose of inducing, encouraging, compelling or otherwise getting that child to participate in any sexual activity with the person so remunerating, commits an offence and is liable on conviction on indictment to imprisonment for a term of ten years.
- (2) A person who, being a person in authority or exercising control over a child, for the purpose of trafficking in persons, takes advantage of his authority over that child and sexually exploits that child or causes another to sexually exploit that child, commits an offence and is liable on conviction on indictment to imprisonment for a term of ten years.

Article 14 Offence of Facilitating Exploitation etc

A person who, for the purpose of trafficking in persons, causes, encourages or facilitates a child, to participate in an activity, whether sexual or not, by way of exploitation, for which that person receives remuneration or compensation from a third person, commits an offence and is liable on conviction on indictment to imprisonment for a term of eight years.

Article 15 Offence of Profiteering from Trafficking in Persons

A person who knowingly profits from the exploitation of a victim of trafficking in persons commits an offence and is liable on conviction to imprisonment for a term of eight years.

COMMERCIAL
SEXUAL
EXPLOITATION OF
CHILDREN
(PROHIBITION) ACT
2013

Criminalises the facilitation of prostitution of children under 18 years of age. This law, however, allows for 16- and 17-year-old children to engage in sexual activity in exchange for remuneration, gifts, goods, food, or other benefits if there is no third party involved.

Benin

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Benin specifically prohibiting **slavery**, although the 1966 Awad report notes that agreements for the purpose of enslaving another person are illegal, subject to the provisions of the Civil Code, and thus rendered null and void. Placing or receiving a person in pledge is identified as a punishable offence in the report.

ii) There appears to be **no legislation** in place in Benin which prohibits **servitude**, although the 1966 Awad report notes that agreements for the purpose of placing a person in servile status are illegal, subject to the provisions of the Civil Code, and thus rendered null and void. Placing or receiving a person in pledge is identified as a punishable offence in the report. Article 31 of Law No 2011-26 also makes forced marriage an offence.

iii) **Provisions** related to **forced labour** are found in the Labour Code which forbids forced labour at article 3 and makes it punishable by fine and/or imprisonment in article 303.

iv) **Provisions** related to **trafficking in persons** are found in Law No 2006-04 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking, although these provisions apply only to children.

2) International Obligations: Benin consents to:

1926 Slavery Convention: (4 April 1962, succession)
1930 Forced Labour Convention: (12 December 1960, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: (22 May 1961, ratification)
1966 ICCPR: (12 March 1992, accession)
1998 Rome Statute of the ICC: (22 January 2002, ratification)
2000 Palermo Protocol (Trafficking in Persons): (30 August 2004, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Benin appears to be:

- in breach of its obligations under the 1926 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery and servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

1966 AWAD REPORT

Paragraph 132, page 52:

Any agreement for the purpose of enslaving another person, placing him in servile status or in slavery is of course illegal or in violation of public order and consequently subject to the provisions of the Civil Code, which renders it null and void.

Paragraph 135:

Any person who places or receives another person in pledge, for whatever reason, is liable to a term of imprisonment of not less than one month or more than two years and a fine of from 2400 to 24000 francs, or to one or the other of those penalties. The prison sentence may be extended to five years if the person placed or received in pledge is under fifteen years of age. Persons guilty of those offences may also, in all cases, be deprived of the rights mentioned in article 42 of the Penal Code for a period of not less than five and not more than ten years.

Paragraph 136:

In addition, any attacks on the human person such as coercion, violence, assault and battery, deliberate injury, mutilation or even mere threats, etc., are criminal offences under the Penal Code.

CONSTITUTION OF THE REPUBLIC OF BENIN 1990

Article 15

Each individual has the right to life, liberty, security and the integrity of his person.

Article 25

The State shall recognize and guarantee, under conditions fixed by law, the freedom to go and come, the freedom of association, of assembly, of procession and of demonstration.

Article 30

The State shall recognize for all citizens the right to work and shall strive to create conditions which shall make the enjoyment of this right effective and shall guarantee to the worker just compensation for his services or for his production.

CRIMINAL CODE

Articles 330 to 340:

Deal with acts of sexual violence committed against women and children below the age of 15, as well as with adultery.

Articles 334 and 335:

Punish habitual incitement of a minor to debauchery, recruiting or abducting a minor or a woman and keeping them in a house of debauchery, forcing a woman or young girl into prostitution, keeping a clandestine house of prostitution, serving as an intermediary between persons engaging in prostitution or debauchery, and persons exploiting the prostitution and debauchery of others. The same applies to any gain or subsidy deriving from the prostitution of others or from cohabitation with a person engaging in prostitution and to habitual toleration of prostitution in a public place. The perpetrator of such acts, who has incited, encouraged or facilitated the offence or has attempted to incite, encourage or facilitate prostitution or exploitation of women and girls, is punished by six months to three years' imprisonment as well as a fine of

18 000 to 1 800 000 francs. A heavier penalty is imposed if the perpetrator is the victim's father, mother, guardian or direct ascendant. It is then raised to three to five years' imprisonment plus a fine of 18 000 to 1 800 000 francs, and is accompanied by loss of parental authority where the perpetrator is the father or mother. The same penalties are applied where the perpetrator is a person having authority over the victim, her teacher, a paid servant of the victim or of the persons designated above, a public official or a minister of religion.

Articles 330 to 333

Provide for the punishment of any immoral act committed with or without the use of violence against a minor of either sex aged under 13. The penalty for this offence is imprisonment.

LAW NO 2006-04 ACT RELATING TO THE TRANSPORTATION OF MINORS AND THE SUPPRESSION OF CHILD TRAFFICKING

Article 4

Exploitation comprises, without this enumeration being limiting: -All forms of slavery or analogous practices

Article 7

No child can be moved within the country, separated from their biological parents or the person having authority over him, without a special permit issued by the administrative authority competent in his place of residence unless the court or if specifically recommended by social services and health services. The procedures for issuing this authorization is determined by decree of the Council of Ministers.

Article 16

The parent who knowingly transported and / or handed her child to the trafficking of it or who helped in one way whatever the trafficker is liable to imprisonment for six (06) months to five (05) years.

Article 17

Anyone who has moved, or tried to move accompanied a child to a destination in the Republic of Benin outside the residence of his father and / or mother or the person who authority over him, without completing the paperwork required is punished imprisonment for one (01) year three (03) years and a fine of fifty thousand (50,000) francs nulle five hundred (500,000) francs.

Article 18

Anyone who has moved, or tried to move together outside the territory of the Republic of Benin, a child other than his own or a child which he has authority without completing the formalities administrative provisions shall be punished by imprisonment for two (02) years five (05) years and a fine of five hundred thousand (500,000) francs to two million five hundred thousand (2,500,000) francs.

Article 21

Anyone who has engaged in trafficking is punishable by imprisonment time of ten (10) to twenty (20) years. In all cases where child trafficking has occurred with use of a means listed in Article 23 of this Act or when the victim has been submitted to any of the acts mentioned in Article 24 below, or the offenders are punishable by life imprisonment. The culprit is punished by imprisonment in life, if the

child has not been found before delivery of the conviction or has been found dead.

Article 22

Whoever knowingly uses in the Republic of Benin, labor of a child from child trafficking, regardless the nature of the work, shall be punished by a fine of five hundred thousand (500,000) francs to five million (5,000,000) francs and imprisonment for six (06) months to twenty-four (24) months or one of these penalties."

LABOUR CODE

Article 3:

Forced labour is absolutely forbidden. Forced labour is a work or service required from an individual under menace of any punishment and for which he did not offer himself freely.

Article 303

Shall be punished by a fine of FCFA 140,000 to 350,000 and imprisonment for two months to a year, or one of these penalties: a) offenders with the provisions of Article 3 on the prohibition of forced labor.

LAW NO 2011-26

Article 3 Forced Marriage

All marriages or concubinages contracted or decided without the free and informed consent of the two parties concerned.

Article 31

Any person who is guilty or complicit in a forced marriage or arranged or forced a concubinage, as defined in article 3 of the present law is punished by imprisonment from 1-3 years and a fine of 500,000 francs to 2,000,000 francs.

Bhutan

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Penal Code at article 154 which criminalises transporting, buying or selling a person for any purpose within, into or outside of Bhutan as trafficking in persons.
- ii) There appears to be **no legislation** in place in Bhutan which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the 2007 Labour and Employment Act at sections 6-8 which criminalise forced labour. Prohibition of the worst forms of child labour is found at sections 9 and 10. Article 9 of the 2008 Constitution frames State Policies whereby the State “shall endeavour to ensure” the right to work in just and favourable conditions including fair remuneration.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code at section 154 although the provision is limited to the acts of transporting, buying or selling for any purpose.

2) International Obligations: Bhutan consents to:

1926 Slavery Convention: *N/A*
 1930 Forced Labour Convention: *N/A*
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: *N/A*
 1957 Abolition of Forced Labour Convention: *N/A*
 1966 ICCPR: *N/A*
 1998 Rome Statute of the ICC: *N/A*
 2000 Palermo Protocol (Trafficking in Persons): *N/A*
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Bhutan appears to be:

- in breach of its obligations under customary international law in relation to slavery.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION OF THE KINGDOM OF BHUTAN 2008

Article 7 Fundamental Rights

1. All persons shall have the right to life, liberty and security of person and shall not be deprived of such rights except in accordance with the due process of law.
7. A Bhutanese citizen shall have the right to freedom of movement and residence within Bhutan.
10. A Bhutanese citizen shall have the right to practice any lawful trade, profession or vocation.
11. A Bhutanese citizen shall have the right to equal pay for work of equal value.
12. A Bhutanese citizen shall have the right to freedom of peaceful assembly and freedom of association, other than membership of associations that are harmful to the peace and unity of the country, and shall have the right not to be compelled to belong to any association.

Article 8 Fundamental Duties

5. A person shall not tolerate or participate in acts of injury, torture or killing of another person, terrorism, abuse of women, children or any other person and shall take necessary steps to prevent such acts.

Article 9 Principles of State Policy

3. The State shall endeavour to create a civil society free of oppression, discrimination and violence, based on the rule of law, protection of human rights and dignity, and to ensure the fundamental rights and freedoms of the people.
12. The State shall endeavour to ensure the right to work, vocational guidance and training and just and favourable conditions of work.
13. The State shall endeavour to ensure the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.
14. The State shall endeavour to ensure the right to fair and reasonable remuneration for one's work.
15. The State shall endeavour to provide education for the purpose of improving and increasing knowledge, values and skills of the entire population with education being directed towards the full development of the human personality.
16. The State shall provide free education to all children of school going age up to tenth standard and ensure that technical and professional education is made generally available and that higher education is equally accessible to all on the basis of merit.
17. The State shall endeavour to take appropriate measures to eliminate all forms of discrimination and exploitation against women including trafficking, prostitution, abuse, violence, harassment and intimidation at work in both public and private spheres.
18. The State shall endeavour to take appropriate measures to ensure that children are protected against all forms of discrimination and exploitation including trafficking, prostitution, abuse, violence, degrading treatment and economic exploitation.

PENAL CODE

154 Trafficking a person

A defendant shall be guilty of the offence of trafficking a person, if the defendant transports, sells or buys a person within, into or outside of Bhutan for any purpose.

227 Trafficking of a child

A defendant shall be guilty of the offence of trafficking of a child, if the defendant, sells, buys or transports a child for any illegal purpose.

379 Trafficking a person for prostitution

A defendant shall be guilty of the offence of trafficking a person for prostitution, if the defendant transports, sells or buys a person into or outside of Bhutan with the purpose of engaging that person in prostitution.

LABOUR AND EMPLOYMENT ACT OF BHUTAN 2007

Chapter II Prohibitions

Prohibition of forced or compulsory labour

Section 6

No person shall make use of, cause or permit any form of forced or compulsory labour that is extracted from any person under the menace of any penalty and for which the person has not offered himself or herself voluntarily.

Section 7

Section 6 does not apply to:

- (a) work required of a prisoner to assist in public services;
- (b) work required of a person in times of an emergency such as war, fire, flood, famine, earthquake, violent epidemic or epizootic diseases, that would endanger the existence or the well-being of the whole or part of the population; and
- (c) work required of a person for shabtog lemi or other labour contributions for important local and public celebrations.

Section 8

A person who contravenes section 6 shall be guilty of an offence which shall be a felony of the fourth degree.

Prohibition of the worst forms of child labour

Section 9

No person shall subject a child to:

- (a) any form of practices such as sale and trafficking, debt bondage, forced or compulsory labour, including recruitment for use in armed conflict;
- (b) the use, procuring or offering of the child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of the child for illicit activities, in particular for the production and trafficking of drugs;
- (d) work under particularly difficult conditions such as work for long hours or during night or work where the child is unreasonably confined to the premises of the employer; or
- (e) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of a child including:
 - (i) work which exposes a child to physical, psychological or sexual abuse;
 - (ii) work underground, under water, at dangerous heights or in confined spaces;
 - (iii) work with dangerous machinery, equipment or tools, or which involves the manual handling or transport of heavy loads; or

(iv) work in an unhealthy environment that may expose the child to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to his or her health.

Section 10

A person who contravenes section 9 shall be guilty of an offence which shall be a felony of the third degree.

MARRIAGE ACT OF BHUTAN 1980

Kha 1.11 Restriction on Performing Marriages of Minors

The traditional performance of marriages between minors as mentioned hereafter in Section Kha 1-14 shall also cease with the enactment of this Act. In contravention of which, the case shall be dealt with in accordance with the provisions laid down hereinafter in Section Kha 8-20.

Kha 1-14 Restriction on Grant of Marriage certificate for Marriages of Minors

Consequent to the restrictions on the marriages of minors as stipulated in the aforesaid Section Kha 1-11, no Marriage Certificates shall be granted for marriages performed between a male person not attaining the age of eighteen years and a female not attaining sixteen years as they are considered not to have attained full age. (Amendment to Section Kha 1-2 of THRIMSHUNG 1957).

Kha 8-20 Imposition of fine for performing child marriages

Whereas the performance of child marriages in villages are seemed to be against the laws, the realization of expenses so incurred for performing such marriages shall not be permitted. And where there have been exchanges of any lands, houses, properties, livestock etc. in such marriages, then the person who has given such properties shall have to take them back, and the persons performing such child marriages in contravention of the prescribed law shall be punished with a fine extending from Ngultrums three hundred to Ngultrums one thousand. I

Bolivia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2009 Constitution at article 15(V) which prohibits slavery. Reduction to slavery is also recognised as an element of the offence of trafficking in persons under article 281 bis of the Penal Code.

ii) **Provisions** related to **servitude** are found in the 2009 Constitution at article 15(V) which prohibits servitude. Reduction to a status similar to slavery, any form of servitude, bondage customs, servile marriage, certain forms of adoption are also recognised as elements of the offence of trafficking in persons under article 281 bis of the Penal Code.

iii) **Provisions** related to **forced labour** are found in the 2009 Constitution at article 61 which prohibits forced work of children and child labour. Forced labour is also recognised as an element of the offence of trafficking in persons under article 281 bis of the Penal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code as amended by the Trafficking and Trafficking in Persons and Other Related Offences Law of 2012, which criminalises trafficking in persons under article 281 bis.

2) International Obligations: Bolivia consents to:

1926 Slavery Convention: (6 October 1983, definitive signature)
 1930 Forced Labour Convention: (31 May 2005, ratification)
 1953 Protocol to the 1926 Slavery Convention: (6 October 1983, accession)
 1956 Slavery Convention: (6 October 1983, accession)
 1957 Abolition of Forced Labour Convention: (11 June 1990, ratification)
 1966 ICCPR: (12 August 1982, accession)
 1998 Rome Statute of the ICC: (27 June 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (18 May 2006, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Bolivia appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: reference below.

ENGEN REPORT

Paragraph 47

On 2 August 1953 a legislative decree concerning agrarian reform was promulgated in Bolivia. Both the preamble and the body of this decree... refer explicitly to the indigenous peoples of the country and provide for measures calculated to bring about a substantial improvement in their situation... The fundamental aims of the reform as stated in the decree are as follows:... (c) to liberate rural workers from their conditions of servitude by prohibiting unpaid personal services and similar operations...

CONSTITUTION OF THE PLURINATIONAL STATE OF BOLIVIA 2009

Article 15

(V) - No person shall be subjected to servitude or slavery. Prohibit trafficking and human trafficking.

Article 22

The dignity and freedom of persons is inviolable. It is the primary responsibility of the State to respect and protect them.

Article 46

(I) - Every person has the following rights:

1. To dignified work, with industrial and occupational health and safety, without discrimination, and with a fair, equitable and satisfactory remuneration or salary that assures a dignified existence for the worker and his or her family.

2. To a stable source of work under equitable and satisfactory conditions.

(II) - The State shall protect the exercise of work in all its forms.

(III) - All forms of forced work or other analogous exploitation that obligates a person to work without his or her consent and without fair remuneration is prohibited.

Article 61

(I) Any form of violent punishment against children or adolescents is prohibited, both in the family as well as in society.

(II) Forced work and child labor is prohibited. The activities of children and adolescents within their families and society shall be directed to their full development as citizens, and they shall have a formative function. Their rights, guarantees, and the institutional mechanisms for their protection shall be the object of special regulation.

PENAL CODE (AMENDED BY LAW NO 263 TRAFFICKING AND TRAFFICKING IN PERSONS AND OTHER RELATED OFFENCES LAW OF 2012)

Article 132 bis Criminal Organization

Anyone who is part of an association of three or more people permanently organized under rules of discipline or control, intended to commit the following offenses: genocide, destruction or damage to state property national wealth, abduction of a minor or disabled, migrant smuggling, detention, human trafficking, abuse and torture, kidnapping, laundering of illicit proceeds, manufacturing or trafficking of controlled substances, environmental crimes under special laws intellectual property crimes, or take advantage of business or commercial structures, to commit such crimes shall be punished with imprisonment from one to three years.

Article 281 bis Human Trafficking

I. It will be sanctioned with deprivation of freedom of ten (10) to fifteen (15) years, who by any means of deceit, intimidation, Abuse of power, use of force or any form of coercion, threats, abuse of the situation of dependence or vulnerability of the victim, granting or receiving payments by himself or by third person perform, induce or favor the capture, transfer, Transportation, deprivation of liberty, reception or reception of persons inside or outside the national territory, even if it mediates the consent of the victim, for any of the following purposes:

1. Sale or other acts of human disposition, whether for profit or not .
2. Extraction, sale or illicit disposal of human body fluids or liquids, cells, organs or tissues.
3. Reduction to slavery or similar status.
4. Labor exploitation, forced labor or any form of servitude.
5. Bondage customs.
6. Commercial sexual exploitation.
7. Forced pregnancy.
8. Sex tourism.
9. Keep the adoption.
10. Forced begging.
11. Servant marriage, free union or servile fact.
12. Recruitment of persons for participation in armed conflicts or religious sects.
13. Employment in criminal activities.
14. Unlawful conduct of biomedical research.

II. The sanction will be aggravated by a third when:

1. The author or author, or participant, is a spouse, partner or partner of the victim, is related up to the fourth degree of consanguinity or second degree of affinity, is in charge of guardianship, Custody, custody or education of the victim.
2. The author or author is a servant or public servant, enjoys diplomatic immunity, or medical professional or purpose.
3. Use drugs, drugs or weapons.

III. The sanction will be from fifteen (15) to twenty (20) years when the victim is a child or adolescent, person with physical disability, illness or psychic deficiency, pregnant woman, or the perpetrator is part of a criminal organization, occurs A very serious injury or the life, integrity or safety of the victim is endangered.

IV. If the crime results in the death of the victim, the sanction provided for the crime of murder shall be imposed. "

Article 281 b Smuggling of Migrants

That benefit themselves or third party for any means induces, promotes, encourages, finances or facilitates the entry or departure of persons illegally or in violation of immigration laws, shall be punished with imprisonment of four (4) to eight (8) years.

If the result of fraudulent actions or omissions taken place by the victim's death penalty shall be imposed for the crime of murder.

If the death was caused by negligent acts or omissions, the penalty shall be increased by half

Article 281 quaternary Pornography and obscene performances with children or adolescents

He who by himself or a third person, by any means, promote, produce, display, market or distribute pornographic material, or promoting obscene performances in which involving children or adolescents will be punished with imprisonment of three (3) to six (6) years.

The penalty shall be increased by a quarter when the perpetrator or the father, mother, guardian or person having under his city, supervision or authority to the child or adolescent.

Article 321 pimping

I. Who through deceit, abuse of a situation of need or vulnerability, a relationship of dependence or power, Violence, threat or any other means of intimidation or coercion, in order to satisfy the wishes of others or for the purpose of profit or benefit, promote, facilitate or contribute to the prostitution of a person of either sex, With deprivation of liberty of ten (10) to fifteen (15) years.

II. The penalty of deprivation of liberty shall be twelve (12) to eighteen (18) years when the victim is under eighteen (18) years of age, a person suffering from any type of disability.

III. The penalty of deprivation of liberty shall be fifteen (15) to twenty (20) years, if the victim is less than fourteen (14) years of age, even if it is with his consent and does not mediate the circumstances provided for in paragraph I, or Author or participant was the ascendant, spouse, cohabiting partner, brother, guardian, Curator or custodian of the victim. The same sanction will be imposed on the author, author or participant to use drugs, drugs and others to force, coerce or subject the victim.

IV. The penalty of deprivation of liberty shall be from eight (8) to twelve (12) years, who shall, on his own account or by third parties, keep ostensibly or covertly a house or establishment where sexual exploitation and / or commercial sexual violence are promoted.

Article 321 Bis. Traffic of People

I. Who promotes, induces, favors and / or facilitates by any means the illegal entry or exit of a person from the Plurinational State of Bolivia to another State of which said person is not a national or permanent resident, in order to obtain directly or indirectly Economic benefit for itself or for a third party,

Shall be punished with deprivation of liberty of five (5) to ten (10) years.

The sanction will be aggravated in half when:

1. The conditions of transportation endanger their physical and / or psychological integrity.
2. The author or author is a server or public servant.
3. The author or the author is the person in charge of protecting the rights and integrity of the people in vulnerable situation.
4. The author or author would have been a party or member of a diplomatic delegation or mission, at the time of the commission of the offense.
5. The offense is committed against more than one person.
6. The activity is habitual and for profit.
7. The author or author is part of a criminal organization.

II. The sanction will be aggravated by two thirds when the victim is a child or adolescent, person with physical disability, illness or psychic deficiency or a pregnant woman.

III. Whoever promotes, induces, favors and / or facilitates by any means the illegal entry or exit of a person from a department or municipality to another person from whom said person is not a permanent resident, through deceit, violence, threat, in order to obtain direct Or indirectly economic benefit for itself or for a third party, shall be punished with deprivation of liberty of four (4) to seven (7) years.

LAW NO. 263
COMPREHENSIVE
AGAINST
TRAFFICKING AND
TRAFFICKING IN
PERSON 2012

Article 1. Purpose

The purpose of this Act is to combat Trafficking in Persons and related crimes and to guarantee the fundamental rights of victims through the consolidation of measures and mechanisms for the prevention, protection, care, prosecution and criminal punishment of these crimes.

Article 3. Purposes

The present Law establishes the following aims:

1. To establish measures of prevention of crimes of Trafficking in and Trafficking of People, and related crimes.
2. Implement and consolidate public policies for protection, care and integral reintegration, for victims of crimes of Trafficking and Trafficking in Persons, and related offenses.
3. Strengthen the response of the criminal justice system to the crimes of Trafficking in Persons and Trafficking, and related offenses.
4. Promote and facilitate national and international cooperation to achieve the objective established in this Law.

Article 6. Definitions

For the purposes of interpretation and application of this Law, the following definitions are adopted:

2. Exploitation. It is the obtaining of economic or other benefits through the forced participation of another person in: acts of prostitution, sexual and / or labor exploitation, worse forms of child labor, debt bondage and other forms of forced labor, sale And illicit extraction of fluids, tissues, Cells or other organs of the human being.
3. Servitude. It is a state of dependence or subjection of the will in which the victim induces or forces the victim to perform acts, jobs or services for various purposes, through deception, threats, coercion or other forms of violence.
4. Servitude by Debts. It is all work or service that is required of a person who has no choice or knowledge about the consequences of the loans or salary advances received, generating their subjection and submission.
6. Servile marriage. It is the labor and / or sexual exploitation of a partner and involves situations of slavery, isolation, control and physical, sexual and reproductive violence.
7. Illegal Keeping and Adoption. It is the procedure of custody and adoption of children and adolescents that is performed without compliance with the legal requirements and regulations stipulated in national regulations and international instruments.
8. Forced Labor. It is any work or service performed by a person, under threat or coercion, with or without the consent of the person. Giving wages or other compensation does not necessarily mean that the work is not forced or forced.

Article 17. Labor Scope

- I. The Ministry of Labor, Employment and Social Security, on an annual basis, will inform the Plurinational Council of the strategy to be implemented to comply with Article 24 of Law No. 263, as well as the progress made.
- II. The Ministry of Labor, Employment and Social Welfare will create a National Registry of Private Employment Agencies.
- III. The Ministry of Labor, Employment and Social Welfare may coordinate with the autonomous territorial entities, Actions aimed at the socio-economic reintegration of the victim or others linked to the prevention of trafficking and trafficking in persons and related offenses.

CHILD AND ADOLESCENT CODE

2010 LAW FOR THE LEGAL PROTECTION OF CHILDREN AND ADOLESCENTS

Sets the minimum age for employment at 14, except for apprenticeships.

Penalizes the use of child labor, the use or procurement of minors for purposes of prostitution, and trafficking offenses related to children.

Bosnia and Herzegovina

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 2(3)(c) which provides the right not to be held in slavery and the Criminal Code at article 185 criminalising placing or keeping a person in slavery, buying, selling, handing to another person or inducing someone else to sell their freedom or the freedom of a person they provide for or take care of. Transporting a person held in slavery is also prohibited under article 185(3).

ii) **Provisions** related to **servitude** are found in the Constitution at article 2(3)(c) which provides the right to be free from servitude and the Criminal Code at article 185 criminalising placing or keeping a person in a status similar to slavery. Transporting a person held in a status similar to slavery is also prohibited under article 185(3).

iii) **Provisions** related to **forced labour** are found in the Constitution which provides the right to be free from forced or compulsory labour at article 2(3)(c).

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking at article 186.

2) International Obligations: Bosnia and Herzegovina consents to:

1926 Slavery Convention: (1 September 1993, succession to the amended Convention)
 1930 Forced Labour Convention: (02 Jun 1993, ratification)
 1953 Protocol to the 1926 Slavery Convention: (1 Sep 1993, succession)
 1956 Slavery Convention: (1 Sep 1993, succession)
 1957 Abolition of Forced Labour Convention: (15 Nov 2000, ratification)
 1966 ICCPR: (1 Sep 1993, succession)
 1998 Rome Statute of the ICC: (11 April 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (24 April 2002, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Bosnia and Herzegovina appears to be:

- in breach of its obligations under the ICCPR in regards to forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
BOSNIA AND
HERZEGOVINA 1995
(REV. 2009)

Article II. Human Rights and Fundamental Freedoms

2. International Standards.

The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law.

3. Enumeration of Rights.

All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above; these include:

- c. The right not to be held in slavery or servitude or to perform forced or compulsory labor.
- d. The rights to liberty and security of person.
- m. The right to liberty of movement and residence.

CRIMINAL CODE OF
BOSNIA AND
HERZEGOVINA

Article 147 Unlawful Deprivation of Freedom

- (1) An official or responsible person in the institutions of Bosnia and Herzegovina who unlawfully imprisons another person, keeps him imprisoned or otherwise restricts his freedom of movement, shall be punished by a fine or imprisonment for a term not exceeding three years.
- (2) If the unlawful deprivation of freedom lasted for more than thirty days, or if the manner of the execution was cruel, or if such a treatment of the person who was illegally deprived of freedom caused grave impairment of his health, or if some other serious consequences occurred, the perpetrator shall be punished by imprisonment for a term between two and eight years.
- (3) If the person who has been illegally deprived of freedom lost his life as a result of the deprivation, the perpetrator shall be punished by imprisonment for a term not less than five years.

Article 172

- (1) Whoever, as part of a widespread or systematic attack directed against any civilian population, with knowledge of such an attack perpetrates any of the following acts:
 - c) Enslavement;

Article 173 War Crimes against Civilians

- (1) Whoever in violation of rules of international law in time of war, armed conflict or occupation, orders or perpetrates any of the following acts:
 - e) Coercing another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent sexual act (rape) or forcible prostitution, application of measures of intimidation and terror, taking of hostages, imposing collective punishment, unlawful bringing in concentration camps and other illegal arrests and detention, deprivation of rights to fair and impartial trial, forcible service in the armed forces of enemy's army or in its intelligence service or administration;

Article 185

- (1) Whoever, in violation of the rules of international law, places another in slavery or in a similar status or keeps him in such a status, buys, sells, hands over to another person or mediates the purchase, sale or handing over of such a person or induces someone else to sell his freedom or the

freedom of the person he provides for or takes care of, shall be punished by imprisonment for a term between one and ten years.

(2) Whoever, in violation of the rules of international law, buys, sells, hands over to another person or mediates in the purchase, sale or handing over a child or a juvenile for the purpose of adoption, transplantation of organs, exploitation by labour or for other illicit purposes, shall be punished by imprisonment for a term not less than five years.

(3) Whoever, in violation of the rules of international law, transports persons who are in a position of slavery or in similar status, shall be punished by imprisonment for a term between six months and five years.

Article 186 Trafficking in Persons

(1) Whoever takes part in the recruitment, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, for the purpose of exploitation, shall be punished by imprisonment for a term between one and ten years.

(2) Whoever perpetrates the criminal offence referred to in paragraph 1 of this Article against a juvenile, shall be punished by imprisonment for a term not less than five years.

(3) Whoever organizes a group of people with an aim of perpetrating the criminal offence referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

(4) Whoever acting out of negligence facilitates the perpetration of the criminal offence referred to in paragraphs 1 through 3 of this Article, shall be punished by imprisonment for a term between six months and five years.

(5) "Exploitation" referred to in paragraph 1 of this Article includes, in particular, exploiting other persons by way of prostitution or of other forms of sexual exploitation, forced labour or services, slavery or slavery-like practices, serving under coercion or removal of organs for the purpose of transplantation.

Article 187 International Procuring in Prostitution

(1) Whoever procures, entices or leads away another person to offer sexual services for profit within a state excluding the one in which such a person has residence or of which he is a citizen, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever, by force or threat to use force or deceit, coerces or induces another person to go to the state in which he has no residence or of which he is not a citizen, for the purpose of offering sexual services upon payment, shall be punished by imprisonment for a term between six months and five years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article is perpetrated against a child or a juvenile, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(4) The fact whether the person procured, enticed, led away, forced or deceived into prostitution has already been engaged in prostitution is of no relevance for the existence of a criminal offence.

Article 188 Unlawful Withholding of Identity Papers

Whoever unlawfully withholds another person's identification papers or passport, shall be punished by imprisonment for a term between six months and five years.

Article 189 Smuggling of Persons

Whoever, for financial or material benefit, engages in illegal transport of other persons across the state border, or whoever enables another person to cross the border illicitly, shall be punished by imprisonment for a term between six months and five years.

Article 190 Torture and Other Cruel, Inhuman or Degrading Treatment

An official or another person who, acting upon the instigation or with the explicit or implicit consent of a public official person, inflicts on a person physical or mental pain or severe physical or mental suffering for such purposes as to obtain from him or a third person information or a confession, or to punish him for a criminal offence he or a third person has perpetrated or is suspected of having perpetrated or who intimidates or coerces him for any other reason based on discrimination of any kind, shall be punished by imprisonment for a term between one and ten years.

THE LABOUR LAW 1999

Article 51 Protection of Minors

A minor may not work on particularly hard manual works, works underground or under water, nor on other jobs which could have a harmful effect or increased risk to his life or health, development or moral, given his psycho-physical qualities.

The Federal Ministry shall issue a separate regulation to determine the jobs from paragraph 1 of this article.

The labor inspector of the canton shall forbid the work of minors on the jobs in terms of paragraph 1 of this article.

Article 52 Protection of Women

A woman may not be ordered nor assigned to work on particularly hard manual works, works underground or under water, nor on other jobs which could have a harmful effect or increased risk to her life or health, given her psycho-physical qualities.

Exceptionally, restriction of work from paragraph 1 of this article shall not pertain to those women performing management or health and social protection jobs, students, employees in training or volunteers who in education or expert qualification must spend part of the time in underground parts of mines, and to women who periodically must enter underground parts of mines to perform non-manual works.

Article 140

A fine of 1,000.00 KM to 10,000.00 KM shall be imposed on an employer who is a legal entity for an offense, if:

1. fails to conclude the employment contract with the employee (Article 2),
2. discriminates a person seeking employment or an employed person (Article 5),
16. orders a minor employee to work overtime (Article 32, paragraph 3),

17. orders overtime work to a pregnant woman, a mother with a child of up to three years of age or a self-supporting parent with a child of up to six years of age, without his written consent (Article 32, paragraph 4),
18. orders night work for a woman employed in industry contrary to Article 35, paragraph 1,
19. orders night work for a minor employee (Article 36),
20. fails to allow an employee to use breaks and leave during work (Article 37),
21. fails to allow an employee to use daily and weekly breaks and leave (Articles 38 and 39),
25. assigns a minor employee to work on the jobs contrary to the provisions of this law (Article 51, paragraph 1),
26. employs a woman on the jobs where work of women is forbidden (Article 52),

Botswana

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 6 which declares that no person shall be held in slavery. The Penal Code also criminalises kidnapping or abducting a person in order to subject them to slavery (section 256); detaining a person as a slave against their will (section 260); and buying, selling or disposing of a person as a slave or trafficking or dealing in slaves (section 261).

ii) **Provisions** related to **servitude** are found in the Constitution at article 6 which declares that no person shall be held in servitude.

iii) **Provisions** related to **forced labour** are found in the Constitution which declares that no person shall be required to perform forced labour and the Criminal Code which makes unlawfully compelling a person to labour against their will an offence under section 262.

iv) **Provisions** related to **trafficking in persons** are found in the Anti-Human Trafficking Act 2014 which criminalises trafficking in persons at section 9 and buying or engaging the services of a trafficked person at section 12.

2) International Obligations: Botswana consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (5 June 1997, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (5 June 1997, ratification)

1966 ICCPR: (8 September 2000, ratification)

1998 Rome Statute of the ICC: (8 September 2000, ratification)

2000 Palermo Protocol (Trafficking in Persons): (29 August 2002, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Botswana appears to be:

- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF BOTSWANA 1966 (REV. 2005)

3. Fundamental rights and freedoms of the individual

Whereas every person in Botswana is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest to each and all of the following, namely—

(a) life, liberty, security of the person and the protection of the law;

...

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

6. Protection from slavery and forced labour

(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression "forced labour" does not include—

(a) any labour required in consequence of the sentence or order of a court;

(b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;

(c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;

(d) any labour required during any period of public emergency or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or

(e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

PENAL CODE

144. Abduction of a person for immoral purposes

Any person who, with intent to marry or carnally know another person or to cause such person to be married or carnally known by any other person, takes that person away, or detains that person against that person's will, is guilty of an offence and is liable to imprisonment for a term not exceeding seven years.

149. Procuration

Any person who—

(a) procures or attempts to procure any person to have unlawful carnal connection, either in Botswana or elsewhere, with any other person or persons; (b) procures or attempts to procure any person to become, either in Botswana or elsewhere, a common prostitute; (c) procures or attempts to procure any person to leave Botswana, with intent that the

procured person may become an inmate of or frequent a brothel elsewhere; or (d) procures or attempts to procure any person to leave that person's usual place of abode in Botswana with intent that the person may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Botswana or elsewhere is guilty of an offence and, may, at the discretion of the court, and in addition to any term of imprisonment awarded in respect of the said offence, be sentenced to corporal punishment: Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

150. Procuring defilement of person by threats or fraud or administering drugs

Any person who- (a) by threats or intimidation procures or attempts to procure any other person to have any unlawful carnal connection, either in Botswana or elsewhere; (b) by false pretences or false representations procures any other person to have any unlawful carnal connection, either in Botswana or elsewhere; or (c) applies, administers to, or causes to be taken by any other person any drug, matter, or thing, with intent to stupefy or overpower so as to have unlawful carnal connection with such woman or girl, is guilty of an offence and is liable to be punished in the same manner as a person convicted under section 149.

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

151. Householder, etc., permitting defilement of person under 16 years of age on his or her premises

Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any person under the age of 16 years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any person, whether such carnal knowledge is intended to be with any particular person or generally, is guilty of an offence:

Provided that it shall be a sufficient defence to any charge under this section if it appears to the court before whom the charge is brought that the person so charged had reasonable cause to believe and did in fact believe that the person against whom the offence was committed was of or above the age of 16 years.

152. Householder, etc., permitting defilement of person under 12 years of age on his or her premises

Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any person under the age of 12 years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any person, whether such carnal knowledge is intended to be with any particular person or generally, is guilty of an offence and is liable to imprisonment for a term not exceeding five years:

Provided that it shall be a sufficient defence to any charge under this section if it appears to the court before whom the charge is brought that the person so charged had reasonable cause to believe and did in fact

believe that the person against whom the offence was committed was of or above the age of 12 years.

153. Detention of persons for immoral purposes

(1) Any person who detains any other person against that other person's will- (a) in or upon any premises with intent that the person detained may be unlawfully and carnally known by a particular person or generally by other persons; or (b) in a brothel; is guilty of an offence.

(2) When a person is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, that person shall be deemed to be detained in or upon such premises or in such brothel, if, with intent to compel or induce the person to remain in or upon the premises or in such brothel, the person alleged to be detaining that other person- (a) withholds from the detained person any wearing apparel or other property belonging to the detained person; or (b) threatens the detained person with legal proceedings if the person detained takes away with her any wearing apparel that has been lent or otherwise supplied to that detained person.

(3) No legal proceedings, whether civil or criminal, shall be taken against any person detained under subsection (2) for taking away or being found in possession of any such wearing apparel as was necessary to enable such person to leave such premises or brothel.

250. Definition of kidnapping from Botswana

Any person who conveys any person beyond the limits of Botswana without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Botswana.

251. Definition of kidnapping from lawful guardianship

Any person who takes or entices any minor under 14 years of age if a male, or under 16 years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

252. Definition of abduction

Any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

256. Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of an offence and is liable to imprisonment for a term not exceeding 10 years.

260. Detaining person as a slave

Any person who detains any person as a slave against his will is guilty of an offence and is liable to imprisonment for a term not exceeding five years.

261. Dealing in slaves

Any person who buys, sells, or disposes of any person as a slave, or who traffics or deals in slaves, is guilty of an offence and is liable to imprisonment for a term not exceeding seven years.

262. Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of an offence.

ANTI-HUMAN TRAFFICKING ACT, 2014 (ACT NO 32 OF 2014)

Section 2

In this Act, unless the context otherwise requires – “child” has the meaning assigned to it under the Children’s Act; “centre for victims” means a centre for victims referred to in section 16; “Committee” means the Human Trafficking (Prohibition) Committee established under section 3;

“consent” in relation to a person means that the person agrees by choice, and has the freedom and capacity to make that choice;

“exploitation” includes but is not limited to –

- (a) Keeping a person in a state of slavery;
- (b) Subjecting a person to practices similar to slavery;
- (c) Involuntary servitude;
- (d) Forcible or fraudulent use of any human being for removal of organs or body parts;

Section 9

(1) Any person who recruits, transports, transfers, harbours or receives another person by means of the threat or use of force or other forms of coercion, of abduction, of fraud, or deception, of the abuse of power or of a position of vulnerability, or of 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 of that person commits an offence of trafficking in persons and is liable to a fine not exceeding P500 000 or to imprisonment for a term not exceeding 25 years, or to both.

(2) Any person who during the commission of the offence under section (1) –

- (a) removes an organ from the person’s body;
 - (b) forces a woman to fall pregnant and takes the child away;
 - (c) subjects a person to slavery or forced labour;
 - (d) instigates a person to commit an act of prostitution;
 - (e) instigates a person to take part in an obscene publication or obscene display; or
 - (f) commits a sexual offence against a person,
- commits an offence and is liable to a fine not exceeding P1 000 000 or to imprisonment for a term not exceeding 30 years, or to both.

(3) The consent of a victim of trafficking in persons to the intended exploitation shall not be relevant where any of the means set out in subsection (1) have been used.

(4) The recruitment, transportation, transfer, harbouring or receipt of a child for the purposes of exploitation shall be considered “trafficking in

persons" even if it does not involve any of the means set out in subsection (1).

Section 10

- (1) A person who for the purpose of trafficking in persons -
- (a) adopts a child or offers a child for adoption;
 - (b) fosters a child or offers a child for fostering; or
 - (c) offers guardianship to a child or offers a child for guardianship,
- commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding 15 years, or to both.

Section 12

A person who buys or engages the services of a trafficked person commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding 15 years, or to both, and on a subsequent conviction, to a fine not exceeding P400 000 or to imprisonment for a term not exceeding 20 years.

Brazil

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code at article 149 which criminalises reducing a person to a condition analogous to that of a slave but does not criminalise slavery itself as a standalone offence.

ii) **Provisions** related to **servitude** are found in the Penal Code at article 149 which criminalises reducing a person to a condition analogous to that of a slave. Submitting a person to any type of servitude is also an element of the offence of human trafficking under article 149-A.

iii) **Provisions** related to **forced labour** are found in the Penal Code at article 149 which criminalises reducing a person to a condition analogous to that of a slave by subjecting them to forced labour.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code as amended by Law No 13.344 of 2016 at article 149-A.

2) International Obligations: Brazil consents to:

1926 Slavery Convention: (6 January 1966, accession to amended Convention)

1930 Forced Labour Convention: (25 April 1957, ratification)

1953 Protocol to the 1926 Slavery Convention: (6 January 1966, accession to amended Convention)

1956 Slavery Convention: (6 January 1966, accession)

1957 Abolition of Forced Labour Convention: (18 June 1965, ratification)

1966 ICCPR: (24 January 1992, accession)

1998 Rome Statute of the ICC: (20 June 2002, ratification)

2000 Palermo Protocol (Trafficking in Persons): (29 January 2004, ratification)

2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Brazil appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery; and
- in breach of its obligations under the ICCPR in regards to slavery.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION 1988
(REV. 2015)

Article 5

Everyone is equal before the law, with no distinction whatsoever, guaranteeing to Brazilians and foreigners residing in the Country the inviolability of the rights to life, liberty, equality, security and property, on the following terms:

XIII. exercise of any job, trade or profession is free, observing the professional qualifications that the law establishes;

XLVII. there shall be no penalties:

c. of forced labor;

LIV. no one shall be deprived of liberty or property without due process of law;

Article 7

The following are rights of urban and rural workers, in addition to any others designed to improve their social condition:

IV. a national uniform minimum wage, fixed by law, capable of meeting a worker's basic living needs and those of his family, for housing, nourishment, education, health, leisure, clothing, hygiene, transportation and social security, with periodic adjustments to maintain its purchasing power, prohibiting linkage to it as index for any purpose;

V. a salary floor in proportion to the extent and complexity of the work;

VI. Irreducibility of salaries or wages, except when provided for in a collective agreement or accord;

VII. for those receiving variable compensation, a guaranty that the salary or wage will never fall below the minimum wage;

XXXIII. prohibition of nighttime, dangerous or unhealthy work for those under eighteen years of age, and of any work for those under the age of sixteen, except as an apprentice;

Sole Paragraph: The category of domestic workers is assured the rights set out in subparagraphs IV, VI, VII, VIII, X, XIII, XV, XVI, XVII, XVIII, XIX, XXI, XXII, XXIV, XXVI, XXX, XXXI and XXXIII, and taking into consideration the conditions established in law and observing the simplification of the performance of the principal and accessory tax obligations, the provisions in the subparagraphs I, II, III, IX, XII, XXV and XXVIII, as well as integration into the social security system.

Article 68

Final title shall be recognized for the remaining members of the former fugitive slave communities who are occupying their lands, and the State shall grant them the respective deeds.

Article 227

It is the duty of the family, the society and the Government to assure children, adolescents, and youths, with absolute priority, the rights to life, health, nourishment, education, leisure, professional training, culture, dignity, respect, liberty and family and community harmony, in addition to safeguarding them against all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.

§3°. The right to special protection shall encompass the following aspects:

I. a minimum age of fourteen years to be allowed to work, observing the provisions of art. 7°, XXXIII;

II. guarantee of social security and labor rights;

Article 243

Rural and urban properties in any region of Brazil on which illegal cultivation of psychotropic plants or the exploitation of slave labor, as provided by law, are found shall be expropriated and destined for agrarian reform and programs of popular housing, without any compensation to the owner and without prejudice to other sanctions provided by law, observing, to the extent applicable, the provisions of art. 5.

PENAL CODE 1940

Art. 148 Kidnapping and private jail

Depriving someone of their freedom by means of abduction or private jail:

Penalty - imprisonment, from one to three years.

Paragraph 1 - The penalty is imprisonment, from two to five years:

I - if the victim is an ascendant, descendant, spouse or companion of the agent or greater than 60 (sixty) years;

II - if the crime is committed through hospitalization of the victim in a health home or hospital;

III - if the deprivation of liberty lasts more than 15 (fifteen) days.

IV - if the crime is committed against a minor of 18 (eighteen) years;

V - if the crime is committed for libidinous purposes.

Paragraph 2 - If the victim, due to ill-treatment or the nature of the detention, causes grave physical or moral suffering:

Penalty - imprisonment, from two to eight years.

Art. 149 Reduction of slave-like condition

To reduce a person to the condition analogous to that of a slave, whether by subjecting him to forced labor or an exhaustive journey, by subjecting him to degrading conditions of work, or by restricting by any means his movement by reason of debt contracted with the employer or agent.

Penalty - imprisonment, from two to eight years, and a fine, in addition to the punishment corresponding to the violence.

§ 1 the same penalties apply to those who:

I - restricts the use of any means of transport by the worker, in order to keep him in the workplace;

II - maintains ostensive surveillance in the workplace or seizes documents or personal objects of the worker, in order to keep him or her in the workplace.

§ 2 the penalty is increased by half if the crime is committed:

I - against children or adolescents;

II - for reasons of prejudice of race, color, ethnicity, religion or origin.

Art. 149-A Trafficking in Persons

(Introduced by Law No 13.344 of October 6 2016)

By means of serious threat, violence, coercion, fraud or abuse, for the purpose of:

I - removing organs, tissues or parts of the body;

II - submitting it to work under conditions analogous to slavery;

III - submit it to any type of servitude;

IV - illegal adoption; Or

V - sexual exploitation.

Penalty - imprisonment, from 4 (four) to 8 (eight) years, and fine.

Paragraph 1. The penalty shall be increased by one-third to one-half if:

I - the crime is committed by a civil servant in the exercise of his functions or on the pretext of exercising them;

II - the crime is committed against a child, adolescent or elderly person or with a disability;

III - the agent prevails in relations of kinship, domestic relations, cohabitation, hospitality, economic dependence, authority or hierarchical superiority inherent in the exercise of employment, position or function; Or

IV - the victim of trafficking in persons is removed from the national territory.

Paragraph 2. The penalty is reduced from one to two thirds if the agent is primary and does not integrate criminal organization.

Art. 206 Entice for the end of emigration

Recruit workers, through fraud, in order to take them to foreign territory

Penalty - detention, from 1 (one) to 3 (three) years and fine.

Art. 207 Enticing workers from one place to another in the national territory

Enlisting workers in order to take them from one place to another in the national territory:

Penalty - detention of one to three years, and fine.

§ 1 In the same penalty, the recruitment of workers outside the locality of execution of the work within the national territory, by fraud or collection of any amount of the worker, or, moreover, does not guarantee conditions of their return to the place of origin.

§ 2 The penalty is increased from one sixth to one third if the victim is under eighteen years old, pregnant, pregnant, indigenous or with physical or mental disability.

Article 231 International traffic in persons for the purpose of sexual exploitation

To promote or facilitate the entry into the national territory of someone who may engage in prostitution or other forms of sexual exploitation, or the departure of someone who is going to practice it abroad.

Penalty - imprisonment, from 3 (three) to 8 (eight) years.

§ 1 The same person who acts as agent, solicits or acquires the trafficked person, as well as, having knowledge of this condition, transports, transfers or lodges it.

§ 2 the The penalty is increased by half if:

I - the victim is under 18 (eighteen) years;

II - the victim, due to illness or mental deficiency, does not have the necessary discernment for the practice of the act;

III - if the agent is an ascendant, stepparent, stepmother, brother, stepchild, spouse, companion, guardian or curator, preceptor or employer of the victim, or has assumed, by law or otherwise, an obligation of care, protection or vigilance; Or

IV - there is violence, serious threat or fraud.

§ 3 If the crime is committed in order to obtain economic advantage also applies fine.

Article 231-A Internal trafficking in persons for the purpose of sexual exploitation

Promote or facilitate the displacement of someone within the national territory for the exercise of prostitution or other sexual exploitation:

Penalty - confinement, from 2 (two) to 6 (six) years.

§ 1 The same penalty who tout, solicit, buy or sell the trafficked person as well as being aware of this condition, transporting it, move it or alojála.

§ 2 The penalty is increased by half if:

I - the victim is under 18 (eighteen) years;

II - the victim, due to illness or mental deficiency, does not have the necessary discernment for the practice of the act;

III - if the agent is an ascendant, stepparent, stepmother, brother, stepchild, spouse, companion, guardian or curator, preceptor or employer of the victim, or has assumed, by law or otherwise, an obligation of care, protection or vigilance; Or

IV - there is violence, serious threat or fraud.

LAW NO 13.344 OF
OCTOBER 6 2016

Art. 2

Confronting trafficking in persons shall comply with the following principles:

I - respect for the dignity of the human person;

II - promotion and guarantee of citizenship and human rights;

III - universality, indivisibility and interdependence;

IV - non-discrimination on grounds of gender, sexual orientation, ethnic or social origin, origin, nationality, professional activity, race, religion, age group, migratory status or other status;

V - transversality of the dimensions of gender, sexual orientation, ethnic or social origin, origin, race and age in public policies;

VI - full attention to direct and indirect victims, regardless of nationality and collaboration in investigations or legal proceedings;

VII - full protection of children and adolescents.

Brunei Darussalam

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code. Kidnapping or abducting in order to subject person to slavery is prohibited at section 367, buying or selling any person as a slave section 370, and habitual dealing in slaves at section 371.

ii) There appears to be **no legislation** in place in Brunei Darussalam which prohibits **servitude** although section 366 of the Penal Code prohibits abducting or kidnapping any women to compel her to marriage.

iii) **Provisions** related to **forced labour** are found in the Penal Code which prohibits unlawfully compelling a person to labour against their will at section 374.

iv) **Provisions** related to **trafficking in persons** are found in the Trafficking and Smuggling of Persons Order 2004 which prohibits trafficking in persons (section 4) and children (section 5) as well as the exploitation of trafficked persons (section 6).

2) International Obligations: Brunei Darussalam consents to:

1926 Slavery Convention: N/A

1930 Forced Labour Convention: (extended to Brunei as a protectorate, no longer in force)

1953 Protocol to the 1926 Slavery Convention: N/A

1956 Slavery Convention: (extended to Brunei as a protectorate, no longer in force)

1957 Abolition of Forced Labour Convention: (extended to Brunei as a protectorate, no longer in force)

1966 ICCPR: N/A

1998 Rome Statute of the ICC: N/A

2000 Palermo Protocol (Trafficking in Persons): N/A

2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Brunei Darussalam appears to be:

- in breach of its obligations under customary international law with regard to slavery.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CHAPTER 22 PENAL
CODE 16 OF 1951
(CAP. 22 OF 1951) 1984
ED. CAP. 22 REVISED
EDITION 2001

359. Kidnapping.

Kidnapping is of two kinds — kidnapping from Brunei Darussalam, and kidnapping from lawful guardianship.

360. Kidnapping from Brunei Darussalam.

Whoever conveys any person beyond the limits of Brunei Darussalam, without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from Brunei Darussalam.

361. Kidnapping from lawful guardianship.

Whoever takes or entices any minor under 14 years of age if a male, or under 16 years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Explanation — The words “lawful guardian” in this section include any person lawfully entrusted with the care or custody of such minor or other person.

Exception — This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

362. Abduction.

Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

366. Kidnapping or abducting woman to compel her marriage etc.

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for a term which may extend to 30 years and with whipping with not less than 12 strokes.

366B. Importation of girl from foreign country.

Whoever imports into Brunei Darussalam from any country outside Brunei Darussalam any girl under the age of 21 years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment for a term which may extend to 30 years and with whipping with not less than 12 strokes.

367. Kidnapping or abducting in order to subject person to grievous hurt, slavery etc.

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or

disposed of, shall be punished with imprisonment for a term which may extend to 30 years and with whipping with not less than 12 strokes.

370. Buying or disposing of any person as a slave.

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, shall be punished with imprisonment for a term which may extend to 30 years and with whipping with not less than 12 strokes.

371. Habitual dealing in slaves.

Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with imprisonment for a term not exceeding 30 years and with whipping with not less than 12 strokes.

372. Selling minor for purposes of prostitution etc.

Whoever sells, lets to hire, or otherwise disposes of any person under the age of 18 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for such purpose, shall be punished with imprisonment for a term which may extend to 30 years and with whipping with not less than 12 strokes.

Explanation 1 — When a female under the age of 18 years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

Explanation 2 — For the purpose of this section “illicit intercourse” means sexual intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognised by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.

373. Buying minor for purposes of prostitution.

Whoever buys, hires or otherwise obtains possession of any person under the age of 18 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to 30 years and with whipping with not less than 12 strokes.

Explanation 1 — Any prostitute, or any person keeping or managing a brothel, who buys, hires, or otherwise obtains possession of a female under the age of 18 years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

Explanation 2 — “Illicit intercourse” has the same meaning as in section 372.

373A. Importing for purposes of prostitution etc.

Whoever, by any false pretence, false representation, or fraudulent or deceitful means, brings, or assists in bringing, into Brunei Darussalam

any woman with intent that such woman may be employed or used for the purpose of prostitution; and whoever brings, or assists in bringing, into Brunei Darussalam any woman with intent that such woman may be sold or bought for the purpose of prostitution; and whoever sells or buys any woman for the purpose of prostitution, shall be punished with imprisonment for a term not exceeding 30 years and with whipping with not less than 12 strokes.

374. Forced labour

Whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment for a term which may extend to 3 years and with fine.

TRAFFICKING AND SMUGGLING OF PERSONS ORDER, 2004

2. Interpretation

In this Order, unless the context otherwise requires –
"exploitation" includes all forms a sexual exploitation (including sexual servitude and exploitation of another person's prostitution), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs;
"people trafficking" means the recruitment, transportation, transfer, harbouring or receipt of a person for the purposes of exploitation, as set out in section 4 or 5;
"trafficked person" means any person who is the victim or object of an act of people trafficking regardless of whether that person consented or not;

4. Offence of people trafficking

Any person who recruits, transports, transfers, harbours or receives any person or persons for the purpose of exploitation by one or more of the following means –

- (a) threat;
 - (b) use of force or other forms of coercion;
 - (c) abduction;
 - (d) fraud;
 - (e) deception;
 - (f) abuse of power or of a position of vulnerability;
 - (g) the giving or receiving of payments or benefits to achieve the consent of a person having control over another person,
- shall be guilty of an offence and liable on conviction to a fine not exceeding \$1,000,000, imprisonment for a term of not less than 4 years but not exceeding 30 years and whipping.

5. Offence of children trafficking

Any person who recruits, transports, transfers, harbour or receives a child by any means for the purposes of exploitation shall be guilty of an offence and liable on conviction to a fine not exceeding \$1,000,000, imprisonment for a term of not less than 4 years but not exceeding 30 years and not less than 5 strokes of whipping.

6. Offence of exploiting a trafficked person.

Any person who - (a) engages in; or (b) profits from, the exploitation of a trafficked person shall be guilty of an offence and liable on conviction to

a fine not exceeding \$1,000,000, imprisonment for a term of not less than 4 years but not exceeding 30 years and whipping.

10. Consent of trafficked person irrelevant.

For the purpose of sections 4, 5 and 6, it shall not be a defence if the trafficked person has consented to the people trafficking or to the exploitation.

13. Attempts, abetment and conspiracy.

(1) Whoever attempts to commit any offence punishable under this Order or any regulations made thereunder, or abets the commission of such offence, shall be punished with the punishment provided for such offence.

(2) A person who conspires with another person to commits an offence under this Order or any regulations made thereunder shall be guilty of the offence of conspiracy to commit that offence and may be punished as if the offence to which the conspiracy relates had been committed.

WOMEN AND GIRLS PROTECTION ACT (CH 120)

Offences:

- Selling , letting, hiring, buying or obtaining woman or girl for the purposes of prostitution, whether in Brunei or elsewhere;
- Selling, buying, procuring, trafficking in or importing into Brunei woman or girl, whether or not for present or subsequent prostitution;
- By threat or intimidation procures any woman or girl to have carnal connection within Brunei or elsewhere;
- Procuring by or under false pretence, false representation, or fraudulent or deceitful means within or without Brunei, bringing or assisting in bringing into Brunei any woman or girl with intent that such woman or girl shall be employed or used for the purpose of prostitution either within or without Brunei, or knowing or having reason to believe that such woman or girl will be employed or used;
- Bringing into Brunei, receiving or harbouring any woman or girl under the age of 21 years or any woman or girl of or above that age not being a prostitute or of a known immoral character knowing or having reason to believe that such woman or girl has been procured for the purpose of carnal connection except by way of marriage , with any other person or for purpose of prostitution either within or without Brunei and with intent to aid such purpose;
- Detaining any woman or girl in a brothel against her will;
- Detaining any woman or girl in any place against her will with intent that she be used or employed for the purpose of prostitution or any unlawful or immoral purposes;
- Living wholly or in part on the earnings of prostitution of any other person;
- Persistently soliciting or importunes on behalf of any woman or girl in a public place, for immoral purposes.

LABOUR ACT (CH 93)

- Absolutely prohibits the employment of a child (in the Act defined as a person under the age of 14 years) in any industrial.
- Provides that the employer are required to meet the costs of repatriating migrant workers and their dependants in certain circumstances.

Bulgaria

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Bulgaria which prohibits **slavery** although the Criminal Code prescribes penalties for deprivation of liberty and forcing another person to do something against their will.

ii) There appears to be **no legislation** in place in Bulgaria which prohibits **servitude**, although keeping a person in forceful subjection is recognised as an element of trafficking in persons under article 159a of the Criminal Code.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 48. Forceful labour is also an element of the offence of trafficking in persons under article 159a of the Criminal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which makes trafficking in persons an offence at article 159a, defined as recruiting, transporting, concealing, or admitting an individual (or group of people) with the purpose of using them for debauched activities, forceful labour, dispossession of bodily organs or keeping them in forceful subjection.

2) International Obligations: Bulgaria consents to:

1926 Slavery Convention: (9 March 1927, ratification)

1930 Forced Labour Convention: (22 Sep 1932, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: (21 Aug 1958, ratification)

1957 Abolition of Forced Labour Convention: (23 Mar 1999, ratification)

1966 ICCPR: (21 Sep 1970, succession)

1998 Rome Statute of the ICC: (11 April 2002, ratification)

2000 Palermo Protocol (Trafficking in Persons): (5 December 2001, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Bulgaria appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF THE REPUBLIC OF BULGARIA

Art. 4.

- (1) The Republic of Bulgaria shall be a law-governed state. It shall be governed by the Constitution and the laws of the country.
- (2) The Republic of Bulgaria shall guarantee the life, dignity and rights of the individual and shall create conditions conducive to the free development of the individual and of civil society.
- (3) (new – SG 18/05) The Republic of Bulgaria shall participate in the establishing and the development of the European Union.

Art. 6.

- (1) All persons are born free and equal in dignity and rights.
- (2) All citizens shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status.

Art. 29.

- (1) No one shall be subjected to torture or to cruel, inhuman or degrading treatment, or to forcible assimilation.
- (2) No one shall be subjected to medical, scientific or other experimentation without his voluntary written consent.

Art. 30.

- (1) Everyone shall be entitled to personal freedom and inviolability.
- (2) No one shall be detained or subjected to inspection, search or any other infringement of his personal inviolability except on the conditions and in a manner established by law.
- (3) The state authorities shall be free to detain a citizen only in the urgent circumstances expressly stipulated by law, and shall immediately advise the judicial authorities accordingly. The judicial authorities shall rule on the legality of a detention within the next 24 hours.

Art. 48.

- (1) Citizens shall have the right to work. The state shall take care to provide conditions for the exercising of this right.
- (2) The state shall create conditions conducive to the exercising of the right to work by the physically or mentally disabled.
- (3) Everyone shall be free to choose an occupation and place of work.
- (4) No one shall be compelled to do forced labour.
- (5) Workers and employees shall be entitled to healthy and non-hazardous working conditions, to guaranteed minimum pay and remuneration for the actual work performed, and to rest and leave, in accordance with conditions and procedures established by law.

CRIMINAL CODE

Article 142 Kidnapping and Unlawful Deprivation of Liberty

- (1) A person who kidnaps another person in view of unlawfully depriving him/her of liberty shall be punished by deprivation of liberty from one to six years.
- (2) The punishment shall be deprivation of liberty from three to ten years if:
 1. the perpetrator has been armed;
 2. the act has been committed by two or more persons;
 3. the kidnapped person has been a pregnant woman or under 18 years of age;

4. the kidnapped person has been entitled to international protection;
 5. the act has been perpetrated with regard to two or more persons.
 6. the act has been perpetrated by a person engaged in security business, by an employee of an organisation carrying out security and insurance activities, by a person who acts on order of such an organisation or presents himself as acting on such order, by a person on the staff of the Ministry of Interior or a person who presents himself as such;
 7. the kidnapping has been carried out with a venal goal in mind or for the purpose of taking the person over the borders of this country;
 8. the act has been perpetrated by a person who acts at the orders or in implementing a decision of an organization or a group under art. 321a or of an organized criminal group.
- (3) If as the result of the act under paragraphs (1) and (2) considerable harmful consequences have occurred, the punishment shall be deprivation of liberty for three to twelve years.
- (4) If the act has been repeated or the kidnapped person has been treated with particular cruelty, the punishment shall be deprivation of liberty for five to fifteen years.

Article 142a

- (1) A person who unlawfully deprives another of liberty shall be punished by deprivation of liberty for up to two years.
- (2) Where the act has been committed by an official or by a representative of the public, in violation of his duties or functions, or a person under Article 142, paragraph (2), subparagraphs 6 and 8, the punishment shall be deprivation of liberty for one to six years.
- (3) Where the act under the preceding paragraphs has been committed in respect of a pregnant woman, a minor or an underage person, the punishment shall be deprivation of liberty for three to ten years.
- (4) Where the act under the preceding paragraphs has been committed in a manner painful or dangerous to the health of the victim, or where the deprivation of liberty has continued for more than 48 hours, the punishment shall be deprivation of liberty for three to ten years.
- (5) The punishment under the preceding paragraph shall be imposed also on a person who consciously admits to or holds a healthy person at a health establishment for mentally ill persons.

Article 143

- (1) A person who compels another to do, to omit or to suffer something contrary to his will, using for that purpose force, threats or abuse of his authority, shall be punished by deprivation of liberty for up to six years.
- (2) Where the act has been perpetrated by a person under Article 142, paragraph (2), subparagraphs 6 and 8, the punishment shall be deprivation of liberty for three to ten years.
- (3) Where in the cases under the preceding paragraph the act of coercion has been committed in respect of a judge, a prosecutor, an examining magistrate, a person on the staff of the Ministry of Interior, a public enforcement agent, a private enforcement agent and an assistant private enforcement agent, as well as on a Customs officer, a tax administration officer, an officer of the National Forestry Directorate, or an officer of the Ministry of Environment and Waters performing a control activity, in the course of or in the event of carrying out his duties

or functions, the punishment shall be deprivation of liberty for two to eight years.

Article 152

- (1) A person who has sexual intercourse with a person of the female sex:
1. who is deprived of the possibility of self-defence, and without her consent;
 2. by compelling her thereto by force or threat;
 3. by reducing her to a state of helplessness shall be punished for rape by deprivation of liberty for two to eight years.
- shall be punished for rape by deprivation of liberty for two to eight years.
- (2) For rape the punishment shall be deprivation of liberty for three to ten years:
1. if the raped woman has not completed eighteen years of age;
 2. if she is a relative of descending line;
 3. if it was committed for a second time.
- (3) For rape the punishment shall be deprivation of liberty for three to fifteen years:
1. if it has been performed by two or more persons;
 2. if medium bodily injury has been caused;
 3. if an attempt at suicide has followed;
 4. if it has been committed in view of forceful involvement in further acts of debauchery or prostitution;
 5. if it constitutes a case of dangerous recidivism.
- (4) The punishment for rape shall be of ten to twenty years, where:
1. the victim has not turned fourteen years of age;
 2. severe bodily injury has been caused;
 3. suicide has ensued;
 4. it qualifies as a particularly serious case.

Article 159a Trafficking of People

- (1) Anyone, who recruits, transports, conceals or admits particular individuals or groups of people with the purpose of using them for debauched activities, forceful labour, dispossession of bodily organs or keeping them in forceful subjection, regardless of their consent, is subjected to penalty of imprisonment for a term from two to eight years and a fine from three to twelve thousand BGN.
- (2) When the act under para.1 has been committed:
1. with regard to an individual who is under the age of eighteen years;
 2. through the use of force or by misleading the individual;
 3. through kidnapping or illegal deprivation of liberty;
 4. through making use of a status of dependency;
 5. through the abuse of power;
 6. through promising, giving or receiving benefits, the punishment is imprisonment for a term from three to ten years and a fine from ten to twenty thousand BGN.
- (3) Where the act under Para 1 has been committed in respect to a pregnant woman with the purpose of selling her child, the punishment is imprisonment for a term from three to fifteen years and a fine from twenty to fifty thousand BGN.

Article 159b

- (1) An individual, who recruits, transports, conceals or admits particular individuals or groups of people and takes them over the border of the

country with the purpose over art.159a, para.1, is subjected to a penalty of imprisonment for a term from three to twelve years and a fine from ten to twenty thousand BGN.

(2) If the criminal deed is committed under the conditions of art.159a, para.2 and 3, the penalty is an imprisonment for a term from five to twelve years and a fine from twenty to fifty thousand BGN.

Article 159c

Anyone who uses an individual who is a victim of the traffic with people, for debauched activities, forceful labour, dispossession of bodily organs or with the purpose to be kept in forceful subjection regardless of his/her consent, is subjected to a penalty of imprisonment from three to ten years and a fine from ten to twenty thousand BGN.

Article 159d

In the cases when the activity under art. 159a-159b is qualified as dangerous recidivism or have been committed after an order or in implementation of a decision of an organized criminal group, the penalty is imprisonment for a term from five to fifteen years and a fine from twenty to one hundred thousand BGN, the court may also decree a confiscation of part or the whole property of the doer.

LAW ON COUNTERING TRAFFICKING IN HUMAN BEINGS 2003

Article 1

(1) This Law shall provide for:

1. The powers and objectives of the state authorities involved in combating trafficking in human beings, as well as the relations between them;
2. The status and objectives of the shelters, centres and commissions established under this Act for protection and support of the victims of human trafficking;
3. The measures to prevent and defy trafficking in human beings;
4. The measures aimed at protecting and supporting the victims of human trafficking, especially women and children;
5. Placing trafficking victims who collaborate with the investigation under special protection.

(2) This Act is intended to ensure co-operation and co-ordination between the bodies of state and the municipalities, as well as between them and the non-governmental organisations (NGOs), with a view to preventing and defying trafficking in human beings, and developing the national policy in that area.

Additional provision

§ 1. For the purpose of this Act:

1. "Trafficking in human beings" means the recruitment, transportation, transfer, concealment or acceptance of human beings, regardless of their own will, by means of coercion, abduction, deprivation of liberty, fraud, abuse of power, abuse of a state of dependence, or by means of giving, receiving or promising benefits to obtain the consent of a person who has control over another person, when it is carried out for the purpose of exploitation;
2. "Exploitation" means the illegal use of human beings for debauchery, removal of physical organs, forced labour, slavery or servitude;
3. The recruitment, transportation, transfer, concealment or acceptance of children for the purpose of exploitation shall be considered an act of

trafficking in human beings, regardless of whether they have been carried out by the means in §1 above.

Burkina Faso

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 2 which prohibits slavery. Slavery is also recognised as an element of exploitation for the purpose of trafficking in persons under Act No 029-2008/AN On the Fight against Trafficking of Persons and Similar Practices.

ii) **Provisions** related to **servitude** are found in the Constitution at article 2 which prohibits slavery-like practices and article 23 which declares that marriage is founded on the free consent of both parties. Practices similar to slavery and servitude are also recognised as elements of exploitation for the purpose of trafficking in persons under Act No 029-2008/AN On the Fight against Trafficking of Persons and Similar Practices.

iii) **Provisions** related to **forced labour** are found in the Labour Code which prohibits forced labour at article 5 with penalties prescribed by article 422(1). Exploitation of the begging of others is also criminalised in articles 7-9 of Act No 029-2008/AN On the Fight against Trafficking of Persons and Similar Practices.

iv) **Provisions** related to **trafficking in persons** are found in Act No 029-2008/AN On the Fight against Trafficking of Persons and Similar Practices.

2) International Obligations: Burkina Faso consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (21 November 1960, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (25 August 1997, ratification)

1966 ICCPR: (4 January 1999, accession)

1998 Rome Statute of the ICC: (16 April 2004, ratification)

2000 Palermo Protocol (Trafficking in Persons): (15 May 2002, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Burkina Faso appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
BURKINA FASO 1991
(REV. 2012)

Article 1

All the Burkinabe are born free and equal in rights.
All have an equal vocation to enjoy all the rights and all the freedoms guaranteed by this Constitution.
Discrimination of all sorts, notably those founded on race, ethnicity, region, color, sex, language, religion, caste, political opinions, wealth and birth, are prohibited.

Article 2

The protection of life, security, and physical integrity are guaranteed. Slavery, slavery-like practices, inhuman and cruel, degrading and humiliating treatments, physical or moral torture, services and mistreatments inflicted on children and all forms of the degradation of Man, are forbidden and punished by the law.

Article 3

No one may be deprived of his liberty if he is not prosecuted for acts specified and punishable by the law.
No one may only be arrested, detained, deported or exiled by virtue of the law.

Article 19

The right to work is recognized and is equal for all.
It is prohibited to discriminate in matters of employment and of remuneration founded notably on sex, color, social origin, ethnicity or political opinion.

Article 20

The State sees to the constant amelioration of the conditions of work and to the protection of the worker.

Article 23

The family is the basic unit of society. The State has the duty to protect it.
Marriage is founded on the free consent of the man and of the woman. All discrimination based on race, color, religion, ethnicity, caste, social origin, [and] fortune, is forbidden in matters of marriage.
Children are equal in rights and in duties in their familial relations. The parents have the natural right and the duty to raise and to educate their children. These must give them respect and assistance.

Article 24

The State works to promote the rights of the child.

PENAL CODE ACT
NO. 043/96/ADP OF
13 NOVEMBER 1996

Article 314 [crimes against humanity]

Those who deport, enslave or massively and systematically execute summary executions, kidnappings, disappearances, torture or inhuman acts on political, philosophical, racial or religious grounds or others in execution of a concerted plan against a group of civilian population or combatants of the ideological system on whose behalf the said crimes are perpetrated.

Article 315

Those who participate in a formed group or in an agreement established for the preparation, characterized by one or more material facts of one of the offenses defined in the preceding articles, are punished with death.

Article 316

In all cases where the sentence imposed is not death, the prohibition of the exercise of civil and / or family rights, public office or office and the prohibition of For a period not exceeding five years.

Article 317

Public prosecution of the crimes provided for in this chapter, as well as sentences imposed, shall not be prohibited.

Article 376

Shall be punished with imprisonment from six months to two years, anyone who forces another person into marriage. The penalty is imprisonment for one to three years if the victim is a minor. The maximum penalty is incurred if the victim is a minor girl under the age of thirteen. Anyone who favors a marriage contract or under such conditions is considered an accomplice.

Section 378

Prohibited the payment of a dowry either in cash or in kind or form of service delivery.

Article 379

Shall be punished by imprisonment of three to six months and a fine of 100,000 to 1,000,000 francs or one of these two penalties any person who requires or agrees to pay or receive a dowry in order to marriage.

Article 396

Shall be punished by imprisonment of one to three years and a fine of 500,000 to 1,500,000 francs, anyone in any profit or advantage to any other causes or encourages the parents or either of them to abandon their children born or unborn, or makes or attempts to bring her through to collect or adopt a child born or unborn.

Section 9 - The corruption of youth and prostitution

Section 424

Pimp is considered and punished by imprisonment of one to three years and a fine of 300,000 to 900,000 francs, knowingly:

- Aids, assists or protects the prostitution of others or soliciting for prostitution;
- Sharing the proceeds of prostitution of others or harvest money from a person who habitually engages in prostitution;
- Cohabiting with a person who habitually engages in prostitution;
- Being a habitual relationship with one or more persons engaging in prostitution, can not justify the resources corresponding to his lifestyle;
- Employment, or maintains, even with her consent, a person for prostitution or engaging in prostitution or debauchery;

-Acts as an intermediary in any capacity between persons engaged in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others.

Section 427

Shall be punished with imprisonment from two to five years and a fine of 600,000 to 1,500,000 francs, usually whoever receives one or more persons engaged in prostitution within a hotel, hostel, pub, club, dance hall or place of entertainment or their annexes or any place open to the public or used by the public and he is the owner, manager or worker. The same penalties apply to anyone who attends such holders, directors or employees.

In all cases, the sentencing court shall order the withdrawal of the license which the convicted person was a beneficiary. It may also order the temporary or permanent closure of the facility.

LABOUR CODE

Article 5: Forced or compulsory labor is prohibited.

The term "forced" or "compulsory" means any work or service exacted from an individual under the threat of any penalty or sanction and for which the individual has not voluntarily offered himself.

No one may use it in any form, in particular as:

1. measures of coercion, political education, punishment of persons who have expressed their political opinions;
2. method of mobilizing and using labor for political purposes;
3. discipline at work;
4. measure of social, racial, national or Religious;
5. punishment for having participated in strikes.

Article 422

Without prejudice to penal provisions, a fine of from fifty thousand francs to three hundred thousand francs and / or one of these two penalties shall only be imposed for a term of imprisonment of one month to three years. A fine of between three hundred thousand and six hundred thousand francs and imprisonment for two months to five years or one of these two penalties only:

1. the perpetrators of infringements of the provisions of Articles 4, 5, 22, 36, 37, 38, 152, 182, 213, 231 and 232;

ACT NO. 029-2008/AN ON THE FIGHT AGAINST TRAFFICKING OF PERSONS AND SIMILAR PRACTICES

Section I: Human Trafficking

Article 1

For purposes of this law, trafficking in persons means the recruitment, transportation, harboring or receipt of persons, by refraining from the threat or use of force or other forms of coercion, of abduction, of fraud, deception, abuse of authority or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another exploitation. Exploitation shall include, inter alia, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal Organ.

Section 2

East of the offense of human trafficking: recruitment, recruitment, transportation, transfer, harboring or receipt of a minor for purposes of exploitation, even if none of the means listed Article 1 is used.

Article 3

The consent of a victim of trafficking in persons as defined in section 1 above shall be inoperative.

Article 4

A person is guilty of trafficking and sentenced to imprisonment from five to ten years who commits an act stipulated in Articles 1, 2 and 3 of this Act.

Article 5

The imprisonment of ten to twenty years is incurred when the offense was committed in one of the following circumstances:

- If the victim is a minor more than fifteen years;
- If the person is particularly vulnerable due to physical or mental disability due to her pregnancy, her advanced age or state of health;
- If the act was committed by fraud or violence, use of false representation, or false documents as forged or altered or counterfeit permit;
- If the author made use of narcotics or any other substance likely to affect the willingness of the victim;
- If the author is carrying a weapon apparent or hidden;
- If the perpetrator is a relative or a person having authority over the victim;
- If the victim was kidnapped, deprived of food or exposed in a public place or private recruitment;
- If the victim is exposed to dangerous, arduous or the worst forms of child labor;
- If the perpetrator had sexually abused the victim.

Article 6

The penalty is imprisonment for life if: - The victim died;- This resulted in mutilation or permanent disability; - Trafficking was the purpose of organ removal.

Section II: similar practices

Paragraph 1: the exploitation of begging others

Article 7

The exploitation of begging others means a person who organizes and operates the begging of a person, entices or leads away a person to engage in begging, exerts pressure on a person to beg or continues to do so, was accompanied by one or more young children to draw a direct or indirect financial benefit, material or other benefit.

Article 8

A person is guilty of exploitation of begging others and punished by imprisonment of two to five years and a fine of five hundred thousand (500,000) to two million (2,000,000) francs CFA or one of these two penalties any person who commits an act under Article 7 of this Act.

Article 9

The maximum penalties provided for in

Article 8 above is pronounced when the offense is committed against: -

A minor; - A person particularly vulnerable due to mental or physical disability due to her pregnancy, her advanced age or state of health; - A person subject to coercion, violence or deceit for it is engaged in begging.

BURKINA FASO ACT
NO. 038-2003/AN
FOR DEFINITION AND
SUPPRESSION OF
TRAFFICKING IN
CHILD (REN) [LAW
NO. 038-2003/AN ON
THE DEFINITION AND
ELIMINATION OF
CHILD TRAFFICKING]
ADOPTED MAY 27,
2003

Article 2

Is qualified child trafficker (s) any person who, alone or in association organizes, supports, encourages, facilitates the movement, transit, residence or placement of children in the conditions and goals set forth below.

Section 3

Traffic is deemed to child (ren) any act by which a child is recruited, transported, transferred, harbored or received, inside or outside the territory of Burkina Faso by one or more dealers through threats and intimidation by force or other forms of coercion, embezzlement, fraud or deception, abuse of power or exploitation of the vulnerability of a child or in the case of supply or receipt of remuneration in order to obtain the consent of a person with supervisory power over him for purposes of economic exploitation, sexual, illegal adoption, union early or forced marriage or any other purpose prejudicial to the health, physical development, mental and well-being of the child.

Article 4

Shall be punished by imprisonment of one to five years and a fine of 300 000 to 1.5 million CFA francs or one of these penalties, any person engaged in trafficking of children (s), whatever the place of commission of the offense. Is same penalties, any person having knowledge of a child trafficking (s) or have discovered a minor under 18 in those conditions, did not notify immediately the administrative or judicial authorities or any person ability to prevent it. If the authors are persons having authority over the victim or who has care they are entrusted with his education, his intellectual and professional, displacement of workers paying the maximum penalty must be pronounced. Attempted child trafficking (s) is punishable.

Article 5

The punishment is imprisonment for five to ten years anyone convicted of trafficking of children (s) committed under the following circumstances: - If the victim is a child under 15 and under; - If the act was committed by fraud or violence, use of false representation, or false documents as forged or altered or counterfeit permit; - If the author made use of narcotics or any other substance likely to affect the will of the minor victim; - If the perpetrator was carrying a weapon apparent or hidden; - If the victim was kidnapped, deprived of food or exposed in a public place or private recruitment; - If the victim is exposed to dangerous, arduous or the worst forms of child labor; - If the result of a temporary disability.

Article 6

The penalty is imprisonment for life if: - The victim died; - This resulted in mutilation or permanent disability; - Traffic is to organ removal.

Article 7

In all cases under the above provisions, the court may further order of banishment, the exclusion order and a ban some time to exercise civil rights, civil and family.

Burundi

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2005 Constitution at article 26 which prohibits slavery in all its forms. Enslavement is criminalised when committed as an element of a crime against humanity in article 196 of the Penal Code, while article 242 criminalises 'entering into an agreement to alienate the freedom of a third person'.

ii) **Provisions** related to **servitude** are found in the 2005 Constitution at article 26 which declares that no one may be kept in servitude. Article 29 also prohibits marriage not based on the full consent of both parties.

iii) **Provisions** related to **forced labour** are found in the Labour Code which prohibits forced labour at article 2, although the penalties outlined in article 292 are limited to a fine of 2,500 to 5,000 FBU (or 5,000 to 10,000 FBU in the case of recidivism).

iv) **Provisions** related to **trafficking in persons** are found in the 2005 Constitution which prohibits human trafficking in all its forms. Law No. 1/28 of 29 October 2014 on the Prevention and Punishment of Trafficking in Persons and the Protection of Traffic Victims also prohibits trafficking in persons.

2) International Obligations: Burundi consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (11 March 1963, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (11 March 1963, ratification)

1966 ICCPR: (9 May 1990, accession)

1998 Rome Statute of the ICC: (21 September 2004, ratification; withdrawal notified 27 October 2016, effective from 27 October 2017)

2000 Palermo Protocol (Trafficking in Persons): (24 May 2012, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Burundi appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: reference below.

1955 ENGEN REPORT

Paragraph 14

The following are punishable offences: the abduction by means of violence, frauds, or threats of any person for the purpose of trade or slavery, the receiving, conveying or transportation of slaves (Decree of the King Sovereign of 1 July 1891 to suppress the slave trade), and acts whereby a person disposes of other placed under his authority for sale as slaves (Penal Code, section 68)

CONSTITUTION OF BURUNDI 2005

ARTICLE 19

The rights and duties proclaimed and guaranteed, between others, by the Universal Declaration of Human Rights, the International Pacts related to human rights, the African Charter of human and community rights, the Convention on the elimination of all forms of discrimination at towards women and the Convention related to children's rights are an integral part of the Constitution of the Republic of Burundi. These fundamental rights are not the object of any restriction or derogation, except in certain circumstances justifiable by the general interest or the protection of a fundamental right.

Article 20

All the citizens have rights and duties.

Article 21

Human dignity is respected and protected. All violations of human dignity are punishable by the penal code.

Article 25

All women and men have the right liberty, notably to physical and psychic integrity and the freedom of movement. No one may be submitted to torture, cruel, inhumane, or degrading torture or punishment.

Article 26

No one may be kept in slavery or servitude. Slavery and human trafficking are prohibited in all their forms.

Article 29

The liberty to marry is guaranteed, as is the right to choose one's partner. Marriage may not occur without the freedom and full consent of the future spouses.

Marriage between two people of the same sex is prohibited.

Article 44

All children have the right to particular measures to assure or ameliorate the care necessary to their wellbeing, health, physical security protection against abuse, violence or exploitation.

Article 54

The state recognizes to all citizens the right to work and endeavors to create the conditions that render effective the enjoyment of this right. It recognizes the right of all persons to enjoy proper and satisfying work conditions and guarantees to the laborer the just compensation for his or her services or production.

PENAL CODE (REV.
2009)

Article 196

A crime against humanity of any of the following acts when committed as part of a widespread or systematic attack against any civilian population with knowledge of the attack:

3 Enslavement;

5 Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

7 Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity;

11 Other inhumane acts of a similar character intentionally causing great suffering or serious injury to body or to mental or physical health.

Article 197

For the purposes of the preceding article:

3 The term "enslavement" means the pursuit of a person any or all powers relating to property rights, including in the context of human trafficking, especially women and children;

Article 242

Any person who has entered into an agreement to alienate the freedom of a third person, whether gratuitously or for consideration, shall be punished with penal servitude from five years to ten years.

Money, goods and other valuables received in execution of the agreement shall be forfeited.

The same penalties are imposed on persons who have concluded such a convention for the purpose of sexual exploitation or domestic exploitation of the victim.

Article 243

The penalties provided for in article 242 shall be the introduction into Burundi of persons intended to be the subject of the aforesaid Convention, or of removing individuals from the country for the purpose of the said Convention to contract abroad.

However, the penalty shall be increased to twenty years if the person who has been subjected to it, either inside or outside Burundi, is a child under the age of eighteen years.

Article 519

Anyone who has used, hired or offered a child for prostitution, production of pornography or for pornographic performances is punishable by imprisonment of three to five years and a fine of one hundred thousand to five hundred thousand francs .

Article 540

The penalties in the first paragraph of the preceding article shall apply to:

1 ° Every person hired, abducted or enticed, to debauchery or prostitution, another adult or minor, even with the consent;

2 ° Anyone who enjoys the same purpose, an adult or minor, even consenting.

Article 542

Is punishable by two to five years' imprisonment and a fine of one hundred thousand to one million francs, who, directly or through intermediaries, conducts, manages, or knowingly finances or takes part in financing a brothel.

Article 543

Is punishable by one year to five years' imprisonment and a fine of twenty thousand to two hundred thousand francs, anyone, in any form, taking advantage of prostitution, sharing the proceeds of prostitution of an adult or minor, even if it is willing, or receives payments from a person who habitually engages in prostitution.

Article 544

Is punishable by imprisonment of one to three years and a fine of twenty thousand to fifty thousand francs, anyone, in any way aids, assists or knowingly protects the prostitution of others, or soliciting for prostitution.

Article 545

The penalties provided in the preceding article shall apply to any person who acts as an intermediary in any capacity between those who habitually engages in prostitution and individuals who exploit or remunerate the prostitution of others.

Article 546

Anyone who knowingly gives or takes rent, in whole or in part, a building or any premises for the purpose of prostitution of others is punishable by two to five years' imprisonment and a fine of fifty thousand to one million francs or one of these penalties.

LAW NO. 1/28 OF 29 OCTOBER 2014 ON THE PREVENTION AND PUNISHMENT OF TRAFFICKING IN PERSONS AND THE PROTECTION OF TRAFFIC VICTIMS

Article 4

For the purposes of this Act:

(a) "Trafficking in persons" means the recruitment, transportation, transfer, accommodation or receipt of persons, by the threat or use of force or other forms of coercion, by kidnapping, fraud, deception, abuse of authority or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having authority over another, including the parental or legal authority, the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced work or services, or slavery practices similar to slavery, servitude or the removal of organs.

(g) The term "debt bondage" means the state or condition resulting from the fact a debtor has committed to provide as security for a debt his personal services or those of someone on whom he has authority, if the fair value of these services is not affected in the liquidation of the debt or the length of these services is not reasonably limited nor defined their character.

(i) The term "forced labour or services" means Article 2 of the Code des délits et des peines, serfdom, forced or servile marriages and the exploitation of children.

(j) The term "practices similar to slavery" includes debt bondage, serfdom, forced or servile marriages and the exploitation of children.

(m) the term "servitude" means a dependence condition in which the labour or services of a person are provided or obtained by means of threats serious harm to that person or another person, or by a ploy, plan or manoeuvre aimed to convince the person, if not provide work or services in question, she or another person would suffer serious harm knowing that the person cannot escape or change this.

(n) the term "exploitation" includes the following cases:

4) the work, workfare permission or holding a person in conditions for forced work or services, to slavery, servitude, or similar practices to slavery, to sexual exploitation or in conditions contrary to human dignity.

(p) The term "slavery" means the state or condition of a person on which exercised the attributes of ownership or some of them even when this state or condition results from the consequence of a debt or contract entered into by the person concerned.

LABOUR CODE

Article 2

Forced or compulsory labor is absolutely prohibited.

Any work or service required of an individual under threat of any kind of punishment for which the said person has not offered himself voluntarily falls under the prohibition.

Excluded are:

1. Military obligations or other civic obligations in the public interest;
2. The services required in cases of force majeure such as war, disasters, threats of loss, prevention of famine, natural disasters, epidemics and, in general, circumstances likely to endanger the life of others or conditions of existence Of all or part of the population;
3. The work required of an individual as a result of a judicial conviction, provided that such work is carried out under the supervision of the public authorities and that the individual is not placed at the disposal of individuals or private legal persons.

Article 292

The perpetrators of violations of the provisions of Articles 2, 81, 103, 115 and 269 and their execution measures are punished with a fine of 2,500 to 5,000 FBU and in the event of a recurrence of 5,000 to 10,000 FBU.

Cabo Verde / Cape Verde

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Penal Code at article 271 which criminalises 'reducing another person to the state or condition of a slave' as well as selling, transferring, or buying a person, and keeping a person in a state of slavery. Enslavement as an element of genocide and war crimes is also criminalised under articles 268 and 272.
- ii) There appears to be **no legislation** in place in Cabo Verde which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the Labour Code which prohibits forced labour at article 14, although lacking clear or sufficiently severe penalties.
- iv) There appears to be **no legislation** in place in Cabo Verde which prohibits **trafficking in persons** although 'pimping' of children under 14 and solicitation of a minor for sexual acts abroad are criminalised by articles 148 and 149 of the Penal Code.

2) International Obligations: Cabo Verde consents to:

1926 Slavery Convention: *N/A*
 1930 Forced Labour Convention: (3 April 1979, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: *N/A*
 1957 Abolition of Forced Labour Convention: (3 April 1979, ratification)
 1966 ICCPR: (6 August 1993, accession)
 1998 Rome Statute of the ICC: (10 October 2011, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (15 July 2004, ratification)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Cabo Verde appears to be:

- in breach of its obligations under the ICCPR in regards to servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF CAPE VERDE 1980
(REV. 1992)

Article 14. Recognition of the inviolability of rights, liberties and guarantees

1. The State recognizes as inviolable the rights and liberties granted by the Constitution and guarantees their protection.
2. All public authorities have the duty to respect and guarantee the free exercise of rights and liberties and the accomplishment of constitutional or legal duties.

Article 16. The scope and meaning of rights, liberties and guarantees

1. Laws and international conventions may grant rights, liberties, and guarantees not provided for in the Constitution.
2. The extent and the essential content of constitutional norms regarding rights, liberties, and guarantees may not be restricted by means of interpretation.
3. Constitutional and legal norms regarding fundamental rights may be interpreted and integrated in accordance with the Universal Declaration of Human Rights.
4. The law may restrict rights, liberties, and guarantees only in cases specifically provided for in the Constitution.
5. Laws restricting rights, liberties, and guarantees must be general and abstract, may not be retroactive, may not reduce the extent and essential content of constitutional norms, and must be limited to what is necessary for the safeguard of other constitutionally protected rights.

Article 17. Legal enforcement

Constitutional norms regarding rights, liberties, and guarantees shall bind all public and private entities and shall be directly enforced.

Article 26. The right to life and to physical and mental integrity

1. Human life and the physical and moral integrity of persons shall be inviolable.
2. No one may be subjected to torture, or to cruel, degrading or inhuman punishment or treatment; and in no case shall there be the death penalty.

Article 27. The right to liberty

1. The right to liberty shall be inviolable.
2. Freedom of thought and expression; association; religion; worship; intellectual, artistic and cultural creation; demonstration; and other liberties consecrated by the Constitution, by laws, and by International Law or convention shall be guaranteed.
3. No one may be forced to declare his ideology, religion, or political or union affiliation.

Article 28. The right to liberty and personal security

1. Everyone has the right to liberty and security. No one may be deprived partially or totally of his liberty except by virtue of a judicial sentence for acts punishable under law by prison or by the judicial application of security measures.

...

Article 58. The right to work, to welfare, to holidays, and to material assistance

1. All citizens shall have the right to work, and the State has the duty to create the conditions necessary for this right to be effective.
2. Progressively and in accordance with national economic development, all workers shall be assured of adequate social welfare in the event of illness, industrial accident, old age, and unemployment; periodic paid holidays; rest; leisure; and material assistance.

Article 59. The right to compensation and to security of employment

1. Everyone shall have the right to compensation in proportion to the quantity and quality of work and to security of employment.
2. Dismissal for political or ideological reasons shall be prohibited.
3. Dismissal shall be illegal without legitimate cause enacted by law.
4. All workers shall have the right to dignified working conditions, to hygiene and security, to a limited working day, to rest, leisure, and weekly time off.
5. Men and women shall receive equal pay for equal work.
6. The law shall establish special protection for minors, for the handicapped, and for women during pregnancy and after childbirth, and shall guarantee to women working conditions which permit them to carry out their family and maternal duties.

Article 60. National minimum salary and maximum limit to working hours

The State shall set national standards regarding limiting the duration of work and shall create conditions for establishing a national minimum wage for various occupations.

Article 87. Childhood

1. All children shall have the right to the special protection of the family, society, and the State to guarantee conditions necessary for the whole development of their physical and intellectual capacities, and special care in case of orphans, abandoned children, or the emotionally deprived.
2. The family, society, and the State must guarantee the protection of children against any form of discrimination or oppression, as well as abusive authority from family, public or private institutions to whom they are entrusted, and also against exploitation through child labor.
3. Child labor shall be prohibited during the years of compulsory schooling.

PENAL CODE

Article 148. (Pimping)

- 1 - Those who promote, encourage or facilitate the exercise of prostitution or sexual acts of children under 14 or persons suffering from mental incapacity, shall be punished with imprisonment for 2-8 years.
- 2 - If the victim is under 16 years, the penalty is imprisonment of 1 to 5 years.
- 3 - The penalty referred to in the preceding paragraph shall also apply if the victim person is in a situation of extreme economic necessity and the agent have taken advantage of this situation.

Article 149. (Solicitation of minor to practice sexual act abroad)

Those who solicit, transport, harbors or receives less than 16 years, or favor conditions for the practice of this in a foreign country, of sexual acts or prostitution shall be punished with imprisonment for 2-8 years.

Article 162 (Torture and other cruel, inhuman or degrading treatment)

1 - Anyone who commits acts of torture or cruel, degrading or inhuman against another person, shall be punished with imprisonment from 2 to 6 years if a more serious punishment does not fit under other law.

2 - For the purposes of this section, it is the act of torture, cruel, inhuman or degrading treatment, the act by which severe pain or acute suffering, whether physical or mental, is intentionally inflicted on a person that has the function of knowledge, pursuit, research, application or enforcement of penalties for offenses of any kind, or by the person exercising functions of custody, protection or surveillance of a person detained or arrested, or even by those who have, for the purpose, usurped one of those functions, in order to:

- a) obtain from him or a third confession, testimony or information;
- b) The punishment for acts committed or allegedly committed by her or third;
- c) intimidate or to intimidate another person.

Article 163 (Aggravation)

1 - The penalty is imprisonment from 5 to 12 years if the conduct described in Article antecedent:

- a) Causing serious bodily harm or mental harm to the victim;
- b) is performed with particularly violent methods, vexatious or serious, including by electric shocks, systematic beatings, sexual abuse the victim or his family, mock execution or use of hallucinatory substances.

2 - The penalty is imprisonment from 8 to 15 years if the conduct resulting disease serious and incurable disease, suicide or death of the victim.

Article 268 (Genocide)

A penalty of 15 to 25 years' imprisonment shall be imposed as punishment upon anyone who, as part of the execution of a concerted plan, and with the intention of destroying, in whole or in part, a national, ethnic, racial, religious or other group identified on the basis of some arbitrary criterion, carries out any of the following acts with respect to members of that group:

- (b) deportation, enslavement, or abduction followed by disappearance;

Article 271 (Slavery)

A penalty of six to 12 years' imprisonment shall be imposed as punishment upon anyone who reduces another person to the state or condition of a slave, or who sells, transfers or buys another person, or who possesses another person with the intent of keeping that person in a state of slavery.

Article 272 (Crimes against persons subject to protection in a situation of armed conflict)

A penalty of 10 to 20 years' imprisonment shall be imposed as punishment upon anyone who, in violation of the provisions of

international law, in a situation of armed conflict, carries out against any person subject to protection

(d) deportation, enslavement, or kidnapping or abduction,

(e) forced conscription into enemy armed forces,

unless some more severe penalty applies pursuant to some other legal provision.

Article 278 (Other crimes against the international community)

A penalty of one year's to three years' imprisonment shall be imposed as punishment upon anyone who, in time of war, armed conflict or occupation, carries out or orders the carrying out of any other act that constitutes a breach or violation of the provisions contained in international agreements by which Cape Verde is bound, relating to the conduct of hostilities, the protection of the injured, ailing and shipwrecked, the treatment of prisoners of war, and the protection of civilians in the event of war, armed conflict or occupation.

LABOUR CODE

Article 14 Forced Labour

1. No one shall be required to perform forced labor, is understood to be the obligation of a person to perform, under the menace of any penalty, a job or service for which it has not offered himself voluntarily.

2. They are not considered forced labor those resulting from judicial convictions, as well as works and services for the community, required for any person, in case of war, disasters, fires, floods, famine, earthquakes, epidemics and diseases violent and in all circumstances that endanger or threaten to endanger the life or normal conditions of existence of all or part of the population

Cambodia

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Cambodia which specifically prohibits **slavery** although article 46 of the Constitution prohibits the “commerce of human beings”. The 2007 Trafficking and Sexual Exploitation Act also prohibits selling, buying or exchanging another person at article 14, and doing so for the purpose of profit making, sexual aggression, production of pornography, marriage against will of the victim, adoption or any form of exploitation at article 15.

ii) There appears to be **no legislation** in place in Cambodia which prohibits **servitude**, although Article 4 of the Law on Marriage and Family prohibits forced marriage. Article 16 of the Labour Law also prohibits the “hiring of people for work to pay off debts”, punishable by a fine of sixty-one to ninety days of the base daily wage under article 370.

iii) **Provisions** related to **forced labour** are found in the 1997 Labour Law at article 15 which prohibits forced or compulsory labour absolutely “in conformity with the International Convention No. 29 on forced or compulsory labour”. This offence is punishable by a fine of sixty-one to ninety days of base daily wage or to imprisonment of six days to one month under article 369.

iv) **Provisions** related to **trafficking in persons** are found in the Law on the Suppression of Human Trafficking and Sexual Exploitation 2007

2) International Obligations: Cambodia consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (24 February 1969, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (12 June 1957, accession)
 1957 Abolition of Forced Labour Convention: (23 August 1999, ratification)
 1966 ICCPR: (26 May 1992, accession)
 1998 Rome Statute of the ICC: (11 April 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (2 July 2007, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Cambodia appears to be:

- in breach of its obligations under the 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery and servitude;
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE KINGDOM OF
CAMBODIA 1993 (REV.
2008)

Article 31

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human rights, the covenants and conventions related to human rights, women's and children's rights.

Every Khmer citizens shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status. The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

Article 32

Every Khmer citizen shall have the right to life, personal freedom, and security.

There shall be no capital punishment.

Article 36

Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society.

Khmer citizens of either sex shall receive equal pay for equal work.

The work by housewives in the home shall have the same value as what they can receive when working outside the home.

Every Khmer citizen shall have the right to obtain social security and other social benefits as determined by law.

Khmer citizens of either sex shall have the right to form and to be member of trade unions.

The organization and conduct of trade unions shall be determined by law.

Article 46

The commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women shall be prohibited.

A woman shall not lose her job because of pregnancy. Woman shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits.

The state and society shall provide opportunities to women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions.

Article 48

The State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation.

The State shall protect children from acts that are injurious to their educational opportunities, health and welfare.

PENAL CODE

Article 188: Definition of crimes against humanity

"Crime against humanity" shall mean any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population:

...

(3) enslavement;

THE LAW ON THE
SUPPRESSION OF
HUMAN TRAFFICKING
AND SEXUAL
EXPLOITATION 2007

Article 8: Definition of Unlawful Removal

The act of unlawful removal in this law shall mean to:

- 1) remove a person from his/her current place of residence to a place under the actor's or a third person's control by means of force, threat, deception, abuse of power, or enticement, or
- 2) without legal authority or any other legal justification to do so, take a minor or a person under general custody or curatorship or legal custody away from the legal custody of the parents, care taker or guardian.

Article 9: Unlawful Removal, inter alia, of Minor

A person who unlawfully removes a minor or a person under general custody or curatorship or legal custody shall be punished with imprisonment for 2 to 5 years.

The punishment for the offence stipulated in this article shall be remitted or mitigated when all of the following conditions are met:

- 1- the person taken under custody, being not less than fifteen (15) years of age, voluntarily gives genuine consent to the criminal act;
- 2- none of the means stipulated in subparagraph 1) of Article 8 of this law is used;

And 3- the offender does not have any purpose to commit an offense.

The prosecution for the offence stipulated in this article may be commenced upon the filing of a complaint from the parent, custodian/care taker or lawful guardian concerned unless any of the means stipulated in subparagraph 1) of Article 8 of this law is used.

Article 10: Unlawful Removal with Purpose

A person who unlawfully removes another for the purpose of profit making, sexual aggression, production of pornography, marriage against will of the victim, adoption or any form of exploitation shall be punished with imprisonment for 7 years to 15 years.

The offence stipulated in this article shall be punished with imprisonment for 15 to 20 years when:

- the victim is a minor
- the offence is committed by a public official who abuses his/her authority over the victim,
- the offence is committed by an organized group.

The terms "any form of exploitation" in this Article and Article 12, 15, 17, and 19 of this law shall include the exploitation of the prostitution of others, pornography, commercial sex act, forced labor or services, slavery or practices similar to slavery, debt bondage, involuntary servitude, child labor or the removal of organs.

The consent of the victim to any of the intended purpose set forth in paragraph 1 of this article shall be irrelevant where any of the means set forth in subparagraph 1) of Article 8 of this law is used. This shall apply to the offences stipulated in Article 15, 17, and 19 of this law as well.

Article 11: Unlawful Removal for Cross-border Transfer

A person who unlawfully removes another for the purpose of delivering or transferring that person to outside of the Kingdom of Cambodia shall be punished with imprisonment for 7 to 15 years.

A person who unlawfully removes another in a country outside of the Kingdom of Cambodia for the purpose of delivering or transferring that person to another country shall be punished the same as set out in the above-stated paragraph 1.

The offence stipulated in this article shall be punished with imprisonment for 15 to 20 years when :

- the victim is a minor
- the offence is committed by a public official who abuses his/her authority over the victim,
- the offence is committed by an organized group.

Article 12: Unlawful Recruitment for Exploitation

The act of unlawful recruitment in this law shall mean to induce, hire or employ a person to engage in any form of exploitation with the use of deception, abuse of power, confinement, force, threat or any coercive means.

A person who unlawfully recruits another shall be punished with imprisonment for 7 to 15 years.

The offence stipulated in this article shall be punished with imprisonment for 15 to 20 years when :

- the victim is a minor
- the offence is committed by a public official who abuses his/her authority over the victim,
- the offence is committed by an organized group.

Article 13: Definition of the Act of Selling, Buying or Exchanging of Human Being

The act of selling, buying or exchanging a human being shall mean to unlawfully deliver the control over a person to another, or to unlawfully receive the control over a person from another, in exchange for anything of value including any services and human beings.

The act of procuring the act of selling, buying or exchanging a human being as an intermediary shall be punished the same as the act of selling, buying or exchanging a human being.

Article 14: The Act of Selling, Buying or Exchanging of Human Being

A person who sells, buys or exchanges another person shall be punished with imprisonment for 2 to 5 years.

Article 15: The Act of Selling, Buying or Exchanging of Human Being with Purpose

A person who sells, buys or exchanges another person for the purpose of profit making, sexual aggression, production of pornography, marriage against will of the victim, adoption or any form of exploitation shall be punished with imprisonment for 7 years to 15 years.

The offence stipulated in this article shall be punished with imprisonment for 15 to 20 years when :

- the victim is a minor
- the offence is committed by a public official who abuses his/her authority over the victim,

- the offence is committed by an organized group.

Article 16: The Act of Selling, Buying or Exchanging of Human Being for Cross-border Transfer

A person who sells, buys or exchanges another person for the purpose of delivering or transferring that person to outside of the Kingdom of Cambodia shall be punished with imprisonment for 7 to 15 years.

A person who sells, buys or exchanges another person in a country outside of the Kingdom of Cambodia for the purpose of delivering or transferring that person to another country shall be punished the same as set out in the above-stated paragraph 1.

The offence stipulated in this article shall be punished with imprisonment for 15 to 20 years when :

- the victim is a minor
- the offence is committed by a public official who abuses his/her authority over the victim,
- the offence is committed by an organized group.

Article 17: Transportation with Purpose

A person who transports another person knowing that he or she has been unlawfully removed, recruited, sold, bought, exchanged or transported for the purpose of profit making, sexual aggression, production of pornography, marriage against will of the victim, adoption, or any form of exploitation shall be punished with imprisonment for 7 to 15 years.

The offence stipulated in this article shall be punished with imprisonment for 15 to 20 years when :

- the offence is committed by a public official who abuses his/her authority over the victim,
- the offence is committed by an organized group.

Article 18: Cross-border Transportation (The Act of Bringing a Person Cross-border)

A person who transports (brings) another person to outside of the Kingdom of Cambodia knowing that he or she has been unlawfully removed, recruited, sold, bought, exchanged or transported shall be punished with imprisonment for 7 to 15 years. A person who transports/brings another person in a country outside of the Kingdom of Cambodia to another country knowing that he or she has been unlawfully removed, recruited, sold, bought, exchanged or transported shall be punished the same as set out in paragraph 1 above.

The offence stipulated in this article shall be punished with imprisonment for 15 to

20 years when :

- the offence is committed by a public official who abuses his/her authority over the victim,
- the offence is committed by an organized group.

Article 19: Receipt of Person with Purpose

A person who receives, harbors, or conceals another person who has been unlawfully removed, recruited, sold, bought, exchanged, or

transported for the purpose of profit-making, sexual aggression, production of pornography, marriage against the will of the victim, adoption or any form of exploitation shall be punished with imprisonment for 7 to 15 years.

The offence stipulated in this article shall be punished with imprisonment for more than 15 to 20 years when :

- the victim is a minor
- the offence is committed by a public official who abuses his/her authority over the victim,
- the offence is committed by an organized group.

Article 20: Receipt of Human Beings for the Purpose of Assisting the Offender

A person who receives, harbors, or conceals a victim who has been unlawfully removed, recruited, sold, bought, exchanged, or transported for the purpose of assisting the offender who has unlawfully removed, recruited, sold, bought, exchanged or transported that victim shall be punished with imprisonment for 2 to 5 years and a fine of 4,000,000 to 10,000,000.

The offence stipulated in this article shall be punished with imprisonment for 5 to 10 years when the victim is a minor.

Article 26: Procurement of Prostitution

A person who commits procurement of prostitution shall be punished with imprisonment for 2 to 5 years.

Article 27: Aggravated Procurement of Prostitution

A person who commits procurement of prostitution shall be punished with imprisonment for 5 to 10 years:

- 1). when it is committed by a male or female procurer or head of prostitution who is an ascendant, descendant, either legitimate or illegitimate, natural or adoptive, of the prostitute;
- 2). when it is committed by a male or female procurer or head of prostitution who abuses his or her authority over the prostitute;
- 3). when a male or female procurer or head of prostitution uses violence or coercion against the prostitute;
- 4). when the procurement of prostitution is committed by an organized group;
- 5). when the procurement of prostitution is committed by several persons.

Article 28: Procurement with regard to Child Prostitution

Procurement of prostitution shall be punished with imprisonment for 7 to 15 years when the prostitute is a minor.

The term “prostitution” in the relevant provisions of this Chapter shall be replaced with the term “child prostitution,” when the offense set forth in Paragraph 1 of this article applies.

Article 36: Conditional Money Loan in connection with Child Prostitution

A person who provides another with money loan or anything of value on the condition that a minor engage in child prostitution business shall be punished with imprisonment for 5 to 10 years. A person who provides a

minor with money loan or anything of value on the condition that the latter engage in child prostitution business shall be punished the same as set out in paragraph 1 of this article.

LAW ON THE MARRIAGE AND FAMILY

Article 4

A man and woman reaching legal age have the right to self-determine the marriage. One party may not force another party to marriage against his/her will. No one can be forced to marry or prevented from having marriage as long as such marriage is in compliance with standards provided by this law.

Article 5

A marriage may be allowed for a man whose age is 20 years or more and a woman whose age is 18 years or more. In a special case where a man does not reach the age of 20 years and where a woman does not reach the age of 18 years, a marriage may be legitimized, upon the consent by the parents or guardians, if the woman becomes pregnant.

Article 23

Where any one of the spouses claims that he or she has been forced to marry, such marriage shall be void. The time of complaint annulling the marriage shall lapse if such complaint is not lodged within 6 months counting from the day she or he has been forced.

KRAM DATED MARCH 13 ON THE LABOR LAW 1997

Section 5. Forced labour

Article 15:

Forced or compulsory labor is absolutely forbidden in conformity with the International Convention No. 29 on the forced or compulsory labor, adopted on June 28, 1930 by the International Labor Organization and ratified by the Kingdom of Cambodia on February 24, 1969. This article applies to everyone, including domestics or household servants and all workers in agricultural enterprises or businesses.

Article 16:

Hiring of people for work to pay off debts is forbidden.

Section 8. Child labour – women labour

Article 177:

1. The allowable minimum age for wage employment is set at fifteen years.
2. The minimum allowable age for any kind of employment or work, which, by its nature, could be hazardous to the health, the safety, or the morality of an adolescent, is eighteen years. The types of employment or work covered by this paragraph are determined by a Prakas (ministerial order) of the Ministry in Charge of Labor, in consultation with the Labor Advisory Committee.
3. Regardless of the provisions of paragraph 2 above, the Ministry in Charge of Labor can, after having consulted with the Labor Advisory Committee, authorize the generation of occupation or employment for adolescents aged fifteen years and over on the condition that their health, safety, or morality is fully guaranteed and that they can receive, in the corresponding area of activity, specific and adequate instruction or vocational training.

4. Regardless of the provisions of paragraph 1 above, children from twelve to fifteen years of age can be hired to do light work provided that:
- a) The work is not hazardous to their health or mental and physical development.
 - b) The work will not affect their regular school attendance, their participation in guidance programs or vocational training approved by a competent authority.
5. Prakas issued by the Ministry in Charge of Labor in consultation with the Labor Advisory Committee will determine the types of employment and establish the working conditions, particularly the maximum number of hours of work authorized as per paragraph 4 above.
6. After having consulted with the Labor Advisory Committee, the Ministry in Charge of Labor can wholly or partially exclude certain categories of occupation or employment from having to implement this article if the implementation of this article for these types of occupation or employment create considerable difficulties.

Chapter XVI Penalties

Article 368:

Employers who employ children less than eighteen years of age under conditions contrary to the provisions of Articles 173, 174, 175, 176, 177 and 178 of this law are liable to a fine of thirty-one to sixty days of the base daily wage.

Article 369:

Those guilty of violating the provisions of Articles 12, 15, 17, 18, 39, 46, 104, 126, 260, 264, 281, 292, 331, 333, 334 and 335 are liable to a fine of sixty-one to ninety days of base daily wage or to imprisonment of six days to one month.

Article 370:

The employer who violates the provisions of Article 16 of this law is liable to a fine of sixty-one to ninety days of the base daily wage.

LAW ON THE
ESTABLISHMENT OF
THE EXTRAORDINARY
CHAMBERS IN THE
COURTS OF
CAMBODIA FOR THE
PROSECUTION OF
CRIMES COMMITTED
DURING THE PERIOD
OF DEMOCRATIC
KAMPUCHEA

CHAPTER II - COMPETENCE

Article 5

Crimes against humanity, which have no statute of limitations, are any acts committed as part of a widespread or systematic attack directed against any civilian population, on national, political, ethnical, racial or religious grounds, such as:

...

enslavement;

Cameroon

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code at article 293 which criminalises reducing to or keeping in slavery and Law No 2011/024 relating to the Fight against Trafficking in Persons and Slavery which criminalises engaging in slavery under section 4.

ii) There appears to be **no legislation** in place in Cameroon which prohibits **servitude** although article 293 of the Penal Code criminalises giving or receiving a person in pledge, and Law No 2011/024 relating to the Fight against Trafficking in Persons and Slavery criminalises debt bondage in section 3.

iii) **Provisions** related to **forced labour** are found in article 292 of the Penal Code and section 2 of the Labour Code which prohibit forced labour.

iv) **Provisions** related to **trafficking in persons** are found in Law No 2011/024 relating to the Fight against Trafficking in Persons and Slavery although the definition of trafficking in persons is limited to promoting or ensuring movement of a person inside or outside Cameroon in order to obtain, directly or indirectly, a financial or other material benefit.

2) International Obligations: Cameroon consents to:

1926 Slavery Convention: (7 March 1962, Succession)
 1930 Forced Labour Convention: (7 June 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: (27 June 1984, acceptance)
 1956 Slavery Convention: (27 June 1984, accession)
 1957 Abolition of Forced Labour Convention: (date)
 1966 ICCPR: (27 June 1984, accession)
 1998 Rome Statute of the ICC: (17 July 1998, signature)
 2000 Palermo Protocol (Trafficking in Persons): (6 February 2006, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Cameroon appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude;
- in breach of its obligations under the ICCPR in regards to servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the UNODC Database of Legislation, and the ICC National Implementing Legislation Database

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

1966 AWAD REPORT

Human rights are solemnly recognized by the Constitution of the Federal Republic of Cameroon, which affirms in Title I “its attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights and the United Nations Charter”.

CONSTITUTION OF THE REPUBLIC OF CAMEROON 1972 (REV. 2008)

Preamble

We, the people of Cameroon,

Declare that the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights;

Affirm our attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of United Nations and the African Charter on Human and Peoples' Rights, and all duly ratified international conventions relating thereto, in particular, to the following principles:

3. freedom and security shall be guaranteed each individual, subject to respect for the rights of others and the higher interests of the State;

7. no person may be compelled to do what the law does not prescribe;

12. every person has a right to life, to physical and moral integrity and to humane treatment in all circumstances. Under no circumstances shall any person be subjected to torture, to cruel, inhumane or degrading treatment;

22. every person shall have the right and the obligation to work;

CAMEROON PENAL CODE

Article 11 International offenses.

The criminal law of the Republic applies to piracy, trafficking in persons, the slave trade, drug trafficking, even outside the territory of the Republic.

However, no foreigner may be tried in the territory of the Republic for the acts referred to in this article committed abroad unless he has been arrested in the territory of the Republic and has not been extradited and Provided that the prosecution is initiated by the public prosecutor.

Article 291 - Arrest and sequestration.

(1) Every one who, in any manner whatsoever, deprives another of his liberty shall be punished with imprisonment of five to ten years and with a fine of 20,000 to 1,000,000 francs.

(2) A sentence is imprisonment for a term of ten to twenty years if

(A) If the deprivation of liberty lasts more than one month;

(B) if accompanied by physical or mental abuse;

(C) If the arrest is made either on account of a false order by the public authority, or with illegal wearing of uniform, or under a false quality.

Article 292 - Forced labor.

A prison sentence of one year to five years and a fine of between 10,000 and 500,000 francs or one of these two penalties shall be punishable only by a person who, in order to satisfy his personal interest, imposes on others a work or service for Which he did not voluntarily offer himself.

Article 293 - Slavery.

(1) A person who is imprisoned for 10 to 20 years is liable to imprisonment for

(A) Reduces or keeps a person in slavery; or

(B) Occurs, even occasionally, in trafficking in persons.

(2) A person who gives or receives a person as a pledge shall be liable to imprisonment for one to five years and a fine of 10,000 to 1 million francs. The court may also declare the disqualifications of article 30 of the present Code.

Article 341 infringement of filiation.

A prison sentence of five to ten years shall be imposed on a person whose conduct has the effect of depriving a child of the evidence of his filiation.

Article 342 - Slavery and Pledge.

Where the victim is a minor of eighteen years of age:

The penalty is imprisonment of fifteen to twenty years in the case of a crime as defined in article 293 (1);

The penalty is imprisonment of five to ten years and the fine of 50,000 to 1,000,000 francs in the event of an offense as defined in article 293 (2) and disqualification from article 30 of this article
Code can be pronounced.

Article 343 (new) - Prostitution.

(1) Every person of either sex who is habitually engaged, for remuneration, in sexual acts with one or both sexes, shall be liable to imprisonment from six months to five years and to a fine of between 20,000 and 500,000 francs. others.

(2) Any person who, for the purpose of prostitution or debauchery, proceeds publicly by gestures, words, writings or by any other means to the solicitation of persons of either sex.

Article 352 - Abduction of minors.

(1) A person who is a minor under the age of eighteen years shall be punished with imprisonment of one to five years and a fine of between 20,000 and 200,000 francs who, without fraud or violence, shall remove, its legal or customary guardianship.

However, this paragraph shall not apply to a person who proves that he has been misled as to the age of the victim.

(2) This section does not apply where the minor person so abducted, trained or diverted marries the perpetrator of the abduction, unless the invalidity of the marriage was pronounced.

Article 353 - Abduction with fraud or violence.

A person who is twenty-one years of age, even if he thinks that he is older, is guilty of an offense punishable by imprisonment for five to ten years and a fine of between 20,000 and 400,000 francs, Against the will of those to whom his legal or customary guardian belongs.

LAW NO 2011/024 OF
14 DECEMBER 2011
RELATING TO THE
FIGHT AGAINST
TRAFFICKING IN
PERSONS AND
SLAVERY

Section 2:

For the purpose of this law, the following definitions shall apply:

b) Trafficking in Persons: The fact of promoting or ensuring the movement of a person inside or outside Cameroon in order to obtain, directly or indirectly, a financial or other material benefit of whatever nature;

c) Slavery in Persons: Defined as the recruitment, transfer, accommodation or reception of persons for exploitation, through threat, the use of force or other forms of coercion, kidnapping, fraud,

deception, abuse of authority or taking advantage of a state of vulnerability or through offer or acceptance of benefits to obtain the consent of a person having authority over the victim;

d) Exploitation of Persons: Shall include, at least, the exploitation or promotion of prostitution of persons, or any other forms of sexual exploitation, exploitation of labour, or forced labour, slavery or practices similar to slavery, serfdom or the removal of organs ;

f) Debt Bondage of Persons: The fact of pledging a person as security before a creditor of a loan or a debt for purposes of exploitation.

Chapter II: Offences and Punishment:

Section 3

- 1) Whoever subjects a person to debt bondage shall be punished with imprisonment for from 5 (five) to 10 (ten) years and a fine of from 10 000 (ten thousand) to 500 000 (five hundred thousand) CFA francs.
- 2) The penalties provided for in Section 3 (1) above shall be doubled where the offender is either an ascendant, a guardian or a person having even custody over the victim.
- 3) Whoever boards a person in debt bondage shall be punished with imprisonment for 10 (ten) years and with fine of from 10 000 (ten thousand) to 1 000 000 (one million) CFA francs.

Section 4

Whoever engages even occasionally in the practice of trafficking in persons or slavery shall be punished with imprisonment of from 10 (ten) to 20 (twenty) years and with fine of from 50 000 (fifty thousand) to 1 000 000 (one million) CFA francs.

Section 5

Whoever engages in trafficking in persons and slavery shall be punished with imprisonment for from 15 (fifteen) to 20 (twenty) years and with fine of from 100 000 (one hundred thousand) to 10 000 000 (ten million) CFA francs where:

- The offence is committed against a minor of 15 years;
- The perpetrator is a legitimate, natural or adopted ascendant of the victim;
- The offender has authority over the victim or is expected to participate by virtue of his duties in the fight against slavery or peace keeping;
- The offence is committed by an organized gang or an association.

LAW NO. 2005 / 015
29 DECEMBER 2005
ON THE FIGHT
AGAINST
TRAFFICKING IN
CHILDREN

Article 2

For purposes of this Act the following definitions - shall be admitted:

- a) child means a person of either sex aged under 18;
- b) trafficking in children means the act of promoting or ensuring the removal of a child within or outside Cameroon to obtain, directly or indirectly, a financial or other benefit equipment, regardless of the nature;
- c) trafficking of children extends as recruitment, transfer, harboring or receipt of children for exploitation, threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of authority or taking advantage of a position of vulnerability or of giving or receiving benefits to achieve the consent of a person having authority over a child;

- d) the exploitation of children include, at minimum, the exploitation of children or procuring or other forms of sexual exploitation, exploitation of child labor or services, slavery or practices similar, servitude or the removal of organs;
- e) the consent of the person is flawed: when acts of violence were committed against the victim - or even those who have legal custody or customary;
- f) the pledging of children: the act of putting a child as collateral to a creditor as security for a debt or debt for the purpose of exploitation.

Chapter II: Sanctions

Article 3

- (1) shall be punished with imprisonment from five to ten years and a fine of 10,000 to 500,000 francs, any person who places a child pledge.
- (2) The penalties provided in paragraph (1) shall be doubled if the perpetrator is either a rising or a guardian or a person caring for the child even customary for the victim.
- (3) shall be punished by imprisonment of ten (10) years and a fine of 10 000 to 1 000 000 francs a person who receives a child pledge.

Article 4

Is punished with imprisonment from ten to twenty years and a fine of 50,000 to one million francs a person who engages, even occasionally, trafficking or trafficking of children.

Article 5

The trafficking and child trafficking are punishable by imprisonment of fifteen (15) to twenty (20) years and a fine of 100,000 to 10,000,000 francs;

- a) When the offense is committed against a minor 15 years;
- b) When the perpetrator is a legitimate, natural or adopted child of the victim;
- c) When the offender has authority over the child or is required to participate in its functions to the fight against trafficking or peacekeeping;
- d) When the offense is committed by an organized group or criminal association;
- e) When the offense is committed with a weapon;
- f) When the victim was injured as described in section 277 of the Penal Code or when she died as a result of acts related to those facts.

Article 6

The authors, co-authors and accomplices in crimes of pledging, trafficking and child trafficking are also condemned to the penalties provided by section 30 of the Penal Code.

Article 7

Notwithstanding the criminal responsibility of their leaders, corporations can be held criminally liable and sentenced to fines envisaged above where the offenses were committed by such officers, acting in the exercise of their functions.

LABOUR CODE

Section 2

(1) The right to work shall be recognized as a basic right of each citizen. The State shall therefore make every effort to help citizens to find and secure their employment.

(2) Work shall also be a national duty incumbent on every able-bodied adult citizen.

(3) Forced or compulsory labour shall be forbidden.

(4) "Forced or compulsory labour" shall mean any labour or service demanded of an individual under threat of penalty, being a labour or service which the individual has not freely offered to perform.

(5) However, the expression "forced or compulsory labour" shall not include :

- 1. any work or service exacted by virtue of compulsory military service laws and regulations for work of a purely military nature;
- 2. any work or service in the general interest forming part of the civic obligations of citizens as defined by the laws and regulations ;
- 3. any work or service exacted from any person as a consequence of a conviction in a court of law ;
- 4. any work or service exacted in cases of force majeure, that is to say, in the event of war, disaster or threatened disaster, such as fire, flood, severe violent epidemic or epizootic diseases, invasion by animals, insects or plant pests, and in general, any occurrence that would endanger or threaten to endanger the existence of the well-being of all or part of the population.

Canada

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Canada which prohibits **slavery**, although the Crimes Against Humanity and War Crimes Act 2000 criminalises crimes against humanity and war crimes both within and outside of Canada, of which enslavement and sexual slavery may form constituent elements.
- ii) There appears to be **no legislation** in place in Canada which prohibits **servitude**, although the Zero Tolerance for Barbaric Cultural Practices Act criminalises celebrating, aiding, or participating in a marriage rite or ceremony where one party is marrying against their will.
- iii) There appears to be **no legislation** in place in Canada which prohibits **forced labour**.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which prohibits trafficking in persons at article 279.01 and receiving a financial or material knowingly obtained by or derived from trafficking in persons at article 292.02. The definition of exploitation for the purposes of trafficking in article 279.04 does not align with the Palermo Protocol.

2) International Obligations: Canada consents to:

1926 Slavery Convention: (6 August 1928, ratification)
 1930 Forced Labour Convention: (13 June 2011, ratification)
 1953 Protocol to the 1926 Slavery Convention: (17 December 1953, definite signature)
 1956 Slavery Convention: (10 January 1963, ratification)
 1957 Abolition of Forced Labour Convention: (14 July 1959, ratification)
 1966 ICCPR: (19 May 1976, accession)
 1998 Rome Statute of the ICC: (7 July 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (13 May 2002, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Canada appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION ACT, 1982

1. Rights and freedoms in Canada

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

7. Life, liberty and security of person

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

9. Detention or imprisonment

Everyone has the right not to be arbitrarily detained or imprisoned.

12. Treatment or punishment

Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

24.

1. Enforcement of guaranteed rights and freedoms

Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

CRIMINAL CODE

Trafficking in persons

279.01

(1) Every person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offence and liable

(a) to imprisonment for life and to a minimum punishment of imprisonment for a term of five years if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offence; or

(b) to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of four years in any other case.

Marginal note: Consent

(2) No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

279.02 Material benefit — trafficking

(1) Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 279.01(1), is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years.

Marginal note: Material benefit — trafficking of person under 18 years

(2) Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 279.01(1), is guilty of an indictable offence and liable to imprisonment for a term of not more than

14 years and to a minimum punishment of imprisonment for a term of two years.

279.03 Withholding or destroying documents — trafficking

(1) Everyone who, for the purpose of committing or facilitating an offence under subsection 279.01(1), conceals, removes, withholds or destroys any travel document that belongs to another person or any document that establishes or purports to establish another person's identity or immigration status — whether or not the document is of Canadian origin or is authentic — is guilty of an indictable offence and liable to imprisonment for a term of not more than five years.

Marginal note: Withholding or destroying documents — trafficking of person under 18 years

(2) Everyone who, for the purpose of committing or facilitating an offence under subsection 279.01(1), conceals, removes, withholds or destroys any travel document that belongs to another person or any document that establishes or purports to establish another person's identity or immigration status — whether or not the document is of Canadian origin or is authentic — is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years and to a minimum punishment of imprisonment for a term of one year.

279.04 Exploitation

(1) For the purposes of sections 279.01 to 279.03, a person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service.

Factors

(2) In determining whether an accused exploits another person under subsection (1), the Court may consider, among other factors, whether the accused

- (a) used or threatened to use force or another form of coercion;
- (b) used deception; or
- (c) abused a position of trust, power or authority.

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(1) Every person who procures or knowingly aids in procuring a feigned marriage between himself and another person is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(2) No person shall be convicted of an offence under this section on the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

LABOUR CODE

178 Minimum wage

(1) Except as otherwise provided by or under this Division, an employer shall pay to each employee a wage at a rate

- (a) not less than the minimum hourly rate fixed, from time to time, by or under an Act of the legislature of the province where the employee is usually employed and that is generally applicable regardless of occupation, status or work experience; or

(b) where the wages of the employee are paid on any basis of time other than hourly, not less than the equivalent of the rate under paragraph (a) for the time worked by the employee.

CRIMES AGAINST
HUMANITY AND WAR
CRIMES ACT (2000)

Offences within Canada

4. Genocide, etc., committed in Canada

- (1) Every person is guilty of an indictable offence who commits
- (a) genocide;
 - (b) a crime against humanity; or
 - (c) a war crime.
- (1.1) Every person who conspires or attempts to commit, is an accessory after the fact in relation to, or counsels in relation to, an offence referred to in subsection (1) is guilty of an indictable offence.
- (2) Every person who commits an offence under subsection (1) or (1.1)
- (a) shall be sentenced to imprisonment for life, if an intentional killing forms the basis of the offence; and
 - (b) is liable to imprisonment for life, in any other case.
- (3) The definitions in this subsection apply in this section.
- "crime against humanity" means murder, extermination, enslavement, deportation, imprisonment, torture, sexual violence, persecution or any other inhumane act or omission that is committed against any civilian population or any identifiable group and that, at the time and in the place of its commission, constitutes a crime against humanity according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission
- "war crime" means an act or omission committed during an armed conflict that, at the time and in the place of its commission, constitutes a war crime according to customary international law or conventional international law applicable to armed conflicts, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission.

Offences outside Canada

6 Genocide, etc., committed outside Canada

- (1) Every person who, either before or after the coming into force of this section, commits outside Canada
- (a) genocide,
 - (b) a crime against humanity, or
 - (c) a war crime,
- is guilty of an indictable offence and may be prosecuted for that offence in accordance with section 8.
- (1.1) Every person who conspires or attempts to commit, is an accessory after the fact in relation to, or counsels in relation to, an offence referred to in subsection (1) is guilty of an indictable offence.
- (2) Every person who commits an offence under subsection (1) or (1.1)
- (a) shall be sentenced to imprisonment for life, if an intentional killing forms the basis of the offence; and
 - (b) is liable to imprisonment for life, in any other case.
- (3) The definitions in this subsection apply in this section.

"crime against humanity" means murder, extermination, enslavement, deportation, imprisonment, torture, sexual violence, persecution or any other inhumane act or omission that is committed against any civilian population or any identifiable group and that, at the time and in the place of its commission, constitutes a crime against humanity according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission.

"war crime" means an act or omission committed during an armed conflict that, at the time and in the place of its commission, constitutes a war crime according to customary international law or conventional international law applicable to armed conflicts, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission.

ZERO TOLERANCE
FOR BARBARIC
CULTURAL
PRACTICES ACT S.C.
2015, C.29

293.1

Everyone who celebrates, aids or participates in a marriage rite or ceremony knowing that one of the persons being married is marrying against their will is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

293.2

Everyone who celebrates, aids or participates in a marriage rite or ceremony knowing that one of the persons being married is under the age of 16 years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Central African Republic

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in the Central African Republic which prohibits **slavery** although enslavement of children is prohibited under article 263 of the Labour Code on the worst forms of child labour. The Penal Code also prohibits slavery when committed as an element of trafficking in persons under article 151 and as an element of crimes against humanity under article 153.
- ii) There appears to be **no legislation** in place in the Central African Republic which prohibits **servitude**, although practices similar to slavery, bonded labour, and bondage are prohibited in relation to children under article 263 of the Labour Code. The Penal Code also prohibits servitude when committed as an element of trafficking in persons under article 151.
- iii) **Provisions** related to **forced labour** are found in the Labour Code which prohibits forced and compulsory labour in all their forms at article 7. Forced or compulsory labour imposed upon children is also prohibited under article 263.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code under article 151. Trafficking in children is also prohibited under article 263 of the Labour Code.

2) International Obligations: the Central African Republic consents to:

1926 Slavery Convention: (4 September 1962, succession)
 1930 Forced Labour Convention: (27 October 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (30 December 1970, accession)
 1957 Abolition of Forced Labour Convention: (9 June 1964, ratification)
 1966 ICCPR: (8 May 1981, accession)
 1998 Rome Statute of the ICC: (3 October 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (6 October 2006, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Central African Republic appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE CENTRAL
AFRICAN REPUBLIC
2004 (AMENDMENTS
THROUGH 2010)

Article 3

Everyone has the right to life and physical integrity. They may only be infringed in these rights by application of a law.

No one may be subjected either to torture, or to rape [viol], or to cruel, inhuman, degrading or humiliating acts or treatment. Any individual, [or] any agent of the State, [or] any organization that is rendered culpable of such acts, will be punished in accordance with the law.

No one may be arbitrarily arrested or detained. Every defendant is presumed innocent until their culpability has been established following a procedure offering to them the guarantees indisputable for their defense. The legal time period of detention must be respected.

No one may be convicted except by virtue of a law [which] had entered into force before the act committed.

The rights of defense are exercised freely before all the jurisdictions and the administration of the Republic.

Any person made the object of a measure deprivative of liberty has the right of being examined and treated by a doctor of their choice.

Article 4

Freedom of the person is inviolable. Freedom of movement, residence and establishment throughout the Territory are guaranteed to all under conditions laid down by law.

Article 6

Marriage and the family constitute the natural and moral basis of human community. They are placed under state protection. The State and other public bodies are collectively the duty to ensure the health and welfare of the family and encourage socially by appropriate institutions. The protection of women and children against violence and insecurity, exploitation and neglect, mental and physical is a requirement for the state and other public bodies. This protection is ensured by appropriate measures and institutions of the state and other public authorities.

Parents have the natural right and the primary duty to raise and educate their children in order to develop them in good physical, intellectual and moral. They are supported in this task by the State and other public authorities. Children born out of wedlock have the same rights to public assistance as legitimate children. Natural children, legally recognized, have the same rights as legitimate children. The State and other public authorities have a duty to create preconditions and public institutions which guarantee the education of children.

Article 9

The Republic guarantees every citizen the right to work, a healthy environment, rest and recreation in compliance with the requirements of national development. She provides favorable conditions for its growth through a policy of efficient use. All citizens are equal before use. No one may be prejudiced in his work or Every worker participates, through its representatives, in determining working conditions. Laws lay down the conditions for assistance and protection afforded to workers, especially the younger ones, to older, disabled and those who have health problems due to their working conditions.

LAW NO. 10.001 ON
THE CENTRAL

Chapter XII Human Trafficking
Article 151

AFRICAN REPUBLIC PENAL CODE

Human trafficking is the recruitment, transportation, transfer, harbouring or to welcome people under the following conditions:

- By means of threat or use of force or other forms of stress;
 - By the abduction, fraud, deception, abuse of power or of a vulnerable situation;
 - By the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for exploitation.
- Trafficking in persons, when committed intentionally or attempted trafficking is punishable imprisonment of five to ten years. Trafficking in persons, when committed for exploitation of minors under 18 is punishable by hard labour for time, regardless of the use of the means mentioned in the first paragraph of this article. The endings operations include, among others, the exploitation of the prostitution of others or other forms sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Chapter II: Other Crimes against Humanity

Article 153

It is a crime against humanity, any of the following acts when committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack:

- Murder;
- Extermination;
- Deportation or forcible transfer of population;
- Enslavement;
- The massive and systematic practice of summary executions;
- Disappearance forced people;
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- The practice of torture and acts inhuman;
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of comparable gravity of sexual violence;
- The persecution of any group or any identifiable collectivity of political, racial, national, ethnic, cultural, religious or according to other universally recognized as impermissible under international law, according to the provisions of the Rome Statute;
- The crimes of apartheid;
- All other inhumane acts of a character similar intentionally causing great suffering, or serious injury to body or physical or mental health.

LABOUR CODE

Article 3

For the purposes of this Code:
“forced or compulsory labour”

Work or service exacted from an individual under the threat of any penalty and for which the individual has not voluntarily offered himself;

Article 7

Forced or compulsory labor is prohibited in all its forms, including:
- as a measure of coercion or political education;

- as a punishment for persons who have expressed certain political, trade union and religious, ideological opposition to the political, social or economic order;
- as a method of mobilizing and using labor for economic development purposes;
- as a measure of labor discipline;
- as a measure of racial, social, national or religious discrimination;
- as a punishment for having participated in strikes.

Article 8

Not considered as forced or compulsory labor within the meaning of this Code:

- any work or service required under the laws on military service and assigned to work of a purely military character;
- any work or service arising from the normal civic obligations of Central African citizens defined by law;
- any work or service exacted from an individual as a result of a conviction provided that the work is carried out under the supervision and control of the public authorities and the said person is not conceded or made available to private individuals or legal entities;
- any work or service required in the event of force majeure: wars, disasters or threats of disasters, fires, floods, famine, earthquakes, epidemics and violent epizootics, invasions of animals, insects or Harmful plant pests and, in general, any circumstances which endanger or threaten the life or normal conditions of life of the whole or part of the population;
- any work or service performed pursuant to a requisition order;
- any work or service of general interest carried out with the consent of the persons concerned.

Article 262

The expression "worst forms of child labor" means:

- all forms of slavery or similar practices such as the sale and trafficking of children, bonded labor and bondage and forced or compulsory labor, including including the forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for the purpose of prostitution for the production of pornographic material or pornographic performances;
- the use, procuring or offering of a child for the purpose of illicit activities for the Production and trafficking of narcotic drugs;
- works which, by their nature or the conditions under which they are carried out, are

Which may be detrimental to the health, safety or morals of the child.

Article 263

The worst forms of child labor are prohibited throughout the Central African Republic.

Chad

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the 1996 Constitution at article 20 which declares that no one may be held in slavery.
- ii) **Provisions** related to **servitude** are found in the 1996 Constitution at article 20 which declares that no one may be held in servitude.
- iii) **Provisions** related to **forced labour** are found in the Labour Code which prohibits forced and bonded labour under title 5 although the penalties are limited to fines of 50,000 – 500,000 CFA. Article 157 of the Penal Code also criminalises use of violence, assault, threats or fraudulent conduct in order to impair the free exercise of labour.
- iv) There appears to be **no legislation** in place in Chad related to **trafficking in persons**.

2) International Obligations: Chad consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (10 November 1960, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: (8 June 1961, ratification)
1966 ICCPR: (9 June 1995, accession)
1998 Rome Statute of the ICC: (1 November 2006, ratification)
2000 Palermo Protocol (Trafficking in Persons): (18 August 2009, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Chad appears to be:

- in breach of its obligations under the ICCPR in regards to slavery and servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

1966 AWAD REPORT

Principles of Freedom and Equality of all citizens contained in the Constitution.

CONSTITUTION OF THE REPUBLIC OF CHAD 1996

Preamble

Affirm by this Constitution, our will to live together in respect of ethnic, religious, regional and cultural diversity; to build a state of law and a united nation founded on public liberties and fundamental human rights, dignity of the human person, and political pluralism, on the African values of solidarity and brotherhood;

Reaffirm our commitment to the principles of human rights as defined by the Charter of the United Nations of 1945, by the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981;

Article 12

The freedoms and the fundamental rights are recognized and their exercise guaranteed to the citizens within the conditions and forms provided for by the Constitution and the law.

Article 17

The human person is sacred and inviolable. Every individual has the right to life, to the integrity of their person, to security, to liberty, to the protection of their privacy and of their assets.

Article 18

No one may be subjected, either to degrading and humiliating acts [sérvices] or treatment, or to torture.

Article 19

Every individual has the right to free development of their person within respect for the rights of others, of good morals and of the public order.

Article 20

No one may be held in slavery or servitude.

Article 32

The State recognizes to all citizens the right to work.

It guarantees to workers the just compensation for their services or for their production.

No one may be discriminated against in their work because of their origins, of their opinions, of their beliefs, of their sex or of their marital status.

PENAL CODE OF CHAD

Article 157. Obstacles to freedom of work

Anyone who has used violence, assault, threats or fraudulent conduct will be punished with imprisonment for six days to three years and with a fine of 25,000 francs to 500,000 francs.

Or to maintain, attempt to bring about or to maintain a concerted cessation of work, with a view to forcing the rise or fall of wages or to impair the free exercise of industry or labor.

Article 279.

The following shall be considered as a pimp and shall be punished by imprisonment from six months to two years and by a fine of 50,000 to 1,000,000 francs, without prejudice to any more severe penalties, if any, :

1. Who in any way knowingly assists, assists or protects the prostitution of others or solicits for prostitution;
2. Who, in any form, shares the proceeds of the prostitution of another receives the subsidies of a person habitually engaged in prostitution;
3. Who, knowingly living with a person habitually engaging in prostitution, cannot justify sufficient resources to enable him to provide himself with his own existence;
4. Whoever hires, enters or even maintains with his consent, a person even of age, with a view to prostitution, or puts it to prostitution or debauchery;
5. Who acts as intermediary in any capacity between persons engaging in prostitution or debauchery and individuals who exploit or pay for the prostitution or debauchery of others.

Article 280.

The penalty shall be imprisonment from two years to five years and a fine of from 100,000 to 2,000,000 francs in cases where, :

The offense was committed in respect of a minor;

The offense was accompanied by coercion, abuse of authority or rape;

The perpetrator was the bearer of an apparent or hidden weapon;

The perpetrator is the spouse, father, mother or guardian of the victim, teacher or hired servant of the victim or in any capacity or authority over the victim;

The perpetrator of the offense is called upon to take part in the fight against prostitution, the protection of health or the maintenance of public order.

Article 281.

The penalties laid down in the preceding article shall be punished by any person who has infringed upon morals, whether by exciting, generally promoting or facilitating the debauchery or corruption of the youth of either sex below the age of The age of twenty-one years or, occasionally, minors of thirteen years. The penalties provided for in articles 279, 280 and this article shall be imposed, even though the various acts which constitute the offenses were committed in Countries.

Article 282.

The penalties provided for in the preceding article shall be punishable by any person who directly or through an intermediary manages who runs or operates a prostitution establishment or who habitually tolerates the presence of one or more persons engaged in prostitution Prostitution inside a hotel, house club, club, circle, dance hall or place of performance or their appurtenances, or any place open to the public or used by the public, of which they are the holder, manager or servant, the same penalties are applicable to any person assisting the said holders, managers or servants. In case of new offense within a period of ten years, the penalties incurred shall be doubled.

In any case, The incriminated facts shall have occurred in an establishment referred to in the preceding paragraph, and the holder, the manager or the servant shall be convicted in accordance with the

preceding article or this article, the judgment shall result in the withdrawal of the license of which the convicted person Would be beneficiary and may, moreover, pronounce the permanent or temporary closure of the establishment.

The prohibitions provided for in Article 31 may be imposed.

In any case, the guilty persons shall also be placed by the judgment or the judgment, in a state of prohibition of residence.

The attempted offenses referred to in this section shall be punished with penalties for such offenses.

LABOUR CODE

Title 5

Prohibits forced and bonded labour, prescribing fines of 50,000 to 500,000 Central African CFA francs (FCFA) (\$93-\$928), but not imprisonment.

CHADIAN NATIONAL ARMY LAW 1991

Prohibits recruitment of children younger than 18

Chile

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 19(2) which declares that 'in Chile there are no slaves, and any that sets foot on its territory will become free'. Slavery when committed as an element of trafficking in persons is also criminalised under article 411 quater of the Penal Code.

ii) There appears to be **no legislation** in place in Chile which prohibits **servitude**, although servitude and practices similar to slavery when committed as elements of trafficking in persons are criminalised under article 411 quater of the Penal Code.

iii) There appears to be **no legislation** in place in Chile which specifically prohibits **forced labour**, although the Constitution affirms that right to freely contract and to free choice of work with just retribution. Forced labour when committed as an element of trafficking in persons is also criminalised under article 411 quater of the Penal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code at article 411 Quarter which prohibits trafficking in persons although acts of recruitment and transfer are not included in the provision.

2) International Obligations: Chile consents to:

1926 Slavery Convention: (20 June 1995, participation/definitive signature)
 1930 Forced Labour Convention: (31 May 1933, ratification)
 1953 Protocol to the 1926 Slavery Convention: (20 June 1995, accession)
 1956 Slavery Convention: (20 June 1995, accession)
 1957 Abolition of Forced Labour Convention: (1 February 1999, ratification)
 1966 ICCPR: (10 February 1972, ratification)
 1998 Rome Statute of the ICC: (29 June 2009, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (29 November 2004, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Chile appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 99

The provision at present in force in this connexion is contained in article 10 paragraph 1 of the Political Constitution of 1925, which states:

...

“In Chile there are no slaves, and he who sets foot upon its territory becomes free. The slave traffic may not be engaged by Chileans. The alien who does so may not live in Chile or be naturalized in the Republic.”

CONSTITUTION OF THE REPUBLIC OF CHILE

Article 19

The Constitution guarantees all persons:

1.The right to life and to the physical and mental integrity of the person.

The law protects the life of the unborn.

The death penalty may only be instituted for a crime established in a law approved by a qualified quorum.

The application of any illegitimate force [apremio] is forbidden;

2.Equality before the law. In Chile there are no privilege persons or groups. In Chile there are no slaves, and any that sets foot on its territory will become free. Men and women are equal before the law.

Neither the law nor any authority whatsoever may establish arbitrary differences;

7.The right to personal freedom and to individual security.

In consequence:

b. No one may be deprived of his personal liberty nor is it restricted except in the cases and the manner established by the Constitution and the laws;

16.The freedom to work and its protection.

Every person has the right to freely contract and to the free choice of work with a just retribution.

Any discrimination that is not based on personal skills or capability is forbidden, notwithstanding that the law may require Chilean citizenship or age limits in certain cases.

PENAL CODE

Article 367

Anyone who promotes or facilitates the prostitution of minors to satisfy the wishes of another, will suffer the penalty of imprisonment minor in its maximum degree. If habituality, abuse of authority or trust or deception occurs, penalties of imprisonment in any of its degrees and a fine of thirty-one to thirty-five tax units per month shall be imposed.

Article 367 ter

Anyone who, in exchange for money or other benefits of any kind, obtains sexual services by persons over fourteen but under eighteen years of age, without the intervention of the circumstances of the crimes of rape or statutory rape, He shall be punished by imprisonment in its maximum degree.

Article 383

Anyone who will deceive a person by simulating the celebration of marriage with her, will suffer the penalty of minor imprisonment in their medium to maximum degrees.

Art. 384

Any person who, by surprise or deceit, makes an intervention to the official who must authorize his marriage without having observed the requirements that the law requires for its celebration, even when the marriage is valid, will suffer the penalty of minor detention in its minimum degree. If he does intervene with violence or intimidation, the penalty will be less seclusion in his grades average to maximum.

Article 388

The civil officer who authorizes or inscribes a marriage prohibited by law or in which the formalities that it requires for its celebration or registration have not been fulfilled, will suffer the minor relegation penalties in its average degree and a fine of six to Ten monthly tax units. The same fine shall apply to the minister of worship who authorizes a marriage prohibited by law. The minister of religion who, third-party, falsifies in the act or in the certificate of religious marriage destined to produce civil effects, will suffer the penalties of presidio minor in any of its degrees.

Article 411 Quáter

Whoever by violence, intimidation, coercion, deception, abuse of power, taking advantage of a position of vulnerability or dependency of the victim, or the giving or receiving of payments or other benefits to achieve the consent of a person having control over another detains, transports, harbors or receives persons to be subject to some form of sexual exploitation, including pornography, forced labor or services, servitude or slavery or practices similar to it, removal of organs, shall be punished by the penalty of imprisonment in its minimum to medium degrees and a fine of fifty to one hundred monthly tax units. If the victim is a minor, even if he does not attend violence, intimidation, coercion, deception, abuse of power, taking advantage of a position of vulnerability or dependency of the victim, or the giving or receiving of payments or other benefits to achieve the consent of a person having control over another person, the penalties of imprisonment in its medium degree and a fine of fifty to one hundred UTM will be imposed. Which promote, facilitate or fund the implementation of the acts described in this article shall be punished for the crime.

LABOUR CODE

Art. 54.

Remuneration shall be paid in legal tender, without prejudice to what is established in the second paragraph of Article 10 and of the provisions for agricultural workers and private households. At the request of the worker, it can be paid by check or bank draft in your name. Along with the payment, the employer must provide the worker with a voucher indicating the amount paid, how it was determined and the deductions made.

Article 55.

The remunerations will be paid with the periodicity stipulated in the contract, but the agreed periods cannot exceed one month.

If nothing is said in the contract, fortnightly advances must be given in the works by piece, work or measure and in the season.

China (People's Republic of)

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in China which prohibits **slavery** although article 238 of the 1997 Criminal Law prohibits detaining or depriving a person of personal liberty. Article 240 also prohibits acts of abduction, kidnapping, buying, trafficking in, fetching, sending, or transferring women and children for the purpose of selling the victim.
- ii) There appears to be **no legislation** in place in China which prohibits **servitude**, although the Constitution prohibits violation of the freedom of marriage, article 257 of the Criminal Law prohibits interfering with freedom of marriage, and article 5 of the Marriage law prohibits compulsion to marriage. The Adoption Law also forbids the buying and selling of children under the cloak of adoption under articles 20 and 31.
- iii) **Provisions** related to **forced labour** are found in the Criminal Law at article 244 which prohibits forcing another to work through deprivation of personal freedom and article 358 which prohibits forced prostitution. Article 88 of the Labor Contract Law prohibits forcing an employee to work through the use of violence, coercion or unlawful restriction of personal freedom.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Law which criminalises abducting and trafficking in women and children under article 240. The adoption law also prohibits trafficking in children under the cloak of adoption at article 31.

2) International Obligations: People's Republic of China consents to:

1926 Slavery Convention: (22 April 1937, ratification)
 1930 Forced Labour Convention: N/A
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: N/A
 1966 ICCPR: (5 October 1998, signature)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (8 February 2010, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: People's Republic of China appears to be:

- in breach of its obligations under the 1926 Convention with regard to slavery;
- in breach of its obligations under the ICCPR in regards to slavery and servitude;
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 111

As to the slavery system, the Chinese society considers it not only immoral and contrary to decent customs, but also a criminal offence. Under the provisions of article 296 of the Criminal Code, a person who enslaves another or places him in a position without freedom, similar to slavery, shall be punished with imprisonment for not less than one and not more than seven years.

ENGEN REPORT

Paragraph 104

The purchase of concubines had been an evil practice in China until about fifty years ago. Since then, such practice has been not only denounced by public opinion but also forbidden by law.

CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA 1982 (WITH AMENDMENTS THROUGH 2004)

Article 37.

The freedom of person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ. Unlawful deprivation or restriction of citizens' freedom of person by detention or other means is prohibited; and unlawful search of the person of citizens is prohibited.

Article 43.

Working people in the People's Republic of China have the right to rest. The state expands facilities for rest and recuperation of working people, and prescribes working hours and vacations for workers and staff.

Article 49.

Marriage, the family, and mother and child are protected by the state. Both husband and wife have the duty to practise family planning. Parents have the duty to rear and educate their minor children, and children who have come of age have the duty to support and assist their parents. Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited.

CRIMINAL LAW OF THE PEOPLE'S REPUBLIC OF CHINA 1997

Article 226

Whoever, by means of violence or threat, buys or sells goods, or forces others to provide or accept service shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and concurrently or independently be sentenced to a fine.

Article 238

(1) Whoever unlawfully detains another person or deprives another person of his personal freedom shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights. If circumstances of hitting or insulting another person exist, the offender shall be given a heavier punishment.

(2) Whoever, by committing the crime mentioned in the preceding paragraph, causes severe bodily injury to another person shall be sentenced to fixed-term imprisonment of not less than three years and

not more than ten years. If he causes death of another person, he shall be sentenced to fixed-term imprisonment of not less than ten years. If another person's deformity or death is caused by violence, the offender shall be decided a crime and punished according to the provisions of Article 234 or Article 232 of this Law.

(3) Whoever, for the purpose of extorting the payment of debts, unlawfully distrains or detains another person shall be punished according to the provisions of the preceding two paragraphs. Whoever from the staff of a state organ takes advantage of his office to commit a crime mentioned in the preceding three paragraphs shall be given a heavier punishment according to the provisions of the preceding three paragraphs.

Article 240

Whoever abducts and traffics in a woman or a child shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years, and concurrently be sentenced to a fine. Under any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and concurrently be sentenced to a fine or confiscation of property. If the circumstances are especially serious, the offender shall be sentenced to death, and concurrently be sentenced to confiscation of property:

- (1) being a ringleader of a group engaged in the abduction of and trafficking in women or children;
- (2) abducting and trafficking in three or more women and/or children;
- (3) raping the woman who is abducted and trafficked in;
- (4) enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person or persons who will force the woman to engage in prostitution;
- (5) for the purpose of selling the victim, kidnapping a woman or a child by means of violence, threat or anaesthesia;
- (6) for the purpose of selling the victim, stealing an infant or a baby;
- (7) causing severe bodily injury or death or other serious consequences of the woman or child who is abducted and trafficked in or of their relatives; or
- (8) selling a woman or a child out of the territory of China.

"Abducting and trafficking in a woman or a child" refers to any act of abducting, kidnapping, buying, trafficking in, fetching or sending, or transferring a woman or a child for the purpose of selling the victim.

Article 241

- (1) Whoever buys a woman or a child who is abducted and trafficked in shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.
- (2) Whoever buys a woman who is abducted and trafficked in and has sexual relations with her against her will shall be decided a crime and punished according to the provisions of Article 236 of this Law.
- (3) Whoever buys a woman or a child who is abducted and trafficked in and illegally deprives her/him of her/his personal freedom or restricts her/his personal freedom or commits any criminal act of injuring or insulting shall be decided a crime and punished according to the relevant provisions of this Law.
- (4) Whoever buys a woman or a child who is abducted and trafficked in and commits any criminal act as prescribed in the second or third

paragraph shall be punished according the provisions regarding combined punishment for several crimes.

(5) Whoever buys a woman or a child who is abducted and trafficked in and sells the victim afterwards shall be decided a crime and punished according to the provisions of Article 240 of this Law.

(6) Whoever, having bought a woman or a child who is abducted and trafficked in, does not obstruct the woman from returning to her original place of residence according to her will, or does not maltreat the child nor obstruct his or her rescue, may be exempted from being investigated for criminal responsibility. Article 318

(7) Whoever organizes other persons to secretly cross the national boundary (borderline) shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years, and concurrently be sentenced to a fine.

(8) If anyone commits any of the following acts, he shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment, and concurrently be sentenced to a fine or confiscation of property:

(1) being a ringleader of a group which organizes other persons to secretly cross the national boundary (borderline);

(2) organizing other persons to secretly cross the national boundary (borderline) for many times or organizing many persons to secretly cross the national boundary (borderline);

(3) causing severe bodily injury or death to the organized persons;

(4) depriving or limiting the organized persons' personal freedom;

(5) resisting the inspection by means of force or threat;

(6) getting a huge amount of illegal income; or

(7) having other especially serious circumstances.

(9) Whoever commits a crime mentioned in the preceding paragraph and commits other criminal acts of killing, injuring, raping or selling the organized persons, or killing or injuring the inspectors shall be punished according to the provisions of combined punishment for several crimes.

Article 244

If any employing unit, in violation of laws or regulations on labour administration, forces employees to work by means of deprivation of personal freedom, and if the circumstances are serious, persons directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and concurrently or independently be sentenced to a fine.

Note: The scope and punishment of s 244 was expanded in 2011 amendments to include 'whoever forces another to work' rather than only providing action against an 'employer', while the maximum imprisonment for serious breaches was raised from three years to ten.

Article 257

Whoever forcibly interferes with another person's freedom of marriage shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

If anyone committing the crime mentioned in the preceding paragraph causes his victim's death, he shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years.

The crime mentioned in the first paragraph of this Article shall be handled only upon complaint.

Article 358

(1) Whoever organizes or forces any other person or persons to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years, and concurrently be sentenced to a fine. Whoever commits any of the following acts shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and concurrently be sentenced to a fine or confiscation of property:

- (1) organizing other person(s) to engage in prostitution and the circumstances being serious;
- (2) forcing a girl under the age of 14 to engage in prostitution;
- (3) forcing many persons to engage in prostitution or forcing any other person to engage in prostitution for many times;
- (4) forcing the victim to engage in prostitution after raping her; or
- (5) causing serious bodily injury or death to the person being forced to engage in prostitution or causing other severe consequences.

(2) Whoever commits any of the acts mentioned in the preceding paragraph, if the circumstances are especially serious, shall be sentenced to life imprisonment or death, and concurrently be sentenced to confiscation of property.

(3) Whoever assists in organizing another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years and concurrently be sentenced to a fine; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years, and concurrently be sentenced to a fine.

Article 359

(1) Whoever lures, shelters or procures any other person or persons to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance, and concurrently be sentenced to a fine; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than five years and concurrently be sentenced to a fine.

(2) Whoever lures a girl under the age of 14 to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years and concurrently be sentenced to a fine.

Article 361

(1) Any personnel of a unit in the trade of hotel, catering or entertainment, or in taxi service, who, by taking advantage of his work unit, organizes, forces, lures, shelters or procures any other person or persons to engage in prostitution, shall be decided a crime and punished according to the provisions of Article 358 or Article 359 of this Law.

(2) If the persons in charge of the unit mentioned in the preceding paragraph commit crimes mentioned in the preceding paragraph, they shall be given a heavier punishment.

Article 362

Where any leading personnel, staff member or worker of a unit in the trade of hotel, catering or entertainment, or in taxi service provides

information for law-breaking offenders and criminals when the public security organ investigates or deals with activities of prostitution or whoring, he shall, if the circumstances are serious, be decided a crime and punished according to the provisions of Article 310 of this Law.

LABOR CONTRACT
LAW OF THE
PEOPLE'S REPUBLIC
OF CHINA

Article 9

When recruiting a worker, the employing unit may not detain the worker's resident identity card or other certificates, nor may it require him to provide guaranty or collect money or things of value from him in other names.

Article 88

If an Employer falls into any of the following circumstances, it shall be subjected to administrative punishment; if such conduct constitutes a crime, criminal liability shall be pursued in accordance with the law; if the employee suffers any harm or loss as a result thereof, the Employer shall be liable for damages:

- (1) force an employee to work through the use of violence, coercion or unlawful restriction of personal freedom;
- (2) order an employee to perform dangerous tasks that would endanger his life in violation of rules and regulations, or by force;
- (3) insult, corporally punish, assault, illegally search or detain an employee; or
- (4) provide poor working conditions or a severely polluted environment, resulting in serious damage to the physical and mental health of the employee.

THE WOMEN'S ACT
1992

Note: Prohibits abduction, sale and kidnapping of women and banning the organization, forcing, inducement, accommodation and introduction of women to engage in prostitution

ADOPTION LAW OF
THE PEOPLE'S
REPUBLIC OF CHINA
2003

Article 20

It is strictly forbidden to buy or sell a child or to do so under the cloak of adoption.

Article 31

Whoever abducts and trafficks in a child under the cloak of adoption shall be investigated for criminal responsibility in accordance with law. Whoever abandons an infant shall be imposed upon a fine by the public security organ; if the circumstances constitute a crime, the offender shall be investigated for criminal responsibility in accordance with law. Whoever sells his or her own child shall be imposed a fine with his or her illegal proceeds confiscated by the public security organ; if the circumstances constitute a crime, the offender shall be investigated for criminal responsibility in accordance with law.

MARRIAGE LAW

Article 2 A marriage system based on the free choice of partners, on monogamy and on equality between man and woman shall be applied. The lawful rights and interests of women, children and old people shall be protected. Family planning shall be practised.

Article 3 Marriage upon arbitrary decision by any third party, mercenary marriage and any other acts of interference in the freedom of marriage shall be prohibited. The exaction of money or gifts in connection with marriage shall be prohibited.

Article 5 Marriage must be based upon the complete willingness of both man and woman. Neither party may use compulsion on the other party, and no third party may interfere.

Article 6 No marriage may be contracted before the man has reached 22 years of age and the woman 20 years of age. Late marriage and late childbirth shall be encouraged.

Article 11 where marriage is contracted by coercion, the coerced party may appeal to the marriage registration office or the People's Court for annulment of such marriage. Such an appeal for annulment of marriage made by the coerced party shall be submitted within one year from the date of marriage registration. Where the party concerned whose personal freedom is illegally restrained, such an appeal for annulment of marriage shall be submitted within one year from the date of the restoration of the personal freedom.

Colombia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1991 Constitution at article 17 which prohibits slavery and the slave trade in all its forms. Slavery as an element of trafficking in persons is also criminalised under article 188A of the Penal Code

ii) **Provisions** related to **servitude** are found in the 1991 Constitution at article 17 which prohibits servitude. Servitude as an element of trafficking in persons is also criminalised under article 188A of the Penal Code

iii) There appears to be **no legislation** in place in Colombia which prohibits **forced labour**, although forced labour as an element of trafficking in persons is criminalised under article 188A of the Penal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code at article 188A which criminalises trafficking in persons within the country or from abroad.

2) International Obligations: Colombia consents to:

1926 Slavery Convention: (signature not perfected by ratification)

1930 Forced Labour Convention: (4 March 1969, ratification)

1953 Protocol to the 1926 Slavery Convention: N/A

1956 Slavery Convention: N/A

1957 Abolition of Forced Labour Convention: (7 June 1963, ratification)

1966 ICCPR: (29 October 1969, ratification)

1998 Rome Statute of the ICC: (5 August 2002, ratification)

2000 Palermo Protocol (Trafficking in Persons): (4 August 2004, ratification)

2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Colombia appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION
OF COLOMBIA
1991 (REV. 2015)

Article 17.

Slavery, servitude, and the slave trade in all forms are prohibited.

Article 43

Women and men have equal rights and opportunities. Women cannot be subjected to any type of discrimination. During their periods of pregnancy and following delivery, women shall benefit from the special assistance and protection of the State and shall receive from the latter food subsidies if they should thereafter find themselves unemployed or abandoned. The State shall support the female head of household in a special way.

Article 44.

The following are basic rights of children: life, physical integrity, health and social security, a balanced diet, their name and citizenship, to have a family and not be separated from it, care and love, instruction and culture, recreation, and the free expression of their opinions. They will be protected against all forms of abandonment, physical or moral violence, imprisonment, sale, sexual abuse, work or economic exploitation, and dangerous work. They will also enjoy other rights upheld in the Constitution, the laws, and international treaties ratified by Colombia.

Article 53

The Congress shall issue a labor statute. The appropriate law shall take into account at least the following minimal fundamental principles: Equality of opportunity for workers; minimum essential and flexible remuneration proportional to the amount and quality of work; stability in employment; irrevocability of minimum benefits established in labor regulations; options to negotiate about and reconcile uncertain and arguable rights; a situation more favorable to the worker in case of doubt in the application and interpretation of the formal bases of the law; the primacy of facts over established formalities in issues of labor relations; guarantees to social security, training, instruction, and necessary rest; special protection of women, mothers, and minor-age workers. The State guarantees the right of suitable payment and the periodic adjustment of legal retirement benefits. International labor agreements duly ratified are part of domestic legislation. Statute, contracts, agreements, and labor settlements may not infringe on the freedom, human dignity, or rights of workers.

PENAL CODE

Article 2. Integration .

Norms and human rights principles that are found inscribed in the Constitution, treaties and conventions international ratified by Colombia, made an integral part of this code.

Article 141 Forced Prostitution or Sexual Slavery

Forced prostitution or sexual slavery. Which through the use of force and the course and conduct of armed conflict compels person to provide sexual services protected liable to imprisonment of ten (10) to ten and eight (18) years and a fine of five hundred (500) to one thousand (1000) legal minimum wage current monthly.

Article 188A Trafficking

He who captures, transfers, harbors or receives a person, within the country or from abroad for exploitation liable to imprisonment of thirteen (13) to

twenty (23) years and a fine of eight hundred (800) to 1500 (1,500) monthly legal minimum wages.

For purposes of this Article shall mean the economic advantage obtained exploitation or any other benefit for himself or for another person, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices slavery, servitude, exploitation of begging of others, servile marriage, the removal of organs, sex tourism and other forms of exploitation.

The consent of a victim of any form of exploitation defined in this Article shall not constitute grounds for exemption from criminal responsibility.

Comoros

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Comoros which prohibits **slavery** although the Preamble of the Constitution guarantees the 'freedom and security of each individual' and Law No 14-034 2014 concerning the fight against child labour and child trafficking prohibits slavery of children as one of the 'worst forms of child labour'.

ii) There appears to be **no legislation** in place in Comoros which prohibits **servitude**, although Law No 14-034 2014 prohibits practices similar to slavery, debt bondage and serfdom of children under the 'worst forms of child labour'.

iii) There appears to be **no legislation** in place in Comoros which prohibits **forced labour** although the Preamble of the Constitution (2001) guarantees the right of the child and of the youth to be protected by the public authorities against any form of abandonment, exploitation and violence. Law No 14-034 2014 also prohibits forced or compulsory labour of children as one of the 'worst forms of child labour'

iv) There appears to be **no legislation** in place in Comoros which prohibits **trafficking in persons**, although Law No 14-034 2014 prohibits trafficking in children.

2) International Obligations: Comoros consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (23 October 1978, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (23 October 1978, ratification)

1966 ICCPR: (25 September 2008, signature)

1998 Rome Statute of the ICC: (18 August 2006, ratification)

2000 Palermo Protocol (Trafficking in Persons): *N/A*

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Comoros appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION 2001 (REV. 2009)

Preamble

The Comorian people solemnly affirm their will

... to emphasize their commitment to the principles and fundamental rights defined by the Charter of the United Nations, by the Charter of the Organization of African Unity, by the Pact of the League of Arab States, by the Universal Declaration of Human Rights and by the African Charter on Human and Peoples' Rights, as well as by the international conventions, particularly those relating to childrens' and womens' rights. They proclaim:

...

the freedom and security of each individual under the sole condition that he does not commit any act likely to harm others;

...

the right of the child and of the youth to be protected by the public authorities against any form of abandonment, exploitation and violence;

...

This Preamble shall be considered an integral part of the Constitution.

PENAL CODE 1996

Article 322:

Will be considered pimp and punished by imprisonment of one to three years, and a fine of 75 000 to 1 million francs, without prejudice to more severe penalties if they fail, man or woman:

- 1) Who, in any way aids, assists or knowingly protects the prostitution of others or soliciting for prostitution.
- 2) Who, in any form, sharing the proceeds of prostitution of others or receiving money from a person who habitually engages in prostitution.
- 3) Who knowingly lives with a person engaged in prostitution.
- 4) Who, being habitual relationship with one or more persons engaged prostitution, can justify resources to match his lifestyle.
- 5) Who hires, or maintains, even with her consent, even an adult person for prostitution or engage in prostitution or debauchery.
- 6) Which acts as an intermediary in any capacity between the person engaging in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others.
- 7) Who, by threats, pressure, deception or other means, obstructs the prevention, control, assistance or rehabilitation undertaken by the qualified organizations for persons engaged in prostitution or in danger of prostitution.

Article 323:

The punishment shall be imprisonment from two to five years and a fine of 150 000 to 2,000,000 francs in cases where:

- 1) The crime was committed against a minor.
- 2) The crime was accompanied by threats, contrary, violence, assault in fact, abuse of authority or theft.
- 3) The perpetrator was carrying a weapon apparent or hidden.
- 4) The perpetrator is a husband, father, mother or guardian of the victim or a member to one of the categories enumerated in Article 321.
- 5) The offender is required to participate, through their duties in the fight against prostitution, protection of health or to maintain public order.
- 6) The crime was committed against several persons.

- 7) Victims of crime have been delivered or incited to engage in prostitution outside national territory.
 - 8) Victims of crime have been delivered or incited to engage in prostitution arrival or within a short time of their arrival on the national territory.
 - 9) The crime was committed by several authors, co-perpetrators or accomplices.
- Shall be punished with the penalties provided in this section, any person who has attempted to morals by inciting, encouraging or facilitating usually debauchery or corruption of Youth either sex below the age of 21, or even occasionally, Minors under age 16. The penalties provided for in Section 322 and this section will be made when well as the various acts which are the elements of the offenses were made in different countries.

Article 324:

Shall be liable to the penalties provided in the preceding article, any person:

- 1) Who owns directly or through an intermediary, manages, directs, makes operate, finance, helping to finance a house of prostitution;
- 2) Who, owning, managing, operating, financing, helping to finance a hotel, boarding house, pub, restaurant, club, dance hall, place of entertainment or their annexes or any place open to or used by the public accepts or tolerates usually one or more persons engaged in prostitution within of the institution or its annexes or seek to clients for prostitution;
- 3) Who assists individuals in the first and second paragraph. If a new offense within 10 years, the penalties will doubled.

Article 325:

In all cases where the offense has to be produced in a facility referred to the first and second Section 324 and whose owner, manager or attendant is sentenced under Articles 323 and 324, the trial will withdraw the licensee whose beneficiary is convicted and also deliver the closing the establishment or parts of the premises used for prostitution for period not less than three months nor more than five years. In all cases, stopping or conviction can also bring the perpetrators to state of banishment and pronounce the withdrawal of the passport and, for a period of more than three years suspension of driver's license. This period may be doubled if recidivism. The furniture used directly or indirectly to commit any offense be seized and confiscated, they belong to a few people. Offenders under sections 322 to 323 and 324 will be sentenced to pay any costs of repatriation of those or those they operated or attempted to exploit or contributed to exploit prostitution. When these costs will been advanced by the administration, they will be recovered as costs.

Article 326:

The attempt of the crimes specified in this section shall be punished with penalties for these crimes. In all cases the perpetrators will be further developed, by the decision trial in a state of banishment for two years at least and at most ten years the date on which they have undergone their

sentence, deprived of the rights enumerated in Article 33 and banned from all tutelage.

Article 345:

Any person who by fraud or violence, or causing to be minors and will be trained, or diverted or displaced will actually lead, or move away places or they were placed by those in authority or direction from which they were submitted or assigned, suffer the penalty of hard labour for five to ten years.

LAW N ° 14-034 / AU
OF 22 DECEMBER
2014 CONCERNING
FIGHT AGAINST
CHILD LABOR AND
CHILD TRAFFICKING

Article 6:

For the purposes of this Act are considered the worst forms of child labour, any activity related

- a) forms of slavery or similar practices such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflicts
- b) has the use, procuring or offering of a child for prostitution, pornographic material production;
- c) to the use, procuring or offering of a child for illicit activities including the production and narcotics trafficking, as defined in the relevant international conventions
- d) work which by its nature or the circumstances in which it is carried out is likely to harm to health (physical or moral) to the security or the child's morality
- e) and the types of work defined by order of the Minister in charge of Labour.

Any natural or legal person or in fact trying to work a fair child aged under 18 in one of the worst forms of child labor other than hazardous work, provided for in section 131 of the Labour Code the paragraphs a to C and to imprisonment for five months decade.

The penal servitude for ten years has vignt is incurred when the offense was committed in one of the following circumstances:

- a) if the victim is a minor of at least fifteen years;
- b) if the person is particularly vulnerable due to physical deficiency due psychic due to her state of pregnancy, her advanced age or his state of health
- c) if the act was committed by fraud or violence, use of false quality, fake title or falsified document or altered or false license;
- d) if the other makes use of narcotics or any other kind of substance taint the will of the victim;
- e) if the other is carrying an apparent or hidden weapon;
- f) if the other is an ascending or a person having authority over the victim;
- g) if the victim was kidnapped, deprived of ailment or exposed in a public place or private recruitment;
- h) if the victim is exposed to dangerous, arduous or the worst forms of child labor
- i) if the perpetrator committed sexual abuse to the victim

Article 8:

In the sense of the law, the operation means all activities which is subject the child and do not, for the latter, no economic interest, moral, mental or psychological but which, provide to the author or any other person,

directly or indirectly way, of the economic, moral or psychological benefits.

The term also includes the exploitation of child prostitution and all forms of use with sexual purposes of children, forced labour or services, or any form of abuse has economic or sexual purposes prejudicial to health, development physical, mental, spiritual, moral and social development of the child.

Is punished with imprisonment of five to ten years and a fine of two million Comorian francs, any person who employs children and who maintains sexual relations with them or subjects them to physical, psychological and sexual services.

Congo (Republic of the)

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2002 Constitution at article 26 which declares that 'no one shall be subjected to slavery'. Provisions related to child slavery can be found in the 2010 Child Protection Code at article 68 as one of the 'worst forms of child labour'.

ii) There appears to be **no legislation** in place in the Republic of the Congo which prohibits **servitude**, although practices similar to slavery, debt bondage and serfdom in relation to children are prohibited under the 'worst forms of child labour' in article 68 of the Child Protection Code.

iii) **Provisions** related to **forced labour** are found in the 2002 Constitution which prohibits forced labour at article 26. Forced labour of children is also prohibited under the 'worst forms of child labour' in article 68 of the Child Protection Code.

iv) There appears to be **no legislation** in place in the Republic of the Congo which prohibits **trafficking in persons**, although trafficking in children is prohibited by article 60 of the Child Protection Code.

2) International Obligations: the Republic of the Congo consents to:

1926 Slavery Convention: (15 October 1962, succession)
 1930 Forced Labour Convention: (10 November 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (25 August 1977, accession)
 1957 Abolition of Forced Labour Convention: (26 November 1999, ratification)
 1966 ICCPR: (5 October 1983, accession)
 1998 Rome Statute of the ICC: (3 May 2004, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (14 December 2000, signature)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: the Republic of the Congo appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 114

Article 16 of the Congolese Constitution:

No one shall be held in slavery or servitude nor under any conditions analogous thereto.

No one may be condemned to forced or compulsory labour except in cases provided by law.

Article 67 of the Criminal Code:

Any person who, by means of violence, fraud or threats, abducts or causes to be abducted, arrests or causes to be arrested arbitrarily, detains or causes to be detained another person shall be liable to a term of penal servitude of one to five years. If the person abducted, arrested or detained is subjected to physical torture, the guilty shall be liable to a term of penal servitude of five to twenty years.

Article 68 of the Criminal Code:

Any person who abducts or causes to be abducted, arrests or causes to be arrested, detains or causes to be detained another person for the purpose of selling him into slavery or who disposes of a person placed under his authority for the same person shall be liable to the penalties provided by law, and the distinctions established in the preceding article shall apply.

Decree of the King-Sovereign of 1 July 1891 concerning the slave trade
The abduction of slaves

1. any person who abducts another by means of violence, fraud or threats for the purpose of trade or slavery shall be liable to a term of penal servitude not less than one nor more than five years and to a fine of not less than 500 nor more than 2,000 francs.

2. The abduction of slaves effected by associations of armed men shall be punishable by death or by penal servitude for life.

Trading in slaves

3. Any person who engages in any slave trading transaction shall be liable to a term of penal servitude not less than six months nor more than three years and to a fine of not less than 200 nor more than 2,000 francs.

4. Any person who knowingly and wilfully conveys or transports one or more slaves obtained by abduction or trade shall be liable to a term of penal servitude of not less than three months nor more than three years and to a fine of not less than 100 nor more than 1,000 francs.

5. Any person who habitually carries on the activities referred to in articles 3 and 4 shall be deemed to be a slave-dealer and shall be liable to a term of penal servitude of not less than five nor more than ten years and to a fine of not less than 1,000 nor more than 5,000 francs.

Persons having a financial interest in a slave trading undertaking

6. Any person who knowingly and wilfully takes a financial interest in an undertaking the object of which is to carry on the slave trade or operations to procure slaves for the slave trade shall be punished as principal.

Receivers of slaves obtained by trade

7. Any person who knowingly and wilfully receives one or more slaves obtained by abduction or trade shall be liable to a term of penal servitude of not less than three months nor more than one year and to a fine of not less than 100 francs nor more than 500 francs, or to only one of these penalties.

ENGEN REPORT

Paragraph 14:

The following are punishable offences: the abduction by means of violence, frauds or threats of any person for the purpose of trade or slavery, the receiving, conveying or transportation of slaves obtained by abduction or trade, trade in such slaves (Decree of 1 July 1981), and acts whereby a person disposes of others placed under his authority for sale as slaves (Penal Code, section 68).

CONSTITUTION OF THE REPUBLIC OF CONGO

Article 9:

The freedom of the human person is inviolable. No one shall be arbitrarily accused, arrested or detained. Every defendant is presumed innocent until proved guilty
been prepared following a procedure guaranteeing the rights of defence. Any act of torture, cruel, inhuman or degrading treatment is prohibited.

Article 24:

The State recognizes that all citizens the right to work and must create conditions that make effective the enjoyment of this right.

Article 26:

No person shall be compelled to perform forced labour, except in the case of a sentence deprivation of liberty ordered by a court of law. No one shall be subjected to slavery.

PENAL CODE

Article 334: Procuring

The procurer is a person who: Aids, assists or protects a person who engages in prostitution; share in the return derived from the prostitution of another person or persons; recruits, trains or keeps a person of full age with a view to prostitution; acts as an intermediary between persons engaging in prostitution or debauchery.

Article 335 Prohibition on the Opening of Brothels

LABOUR CODE

Article 4 (Law No 6-96)

Forced or compulsory labor is absolutely prohibited. The term "forced or compulsory labor" means any labor required of an individual under threat of any penalty and for which the said person has not offered himself voluntarily. The term "forced labor" does not apply to work or service required in case of war, disaster, threat of loss, natural disaster or epidemic and generally in all circumstances likely to endanger endangering the lives of others or the circumstances normal existence of all or part Population. The term "compulsory labor" shall not apply to all work and decided executed voluntarily by community and to the direct interest of tasks for this community such as the establishment or maintenance of communication channels, sanitation and cleanliness housing, the supply of water, land development, construction purposes social, cultural or economic.

Article 257 (Law No. 6-96)

Shall be punishable by a fine 600,000 FCFA 900,000 to FCFA and if recurrence of a fine of 900,000 to 1,100,000 FCFA.

a) breaches the provisions of the authors Article 4 on the prohibition of forced labor 87 (2) on the payment of wages or alcohol alcoholic beverage, 103 except in display, 104 e 166.

- b) persons who have voluntarily misrepresentation of industrial accident or occupational disease.
 - c) any person who by violence, threat or any other means of pressure has forced or tried to force a worker to will employ against his will or, by the same means have tried to prevent or will have prevented or fulfill the obligations imposed by his contract.
- sets the minimum age for employment and apprenticeships at 16 and the minimum age for hazardous work at 18

THE FAMILY CODE
ACT NO.73/84 1984

Article 128

A man of less than 21 years of age and a woman of less than 18 years of age may not contract a marriage.

Article 129

Each of the spouses, even if under age, must personally consent to the marriage. Consent shall not be deemed valid if it was extorted by violence or was given in consequence of an error as to physical or civil identity or some other essential quality which, had the error been known, would have prevented the other spouse from contracting marriage.

2010 LOI NO. 4-2010
CHILD PROTECTION
CODE

Article 37

The right to refuse pre-marriage and marriage is recognized to every child. Is null, marriage or pre-marriage contracted by a child under duress

Article 60

Trafficking, sale and all forms of exploitation the child is prohibited in the Republic of Congo.

1) Human trafficking means the recruitment, transportation, transfer, harboring or receipt of a child purpose of exploitation whatever the means used, that either by the threat of use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having authority over the child or absence these means and which drives the movement of child within or outside the country by one at least in the presence of people and regardless is the purpose of the child's removal.

2) Exploitation shall include, at a minimum, the exploitation to the prostitution of others or other forms sexual exploitation, forced labor or services, slavery or practices similar to slavery or the removal of organs. The consent of the child to the intended exploitation, such set out in this article shall be irrelevant regardless of the means used or the absence of recourse to any covered ways.

3) The term sale of children, any act or transaction involving the transfer of a child, any person or group of persons to another person or another group against remuneration or other benefit

Article 68

Are prohibited, early jobs, the worst forms labor and other domestic activities with threaten the physical or mental health of the child. by early employment means the fact to involve children under sixteen years in the job in a domestic sphere, in the formal or informal sectors.

The worst forms of child labor include:

- a) all forms of slavery or similar practices, such as the sale and trafficking of children, debt bondage and serfdom and work forced or compulsory, including forced recruitment or compulsory for children to use in armed conflict;
- b) the use, procuring or offering of a child for for prostitution, production of pornography or for pornographic performances;
- c) the use, procuring or offering of a child for illicit activities, including the production and drug trafficking, as defined in the relevant international conventions;

d) work which, by its nature or the circumstances in which they are carried out are likely to harm the health, safety or morals of children. A decree issued after the National Commission Consultative Labour will prepare the list and nature of work and the categories of enterprises prohibited for children the age limit applies this prohibition.

Article 115

A penalty of hard labor and a fine of 1 million to 10 million CFA francs, whoever will engage in the trafficking, sale, trafficking or any Other forms of child exploitation regardless of the mobile. The criminal court may also convict the author of these facts to pay the family of research costs, repatriation and reintegration. The authors and accomplices may also be fallen their civic, civil and family

Article 108

The penalty for imprisonment of three months to two years and a fine of 150,000 to 1,500,000 CFA francs shall be imposed on a person who compels a child to marry or marry. If the constraint is imposed by the private supervision institution of the child, the penalties applicable are those referred to in article 127 of this law. If the constraint comes from the public institution of supervision, it will respond in accordance with the provisions in force. The initiation of public action is subject to the prior submission of a complaint on the initiative of any person having an interest. The judgment may be exempt from execution of the sentence.

LAW 6/018 SEXUAL VIOLENCE STATUTE

Specifically prohibits sexual slavery, sex trafficking, child and forced prostitution, and pimping, and prescribes penalties for these offenses ranging from three months to 20 years' imprisonment.

Costa Rica

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 20 which declares that 'every person is free in the Republic; whoever is under the protection of its laws may not be a slave'. Slavery as an element of trafficking in persons is also prohibited under article 172 of the Penal Code.

ii) There appears to be **no legislation** in place in Costa Rica which prohibits **servitude**, although practices similar to slavery, sexual servitude, servile marriage, and illegal adoption are prohibited as elements of trafficking in persons under article 172 of the Penal Code.

iii) There appears to be **no legislation** in place in Costa Rica which prohibits **forced labour**, although labour exploitation (inducing, maintaining or subjecting a person to work or services that seriously undermines fundamental human rights) is prohibited under article 189 bis of the Penal Code. Forced labour is also prohibited when committed as an element of trafficking in persons under article 172 of the Penal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code at article 172 and in Law 9095 Against Trafficking in Persons. Trafficking of minors is also prohibited at article 376 of the Penal Code.

2) International Obligations: Costa Rica consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (2 June 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (4 May 1959, ratification)
 1966 ICCPR: (29 November 1968, ratification)
 1998 Rome Statute of the ICC: (7 June 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (9 September 2003, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Costa Rica appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF COSTA RICA 1949
(REV. 2011)

Article 20

Every person is free in the Republic; whoever is under the protection of its laws may not be slave [masculine] or slave [feminine].

Article 56.

Work is a right of the individual and an obligation with society. The State must procure that everyone has an honest and useful occupation, duly remunerated, and because of this to impede the establishment of conditions that in some form diminish the freedom or the dignity of man or degrade his work to the condition of simple merchandise. The State guarantees the right to free election of [a] job.

PENAL CODE
(INCLUDING
AMENDMENTS
UNDER LAW 9095
AGAINST
TRAFFICKING IN
PERSONS 2012)

Article 172.

Shall be punishable with imprisonment from six to ten years, who promotes, facilitates or encourages the entry or departure, or movement within the national territory, of persons of either sex to perform one or more acts of prostitution or subjected to exploitation, labor or sexual servitude, slavery or practices similar to slavery, forced labor or services, servile marriage, begging, illicit removal of organs and illegal adoption. The prison term is eight to sixteen years, if half as well, one of the following circumstances:

- a) The victim is under eighteen years of age or is in a position of vulnerability or disability.
- b) deception, violence or any form of intimidation or coercion.
- c) The author is a spouse, partner or relative of the victim to third degree of consanguinity or affinity.
- d) The author will prevail in their terms of authority or trust with the victim or his family, mediate or no family relationship.
- e) The perpetrator takes advantage of the exercise of their profession or role.
- f) The victim suffered serious damage to health.
- g) The offense is committed by a criminal group composed of two or more members.

[Article as amended by the Law for the Protection of Victims, Witnesses, and Others Involved in the Criminal Process, law no. 8720 of Mar. 4, 2009]

Manufacture, production or reproduction of child pornography

Article 175 bis. Sanction to owners, lessors, administrators or owners of establishments

The owner, lessor, possessor or administrator of an establishment or place that destines or benefits from trafficking in persons, the smuggling of migrants or their related activities shall be punished with imprisonment of between three and five years.

Article 189 bis. Labor exploitation

He shall be punished with imprisonment for four to eight years, who Induces, maintains, or subjects a person to the performance of work or services that seriously undermines his or her fundamental human rights, whether or not the victim consents. The penalty will be six to twelve years in prison, if the victim is a person under eighteen years of age or is in a situation of vulnerability.

Article 192. Deprivation of liberty

The penalty of imprisonment will be from four to ten years when another is deprived of his personal freedom, if any of the following circumstances:

- 1) When the victim is a person under the age of eighteen Of age or is in a situation of vulnerability or disability.
- 2) By coercion, deception or violence.
- 3) Against the spouse, cohabiting partner or relative up to the third degree of consanguinity or affinity, or a public official.
- 4) When it lasts more than twenty-four hours.
- 5) When the author prevails of his relation of authority or trust with the victim or his family, it mediates or not relation of kinship.
- 6) When the author takes advantage of the exercise of his profession or the role it performs.

Article 192 bis. Abduction of the minor or disabled person

It will be repressed with imprisonment of ten to fifteen years, who deprives a person under age or with cognitive or physical disability, of the power of their parents, guardians, curators, tutors or persons in charge. The penalty shall be from twenty to twenty-five years' imprisonment, if the victim is subjected to serious or very serious injuries, and from thirty-five to fifty years in prison if he dies.

When parents, guardians, guardians, guardians or persons in charge who remove or retain a minor, disabled person or person with no capacity to resist, shall be punished with imprisonment of twenty to twenty-five years.

Article 193. Coercion

He will be punished with a prison sentence of three to five years, who by serious threat or physical or moral violence compels a person to do, not do or tolerate something that is not bound.

Article 376. Trafficking of minors

It shall be punished with imprisonment from eight to sixteen years, who promotes, facilitates or favors the sale, for any purpose, of a person under age and therefore receives any kind of payment, reward, financial reward or otherwise. The same penalty shall be imposed on anyone who pays, gratifies or rewards in order to purchase the minor.

The prison shall be from ten to twenty years, when the author is an ascendant or relative up to the third degree of consanguinity or affinity, custodian, custodian or any person who exercises the representation of the person under age. The same penalty shall be imposed on the professional or public official who sells, promotes, facilitates or legitimizes, through any act, the sale of the minor.

The professional and public official shall also be imposed on the duration of the maximum sentence for the exercise of the profession or office in which the event occurred.

Article 377 bis. Illicit trafficking in human organs, tissues and / or fluids

A prison sentence of eight to sixteen years shall be punishable by the possession, transportation, sale or illicit purchase of organs, tissues and / or human fluids.

LAW 9095 AGAINST
TRAFFICKING IN
PERSONS 2012

Article 5. Concept of trafficking

Trafficking in persons shall mean the promotion, facilitate or promote the entry or leave the country or movement within the national territory, of persons of either sex for one or more events prostitution or subject them to exploitation or servitude, either sexual or labor, slavery or practices similar to slavery, forced labor or services, marriage servile, forced begging, illegal logging illegal adoption or organ.

Article 7 Definitions

For the purposes of this Act are defined as follows:

j) Slavery : status and social status in which a person is lacking freedom and rights by being subjected so absolute to the will and dominion of other.

Article 172. Trafficking in persons

A person shall be punished with imprisonment for six to ten years, who promotes, facilitates or favors the entry or exit of the country, or the movement within the national territory, of persons of any sex to perform one Or acts of prostitution or exploitation, sexual or labor bondage, slavery or practices similar to slavery, forced labor or services, servile marriage, begging, unlawful removal of organs or unlawful adoption. The penalty of imprisonment shall be from eight to sixteen years, if one of the following circumstances also occurs:

- a) The victim is under eighteen years of age or is in a situation of vulnerability or disability.
- b) Deception, violence or any means of intimidation or coercion.
- c) The author is a spouse, partner or relative of the victim up to the third degree of consanguinity or affinity.
- d) The author prevails over his relationship of authority or trust with the victim or his family, whether or not the relationship is related.
- e) The author takes advantage of the exercise of his profession or the role it performs.
- f) The victim suffers serious damage to his health.
- g) The offense is committed by a criminal group composed of two or more members.

(As amended by article 19 of the Law on Protection of Victims, Witnesses and other participants in Criminal Procedure No. 8720 of March 4, 2009.)

Article 192.- Imprisonment exacerbated

The term shall be four to ten years when it deprives another of his liberty personal.

Côte d'Ivoire (Ivory Coast)

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 3 prohibiting slavery and article 376 of the Criminal Code prohibiting entering an agreement to alienate another's freedom. Child slavery is also prohibited as one of the worst forms of child labour under article 4 of the Prohibition of Child Trafficking and the Worst Forms of Child Labour Law.

ii) There appears to be **no legislation** in place in Côte d'Ivoire which prohibits **servitude**, although child servitude, practices similar to slavery, debt bondage and serfdom are prohibited under the worst forms of child labour in article 4 of the Prohibition of Child Trafficking and the Worst Forms of Child Labour Law

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 3 and the Criminal Code which penalises imposing work or service on others for which they have not voluntarily offered themselves. Forced and compulsory labour are also absolutely prohibited by article 3 of the Labour Code. Compulsory labour of children is prohibited as one of the worst forms of child labour under article 4 of the Prohibition of Child Trafficking and the Worst Forms of Child Labour Law.

iv) There appears to be **no legislation** in place in Côte d'Ivoire which prohibits **trafficking in persons**, although traffic in children is prohibited by article 21 of the Prohibition of Child Trafficking and the Worst Forms of Child Labour Law.

2) International Obligations: Côte d'Ivoire consents to:

1926 Slavery Convention: (8 December 1961, succession)
 1930 Forced Labour Convention: (21 November 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (10 December 1970, accession)
 1957 Abolition of Forced Labour Convention: (5 May 1961, ratification)
 1966 ICCPR: (26 March 1992, accession)
 1998 Rome Statute of the ICC: (15 February 2015, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (25 October 2012, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Côte d'Ivoire appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

1966 AWAD REPORT

Paragraph 233

“The laws in force provide for the suppression of all acts and practices, including slavery and all practices similar thereto, which prejudice individual liberty.”

“Under Article 114 of the Criminal Code, any public official or civil servant of the Government who orders or commits any arbitrary act which prejudices individual liberty is liable to punishment by loss of his civil rights, which may be accompanied by imprisonment for not more than five years, assuming that he has acted in the discharge of his duties but has been at fault for displaying excessive zeal.”

“Article 341 of the Criminal Code, which is drafted in very general terms, provides that, aside from cases in which the law provides for the arrest of a person charged, persons who, without a warrant issued by a duly constituted authority, arrest, imprison or detain anyone shall be liable to the criminal penalties described below.”

“Under the said article 341, persons entering into agreement for the purpose of depriving a third person of his liberty, whether gratuitously or for gain shall be liable to the same penalties, and the maximum penalty shall be incurred if the victim is under fifteen years of age.”

Paragraph 822

“Article 341, paragraph 2 of the Criminal Code states: ‘Anyone who provides a place for detention or confinement shall be liable to the same penalties as those responsible for the said detention or confinement. In view of their general nature, these provisions could apply to the pilot, captain or owner who lent his vessel or aircraft to be used as a place of detention or confinement. Such acts also constitute complicity in the form of aiding, abetting, or providing material means.’”

THE CONSTITUTION OF THE COTE D'IVOIRE

Article 2

The human person is sacred. All human beings are born free and equal before the law. They enjoy the rights that are inalienable right to life, liberty, self-development of their personality and respect for their dignity. The human rights are inviolable. The public authorities have an obligation to ensure respect, protection and promotion. Any sanctions aimed at the taking of human life is prohibited.

Article 3

Are prohibited and punished by law, slavery, forced labour, inhuman treatment and cruel, degrading and humiliating, the physical or mental torture, physical violence and mutilation and all forms of degradation of human beings.

Article 6

The state ensures the protection of children, elderly and disabled.

Article 7

Every human being has the right to development and full development of his personality in its material, intellectual and spiritual. The State guarantees all citizens equal access to health, education, culture, information, vocational training and employment. The State has the duty to safeguard and promote the national values of civilization and cultural traditions are not contrary to law and morality.

Article 8

The State and public authorities have a duty to ensure the development of youth. They create the conditions for its civic and moral education and secure environment against exploitation and neglect.

Article 17

Everyone has the right to choose his profession or employment. Access to public or private employment is equal for all. Is prohibited from discrimination in access to or exercise of employment based on sex, political opinions, religious or philosophical.

CRIMINAL CODE

Section 335

Pimp is considered and punished by imprisonment of one to five years and a fine of 1,000,000 to 10,000,000 francs person who: (1) In some way aids, assists or knowingly protects the prostitution of others or soliciting for prostitution; (2) In any form, sharing the proceeds of prostitution of others or receives money from a person if habitually engages in prostitution; (3) Lives knowingly with a person if habitually engaging in prostitution and no visible means of support corresponding to his lifestyle; (4) hires, recruits or maintains, even with her consent, even an adult person for prostitution or engaging in prostitution or debauchery; (5) Acts as an intermediary in any capacity between persons engaged in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others. Attempted offenses under this section shall be punishable.

Section 336

Penalties under the preceding article shall be doubled in cases where the crime was committed:

- (1) In respect of a person under twenty-one years;
- (2) With threats, coercion, violence, assault, abuse of authority, or fraud;
- (3) with carrying weapons visible or hidden;
- (4) For the spouse of the person engaging in prostitution;
- (5) For the father, mother or other relatives of the person engaged in prostitution, guardian or persons having authority over it, by those responsible for his education, his intellectual, or professional or monitoring or who are hired servants;
- (6) In respect of many people;
- (7) For several co-authors or accomplices.

Attempted offenses under this section shall be punishable. The penalties provided in the previous article and this article shall be given, even though the various acts which are the constituent elements of the offense were committed in different countries

Article 337

A person shall be punished with imprisonment of two to five years and a fine of 500,000 to 5,000,000 francs, Promoting or facilitating the debauchery or corruption of the youth of either sex below the age of eighteen years.

The pronouncement of the penalty shall be taken into account in respect of acts performed even abroad.

The attempt of the offense is punishable.

Article 339

Shall be punished with imprisonment of two to five years and a fine of 1,000,000 to 10,000,000 francs whoever:

(1) holds directly, or through an intermediary, manages the head office, finances or contributes to the financing of an establishment having as its principal or accessory object prostitution;

(2) usually accepts or tolerates that one or more persons engage in prostitution or search for prostitution, either inside or in the annexes of the establishment, hotel, furnished house, pension, debit Restaurant, club, dance hall, circle, place of performance or any place open to the public that it owns or manages or finances.

The attempt of the offenses referred to in this article is punishable.

The judge pronounces the withdrawal of the license of which the convicted person would be beneficiary.

The guilty parties are ordered to reimburse the possible repatriation costs of the persons they have exploited or attempted to exploit or contributed to exploit prostitution.

The investigating judge may also order the closure of the establishment on a provisional basis and for a period of not more than three months, which may be renewed.

Article 370

Whoever, by violence or fraud takes away any form whatsoever minors to places where they were placed by those in authority or direction from which they were submitted, shall be punished with imprisonment from five to ten years and a fine of 500,000 to 50,000,000 francs .If the minor is removed and a minor under fifteen years, the maximum penalty must be pronounced; If the offender has been paid or has been aimed at getting paid a ransom by those under whose supervision the child was placed, the penalty is life imprisonment. The punishment is imprisonment from five to twenty years if the minor has been found alive, has ever been made before the Court sentence. Kidnapping is punishable by death if it is followed by the death of the minor, or if the result for him, infirmity causing permanent disability of over 30%. The attempt of the crimes referred to in paragraphs 1 and 2 of this article is punishable.

Article 371

Who, without fraud or violence, removes or attempts to remove a person under 18 is punishable by imprisonment of one to five years and a fine of 50,000 to 500,000 francs. This section does not apply if the underage person so removed, wife of abducting, unless the nullity of marriage has been pronounced.

Article 376

Shall be punished with imprisonment from five to ten years and a fine of 500,000 to 5,000,000 francs, anyone who enters into an agreement designed to alienate, either gratuitously or for consideration, freedom of a third person. The maximum penalty is always made if the person who was the subject of the agreement is under the age of fifteen.

Article 378

A person is sentenced to imprisonment of one to five years and to a fine of 50,000 to 500,000 francs or to one of those two penalties only who,

in order to satisfy his personal interests exclusively, imposes on others work Or a service for which he has not voluntarily offered himself.

Section 378

Shall be punished by imprisonment of one to five years and a fine of 360,000 to 1,000,000 francs or one of these two penalties any person who: (1) - Forced a minor of 18 years to enter into a matrimonial union of customary or religious; (2) To satisfy only his personal interest, imposes on others work or service for which he has not offered himself voluntarily. The provisions of Articles 117 and 133 of this Code are not applicable in respect of early marriage or forced. The attempt is punishable.

LABOUR CODE

Article 3.

Forced or compulsory labor shall be prohibited absolutely. Forced or compulsory labor means any work or service exacted from an individual under the threat of any penalty for which the individual has not voluntarily offered himself.

Article 100.4

Infringements of the provisions of this law, except those provided for in the following articles of this title, shall be punishable by the penalties applicable to contraventions under the conditions determined by decree.

LAW NO. 2010-272 PROHIBITION OF CHILD TRAFFICKING AND THE WORST FORMS OF CHILD LABOUR

Article 4

Are considered the worst forms of work prohibited to children:
-all forms of slavery or similar practices, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour including the recruitment and use of children in armed conflicts
-the use , procuring or offering of a child for purposes of sexual exploitation, pornographic production or pornographic material shows
-using, procuring or offering of a child for illicit activities including the production and narcotics trafficking
- work which, by its nature or the circumstances in which it is carried out, is likely to harm to health , to security or the child's morality

Article 5

Hazardous child labor is work which , by the conditions in which it is carried out is likely :

- put their childhood, their potential and their dignity
- harm to their health and their physical and mental development
- The deprived of their schooling or the opportunity to go to school
- The prevent to have a school assiduity or have the capacity to benefit from the instruction received

Article 6

Are considered dangerous by nature or according to the conditions in which they practice and prohibited to children , the work of which the list is fixed by order of the Minister in charge of labour

Article 7

The term forced or compulsory labor prohibits children means:

-any labor or services, outside the usual family spots education and textbook work , requires that a child must not , or will not , or cannot do , that the maid obliges to do, under threat , bullying , assault or deprivation of any kind, for the benefit of individuals, organizations or companies

-any institution or organisation under which a child is delivered by either both parents or one of them or by his guardian or person having authority over him, a third, individuals, organizations, companies , against payment or not for the exploitation of that child

-the imposition some form of work or service to produce or collect the fruits that individuals, organizations or companies using or in which they trade.

Article 8

Exploitation means all activities which the child is subjected and which do not, for the latter, no economic interest, moral, mental or psychological but who, on the other hand, provide to the author or any other person, to direct or indirect manner, the economic advantages, moral or psychological.

The term exploitation includes child prostitution and all forms of use with sexual purposes, child labour or forced services, illegal adoption, or marriage union early or forced, or any form of abuse has economic or sexual purposes prejudicial to health, physical development, mental, spiritual, moral and social development of the child.

Article 10

Young workers are persons under eighteen years but who have reached the age of fourteen years required for admission to employment or work.

Article 11

The sense of this Act, the trafficking of children means any act of recruitment, transportation, transfer, hosting, or children home on the inside or outside of a countries for exploitation whatever the means employed.

Article 12

The term sale of children, any act or transaction involving the transfer of a child to another person or a group against remuneration or other benefits.

Article 13

Servitude is the condition of any child who is required to live and work for another person without compensation or free to change his status.

Article 14

Slavery is the state or condition of a child which are exercised the attributes of the right of property.

Chapter 4: Sanctions

Article 18 (new)

Can be prosecuted for trafficking in children, the purported father and mother and legal representatives, traveling with a child without being able to prove their kinship by a legal document. It will be the same for any adult traveling with a child without specific authorization duly

authenticated by the father and mother or judicial authorization or administrative authority. A decree will specify the concept of travel, the nature of the legal document and for which the authorization will be no requirement.

Article 19

A penalty of imprisonment from one to five years and a fine of 500,000 to 1,000,000 CFA francs or one of these penalties, the father, mother, guardian or person having authority over the child or custody, if they are responsible for his education, his intellectual or vocational training or who knowingly execute leave the child in hazardous work.

Article 20

Whoever kidnaps or removes a child with the intention to sell so that it reduces servitude, or to detain as a slave, is punished with imprisonment of ten Twenty years and a fine of 5,000,000 has 50 million CFA francs.

Article 21

Whoever traffics children as defined in Article 11 of this Act shall be liable to imprisonment for ten twenty years and a fine of 5,000,000 has 20,000,000 CFA francs.

Article 23

Is punished with imprisonment of ten to twenty years and a fine of 5,000,000 to 20,000,000 CFA francs, anyone who subjects a child to forced labour as defined in Article 7 of this Act.

Croatia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2011 Criminal Code at article 105 which criminalises placing or keeping someone in slavery as well as buying, selling, mediating purchase, sale or handing over such a person. Inducing someone to sell his freedom, or that of someone under their maintenance or care is also prohibited under article 105.

ii) **Provisions** related to **servitude** are found in the 2011 Criminal Code at article 105 which criminalises placing someone in a status similar to slavery, as well as buying, selling, mediating purchase, sale or handing over such a person. Forced marriage is also prohibited by article 169 of the Criminal Code.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced or compulsory labour at article 23 and the 2005 Decree on Work and Material Obligations which prohibits forced labour but provides for an obligation to work in the event of war or direct threat.

iv) **Provisions** related to **trafficking in persons** are found in the 2011 Criminal Code at article 106 which criminalises traffic in human beings.

2) International Obligations: Croatia consents to:

1926 Slavery Convention: (12 October 1992, succession)
1930 Forced Labour Convention: (8 October 1991, ratification)
1953 Protocol to the 1926 Slavery Convention: (12 October 1992, succession)
1956 Slavery Convention: (12 October 1992, succession)
1957 Abolition of Forced Labour Convention: (5 March 1997, ratification)
1966 ICCPR: (12 Oct 1992, succession)
1998 Rome Statute of the ICC: (21 May 2001, ratification)
2000 Palermo Protocol (Trafficking in Persons): (24 January 2003, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Croatia appears to be:

- in compliance with its basic obligations under the above instruments with regard to slavery, servitude, forced or compulsory labour, and trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF THE REPUBLIC OF
CROATIA 1991 (REV.
2010)

Article 3

Freedom, equal rights, national equality and equality of genders, love of peace, social justice, respect for human rights, inviolability of ownership, conservation of nature and the environment, the rule of law, and a democratic multiparty system are the highest values of the constitutional order of the Republic of Croatia and the ground for interpretation of the Constitution.

Article 17

During a state of war or an immediate threat to the independence and unity of the State, or in the event of severe natural disasters, individual freedoms and rights guaranteed by the Constitution may be restricted. This shall be decided by the Croatian Parliament by a two-thirds majority of all members or, if the Croatian Parliament is unable to meet, at the proposal of the Government and upon the counter-signature of the Prime Minister, by the President of the Republic.

The extend of such restrictions shall be adequate to the nature of the danger, and may not result in the inequality of persons in respect of race, color, gender, language, religion, national or social origin.

Not even in the case of an immediate threat to the existence of the State may restrictions be imposed on the application of the provisions of this Constitution concerning the right to life, prohibition of torture, cruel or degrading treatment or punishment, on the legal definitions of penal offenses and punishments, or on freedom of thought, conscience and religion.

Article 22

Freedom and personality of everyone shall be inviolable.

No one shall be deprived of liberty, nor may his liberty be restricted, except upon a court decision in accordance with law.

Article 23

No one shall be subjected to any form of maltreatment or, without his consent, to medical or scientific experimentation.

Forced and compulsory labor shall be forbidden.

Article 47

Military service and the defense of the Republic of Croatia shall be the duty of every capable citizen of the Republic of Croatia.

Conscientious objection shall be allowed to all those who for religious or moral reasons are not willing to participate in the performance of military service in the armed forces. Such persons shall be obliged to perform other duties specified by law.

Article 55

Everyone shall have the right to work and enjoy the freedom of work. Everyone shall be free to choose his vocation and occupation, and all jobs and duties shall be accessible to everyone under the same conditions.

Article 56

Every employee shall have the right to a fair remuneration, such as to ensure a free and decent standard of living to him and his family. Maximum working hours shall be regulated by law.

Every employee shall have the right to a weekly rest and annual holidays with pay, and these rights may not be renounced.
Employees may, in conformity with law, participate in decision- making in the enterprise.

Article 65

Everyone shall have the duty to protect children and helpless persons. Children may not be employed before reaching the legally determined age, nor may they be forced or allowed to do work which is harmful to their health or morality.
Young people, mothers and persons with disabilities shall be entitled to special protection at work.

CRIMINAL CODE 2011 Article 90 Crimes against Humanity

(1) Whoever violates the rules of international law as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(c) enslave a person so over it performs some or all of the powers attaching to the right of ownership, including the exercise of such powers in human trafficking,

(e) unlawfully confines another person or her otherwise unlawfully restricts his freedom,

(g) raping another person, holding in sexual slavery, forced prostitution, illegally kept in detention of a woman forcibly made pregnant in order to affect the ethnic composition of any population or makes some other grave breaches of international law, to another person without her consent and when it is not justified by medical reasons deprives biological reproductive capacity, or over it commits some other sexual violence of comparable gravity,

(k) commit other inhumane acts of a similar character intentionally causing great suffering, serious bodily injury or serious impairment of health,

shall be punished by imprisonment not less than five years or long-term imprisonment.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on anyone orders any of the foregoing offenses.

Article 91 War Crimes

(1) Whoever violates the rules of international law in time of war, occupation or international armed conflict or an armed conflict not of an international character commits any of the following serious violations against persons or property protected by the Geneva Conventions of 12 August 1949 .:

(a) murder,

(b) torture or inhuman treatment, including biological experiments,

(c) causing great suffering, bodily injury or serious damage to the health of hard,

shall be punished by imprisonment of at least five years or by a life sentence.

(2) Whoever violates the rules of international law in time of war, occupation or international armed conflict or an armed conflict not of an international character commit other serious violations of the laws and customs applicable in international armed conflict or an armed conflict

not of an international within the established framework of international law, that is any of the following acts:

- (u) outrages upon personal dignity, in particular humiliating and degrading treatment, collective punishment,
- (v) sexual oppression, forced prostitution, forced pregnancy, forced sterilization or other sexual violence also constituting a serious breaches, shall be punished by imprisonment for three years.
- (3) The punishment referred to in paragraph 1 of this Article shall be inflicted offense under paragraph 2 of this Article against a large number of people or in a particularly cruel or insidious way, out of greed or other base motives.
- (4) If an order to commit the offense referred to in paragraphs 1, 2 or 3 of this Article shall be punished as if he himself had committed.

Article 105 Slavery

- (1) Whoever violates the rules of international law, places another in slavery or in a similar status or keeps him in such a status, buys, sells, gives or mediates in the purchase, sale or handing over of such a person or induces someone else to sell his freedom or freedom of the person who is maintained or about her care, shall be punished by imprisonment for one to ten years.
- (2) Whoever transports people who are in slavery or similar relation, shall be punished by imprisonment for six months to five years.
- (3) If the offense referred to in paragraphs 1 and 2 against a child, shall be punished by imprisonment for three to fifteen years.

Article 106 Trafficking in Human Beings

- (1) use of force or threats, deception by fraud, abuse of power or of a position or relationship of dependency, by giving or receiving monetary compensation or benefits to achieve the consent of a person having control over another person, or otherwise crimp, bandage, , transfers, harbors or receives a person or exchanges or transfers control of the person to take advantage of her work through forced labor or servitude, establishing slavery or similar status, or to its exploitation for prostitution or other forms of sexual exploitation, including pornography or for the conclusion of unauthorized or forced marriage, or in order to take parts of her body, or to its use in armed conflicts or for the perpetration of unlawful actions shall be punished by imprisonment for one to ten years.
- (2) The sentence referred to in paragraph 1 of this Article shall be imposed on who recruits, transports, transfers, harbors or receives a child, or exchanges or transfers control of the child to take advantage of his work through forced labor or servitude, establishing slavery or similar status, or for its exploitation for prostitution or other forms of sexual exploitation including pornography or for assembly or unauthorized or forced marriage illegal adoption, or for the taking of the parts of his body, or to its use in armed conflicts.
- (3) If the offense referred to in paragraph 1 of this Article is committed against a child, or the criminal offense referred to in paragraph 1 or 2 of this Article committed by an official in the performance of his duties or is committed against a larger number of persons, or the knowingly endangered the life of one or more persons, shall be punished by imprisonment of three to fifteen years.
- (4) The punishment referred to in paragraph 1 of this Article shall be imposed on anyone, knowing that the person is a victim of human

trafficking used her services as a result of one of the forms of its exploitation referred to in paragraphs 1 and 2 of this Article.

(5) Whoever, with intent to facilitate the commission of offenses referred to in paragraphs 1, 2 and 3 of this Article shall maintain, suspend, conceals, damages or destroys a passport or identity document of another person, shall be punished by imprisonment of up to three years.

(6) An attempt of the offense referred to in paragraph 5 of this Article shall be punished.

(7) The consent to the use of a single person on whose damage is trafficking committed no impact on the existence of this criminal offense.

Article 132 Non-payment of Wages

(1) Who does not pay part or all of the wages to one or more workers, shall be punished by imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever does not give information or gives inaccurate information to determine salaries and therefore is not paid or paid partially.

(3) The criminal offense referred to in paragraph 1 of this Article when it is to non-payment due to the inability to dispose of funds on account of the employer or the lack of funds in the account of the employer which were not incurred in order to avoid payment of wages.

(4) If the offender referred to in paragraph 1 of this Article subsequently paid arrears of salary, may be released from punishment.

(5) The salary for the purposes of this Article means the basic salary and all other benefits in cash or in kind which the worker receives on the basis of labor, in the gross amount which includes contributions from and on salaries under a special regulation.

Article 136 Unlawful Deprivation of Liberty

(1) Whoever unlawfully imprisons another person, keeps him imprisoned or otherwise restricts or limits the freedom of movement, shall be punished by imprisonment of up to three years.

(2) Whoever unlawfully restricts his freedom in order to him to an action, omission or acquiescence, shall be punished by imprisonment for six months to five years.

(3) If the offense referred to in paragraphs 1 and 2 of this Article is committed against a child, or the unlawful deprivation of liberty lasts more than fifteen days, or is committed in a cruel manner, or the person who has been illegally deprived of freedom caused serious bodily injury or is committed by officials in the execution of his duty or public authority, shall be punished by imprisonment for one to ten years.

(4) If the offense referred to in paragraphs 1, 2 and 3 of this Article the death of the person unlawfully deprived of liberty, shall be punished by imprisonment of three to fifteen years.

(5) The perpetrator who voluntarily releases the person who has been illegally deprived of freedom before he hit the target in paragraph 2 of this Article, may be released from punishment.

(6) An attempt of the offense referred to in paragraph 1 of this Article shall be punished.

Article 169 Forced Marriage

- (1) Whoever coerces another person to marry, shall be punished by imprisonment for six months to five years.
- (2) A person who procures a person to another country than the one where the resident to is there forced to marry, shall be punished by imprisonment of up to three years.

2005 DECREE ON
WORK AND
MATERIAL
OBLIGATIONS

Note: criminalises forced labour (no text available)

LABOUR ACT 2014

Article 7 Fundamental obligations and rights arising from employment relationship

- (1) The employer shall be obliged to ensure work for an employed worker and pay remuneration for the work performed, and the worker shall be obliged to perform the work following the instructions provided by the employer in line with the nature and type of work.
- (2) The employer shall be entitled to determine the place and the manner of performing the work, and shall respect the worker's rights and dignity.
- (3) The employer shall be obliged to ensure safe working conditions with no detrimental effects to the health of worker, in accordance with a special law and other regulations.
- (4) Any direct or indirect discrimination in the area of labour and working conditions shall be prohibited, including the selection criteria and requirements for employment, advance in employment, professional guidance, education, training and retraining, in accordance with this Act and special laws and regulations.
- (5) The employer shall be obliged to protect the worker's dignity during the work in case of acts, uncalled for and contrary to this Act and special legal provisions, of superiors, collaborators and persons with whom the worker contacts on a regular basis while performing his tasks.

Cuba

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Cuba which prohibits **slavery**.
- ii) There appears to be **no legislation** in place in Cuba which prohibits **servitude**.
- iii) There appears to be **no legislation** in place in Cuba which prohibits **forced labour**, although exploiting the work of a racial group, particularly through forced labour for the purpose of establishing and maintaining domination by one racial group over another is prohibited under article 120 of the Penal Code as the crime of apartheid.
- iv) There appears to be **no legislation** in place in Cuba which prohibits **trafficking in persons**, although article 347 of the Penal Code titled 'trafficking' prohibits organising or promoting the exit of people from Cuba to a third country and organising or promoting, for financial gain and without lawful authority, the entry into the national territory of persons in order that they emigrate to third countries. International trafficking in children is also criminalised under article 316 of the Penal Code.

2) International Obligations: Cuba consents to:

1926 Slavery Convention: (date)
 1930 Forced Labour Convention: (date)
 1953 Protocol to the 1926 Slavery Convention: (date)
 1956 Slavery Convention: (date)
 1957 Abolition of Forced Labour Convention: (date)
 1966 ICCPR: (date)
 1998 Rome Statute of the ICC: (date)
 2000 Palermo Protocol (Trafficking in Persons): (date)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Cuba appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 122

The Agrarian Reform Act of 17 May 1959 abolished these institutions and practices constituting remnants or survivals of feudalism, in order to promote the nation's economic development. This Act prohibits the conclusion of *aparcería* contracts or any other contract providing for the payment of rent for a rural holding in the form of a share of the products of the holding.

CONSTITUTION OF THE REPUBLIC OF CUBA 1976 (REV. 2002)

Preamble

AWARE

that all the regimes of the exploitation of man by man cause the humiliation of the exploited and the degradation of the human nature of the exploiters;

that only under socialism and communism, when man has been freed from all forms of exploitation—slavery, servitude and capitalism—can full dignity of the human being be attained; and

that our Revolution uplifted the dignity of the country and of Cubans;

Article 36

Marriage is the voluntary established union between a man and a woman, who are legally fit to marry, in order to live together. It is based on full equality of rights and duties for the partners, who must see to the support of the home and the integral education of their children through a joint effort compatible with the social activities of both.

The law regulates the formalization, recognition and dissolution of marriage and the rights and obligations deriving from such acts.

Article 45

Work in a socialist society is a right and duty and a source of pride for every citizen.

Work is remunerated according to its quality and quantity; when it is provided, the needs of the economy and of society, the decision of the worker and his skill and ability are taken into account; this is guaranteed by the socialist economic system, that facilitates social and economic development, without crises, and has thus eliminated unemployment and the “dead season.”

Non-paid, voluntary work carried out for the benefit of all society in industrial, agricultural, technical, artistic and service activities is recognized as playing an important role in the formation of our people's communist awareness.

Every worker has the duty to faithfully carry out tasks corresponding to him at his job.

Article 46

All those who work have the right to rest, which is guaranteed by the eight-hour workday, a weekly rest period and annual paid vacations. The State contributes to the development of vacation plans and facilities.

PENAL CODE 1999

Article 120. Crime of Apartheid

1. The punishment of imprisonment of ten to twenty years or death, which, with the purpose of establishing and maintaining domination by one racial group over another, and in accordance with policies of extermination, segregation and racial discrimination:

- a) refuse to members of this group the right to life and freedom by murder; serious offenses against the person or psychic, freedom or dignity; torture or cruel, inhuman or degrading; arbitrary arrest and illegal imprisonment;
 - b) impose legislative or other measures calculated to prevent the group their participation in political, social, economic and cultural life of the country and deliberately creating conditions that impede their full development, denying them fundamental rights and freedoms;
 - c) divide the population along racial lines, creating reserves and ghettos, prohibiting marriage between members of different racial groups expropriating their property;
 - d) exploits the work of the group, in particular by submitting to forced labor.
2. If the act is to pursue or harass in any way to organizations and persons who oppose apartheid, or combating the penalty is imprisonment of ten to twenty years.
3. The responsibility for the acts specified in the preceding paragraphs is applies regardless of the country where the guilty act or reside and extends, whatever mobile, to individuals, members of the organizations and institutions and representatives of the state.

Article 316.

1. Who sells or transfers for adoption one under sixteen years of age, to another person, in exchange for reward, financial or otherwise, compensation shall be punished by deprivation of freedom from two to five years or a fine of three hundred to one thousand quotas, or both.
2. The penalty is three to eight years' imprisonment when the made in the preceding paragraph it refers to either of the following circumstances:
- a) if fraudulent acts are committed with the purpose of deceiving the authorities;
 - b) if committed by the person or institution responsible for having the child in their care and custody;
 - c) if the purpose is to move the child out of the country.
3. The penalty is seven to fifteen years of imprisonment when purpose is to use the child in any form of traffic international, related to the practice of corruption, pornography, the prostitution, trade in organs, forced labor activities linked to drug trafficking or illicit use of drugs.
4. The penalties provided for in this Article shall impose the facts do not constitute a more serious offense.

Chapter IV Supplementary Provisions

Article 317.

1. (Amended) A teacher or responsible in any form of education or address youth found guilty of any of the offenses under Articles 298, 299, 300, 302, 303, 304, 310, 311, 312, 313, 314 and 316, is imposed the accessory punishment of prohibition continuing to exercise the teaching or any other function youth leadership.
2. For the parents, guardians or custodians who commit offenses under Articles 298, 299, 300, 302, 303, subparagraphs a) and b), 304, 310, 312 and 313, paragraph 2, in the person of their descendants, pupils or less than care, in addition to the penalty stated in each case, they are deprived or Temporary suspension of rights under the peterno-child relationship or tutelary.

3. In crimes of rape, statutory rape or bigamy, the culprit is punished, also to recognize any resulting offspring, if requested by the offended.
4. For the held liable for offenses under this Title shall applied the additional penalty of forfeiture of a profession, position or trade, even though the fact is not fulfilled by abuse or neglect compliance with the duties and whatever the profession, position or office of the guilty, if somehow you have been involved with the commission fact.

Article 347. Trafficking

1. Whoever, without lawful authority, organize or promote, for financial gain, the entry into the national territory of persons in order that they emigrate to third countries, it is punishable by imprisonment seven to fifteen years.
2. The same penalty shall, without being entitled to do and in a spirit of profit, organizes or promotes the exit of the country from people who find it to third countries.

Article 348.

1. The discharge into the country using ship or aircraft or other means of transport in order to carry out illegal persons, shall be punished by imprisonment of ten to twenty years.
2. The penalty is imprisonment of twenty to thirty years or deprivation life when:
 - a) it is made the comisor carrying a weapon or other instrument ideal for aggression;
 - b) in the commission of the violence or intimidation it is used in people or force things;
 - c) in the commission of the act it endangers the lives of people or resulting in serious injury or death of these;
 - d) if among the people who are transported, it is one that is under fourteen years of age.

Special Provision Unica:

(added) For the purposes of the provisions of paragraph 3 of Article 8 of this Code, the applicable administrative fine shall not be less than not more than two hundred thousand pesos. However, the maximum limit of the fine may be up to two thousand pesos when circumstances competing in the event or in the offender so require. In these cases also it is imposed, where appropriate, civil liability enforceable in accordance with the provisions of Articles 70 and 71 of this Code. He may also proceed to the seizure of the effects or instruments of crime, applying where pertinent regulations regarding the accessory penalty confiscation set forth in Article 43 of this Code. If the offender fulfils the payment of the fine and comply with the terms of the , Within three working days of its liability taxation shall be terminated the proceedings and the fact, for the purposes criminal, it will not be considered a crime. However the acting forward the actions to the competent authority, if the offender requests it or not pay the fine or does not comply in terms of liability. The Interior Ministry, the Prosecutor General's Office and the Council of Government's Supreme Court shall regulate, as respectively concerning them, the application of the provisions of this Arrangement Special.

Cyprus

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 10(1) which declares that no person shall be held in slavery. Article 8 of Law on the Prevention, Fighting against Trafficking in and Exploitation of Human Beings and Protection of Victims also makes slavery through the specified means a prohibited form of labour exploitation.

ii) **Provisions** related to **servitude** are found in the Constitution at article 10(1) which declares that no person shall be held in servitude. Article 8 of Law on the Prevention, Fighting against Trafficking in and Exploitation of Human Beings and Protection of Victims also makes servitude a prohibited form of labour exploitation.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 10(2). Article 8 of the Law on the Prevention, Fighting against Trafficking in and Exploitation of Human Beings and Protection of Victims also makes forced work or services a prohibited form of labour exploitation.

iv) **Provisions** related to **trafficking in persons** are found in the Law on the Prevention, Fighting against Trafficking in and Exploitation of Human Beings and Protection of Victims which prohibits trafficking at article 6.

2) International Obligations: Cyprus consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (23 September 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (11 May 1962, succession)
 1957 Abolition of Forced Labour Convention: (23 September 1960, ratification)
 1966 ICCPR: (2 April 1969, ratification)
 1998 Rome Statute of the ICC: (7 March 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (6 August 2003, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Cyprus appears to be:

- in compliance with its basic obligations under the above instruments with regard to slavery, servitude, forced or compulsory labour, and trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 126

Article 10 [of the Constitution of the Republic of Cyprus] reads specifically: “No person shall be held in slavery or servitude. No person shall be required to perform forced or compulsory labour”.

Paragraph 127

In addition, the Secretary-General may note that the Criminal Code of the Republic of Cyprus (Cap. 154) makes some detailed provision for forced labour in section 254, which reads as follows: “Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour, and liable to imprisonment for one year”.

Article 128

...section 9 of the Slave Trade Act, 1824, which provides: “For any (citizen of the Republic of Cyprus) or person within (Cyprus Territory) knowingly to carry away or convey any person as a slave or for the purpose of being imported or brought as a slave to any place, or being sold or dealt with as a slave, or knowingly and wilfully to ship or detain or confined in a ship, any person as a slave or for any such purpose”. This offence is made piracy. Piracy under the foregoing statute is a felony punishable by “imprisonment for life or if accompanied by any assault with intent to murder any person on or belonging to the ship, or by wounding, or endangering the life of any person , by death”.

CONSTITUTION OF THE REPUBLIC OF CYPRUS 1960 (REV. 2013)

Article 10

1. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced or compulsory labour.
3. For the purposes of this Article the term " forced or compulsory labour " shall not include –
 - (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 11 or during conditional release from such detention;
 - (b) any service of a military character if imposed or, in case of conscientious objectors, subject to their recognition by a law, service exacted instead of compulsory military service;
 - (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the inhabitants.

Article 11

1. Every person has the right to liberty and security of person.
2. No person shall be deprived of his liberty save in the following cases when and as provided by law...

Article 22

1. Any person reaching nubile age is free to marry and to found a family according to the law relating to marriage, applicable to such person under the provisions of this Constitution.
2. The provisions of paragraph 1 of this Article shall, in the following cases, be applied as follows:

Article 25

1. Every person has the right to practice any profession or to carry on any occupation, trade or business.
2. The exercise of this right may be subject to such formalities, conditions or restrictions as are prescribed by law and relate exclusively to the qualifications usually required for the exercise of any profession or

are necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person or in the public interest:

CYPRIOT CRIMINAL
CODE 1959

150 Compulsion of marriage

Any person who by duress causes another person to marry against his or her will, is guilty of a misdemeanour.

254 Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour, and is liable to imprisonment for one year.

LAW NO 60 OF 2014
ON THE PREVENTION,
FIGHTING AGAINST
TRAFFICKING IN AND
EXPLOITATION OF
HUMAN BEINGS AND
PROTECTION OF
VICTIMS

Article 2

"Trafficking" means the recruitment, hiring, transportation, transfer, harboring or receipt or harboring or receipt persons, including exchange or transfer of control and / or power over that person, by threats or use of force or other forms of coercion, abduction, fraud, deceit, deception, abuse of power or vulnerability or offer or the giving or receiving of payments or benefits or emoluments for ensuring the person having possession of consent power over another, in order to exploit this term

Article 6

Any person who recruits, hires, transports, distributes, transmits, receives or hides an adult person, or houses or receives, exchanges or transfers control or power over that person, for the purpose of exploitation, through: (a) threats, and / or (b) use of force or other forms of coercion, and / or (c) abduction, and / or (d) deceit or fraud, or misrepresentation, and / or (e) abuse of power or of a position of vulnerability, such nature that the person has no real acceptable alternative but to submit to the abuse, and / or and (f) giving or receiving of payments or benefits to achieve the consent of a person having control over another person and / or (g) administration of any drug or other substance order to neutralize or drugged strength or of the resistance, and / or (h) virtual debt, is guilty of a felony and, upon conviction, is liable to imprisonment not exceeding ten years

Article 8 (Labour exploitation)

Whoever trades person to operate the labor or services, submit to forced work or services, or any form of slavery or practices similar or servitude, or for the account of the account another person and the work done is obvious difference with face working conditions that performs the same or similar work through:

- (a) threats, and / or
- (b) use of force or other forms of coercion, and / or
- (c) abduction, and / or
- (d) intent or fraud or misrepresentation, and / or
- (e) abuse of power or capacity for exploitation vulnerability, and / or

- (f) giving or receiving of payments or benefits to achieve the consent of a person having control over another person and / or
 - (g) virtual debt,
- is guilty of a felony, and upon conviction, subject to imprisonment not exceeding six years and if that that person is a child, to imprisonment not exceeding ten years.

Article 11

Whoever sells a child for sexual exploitation or prostitution is guilty of a felony and, if conviction, be liable to imprisonment not exceeding twenty years" Article 17 " 17. Anyone may reasonably assume that work uses or any victim services are object of offenses referred to in this Part, is guilty of an offense and on conviction is subject to imprisonment not exceeding three years or to a fine not exceeding fifteen thousand euros or to both such penalties: Provided that where the victim is a child, person convicted of an offense under this section, subject to imprisonment not exceeding ten years or to a fine not exceeding eighty thousand euro or to both such sentences.

MARRIAGE LAW 2003

Section 14

- (1) The free consent of the persons intending to contract a marriage is required before contracting a marriage.
- (2) There is no free consent of the persons intending to contract a marriage as provided in clause (1) of this section, if any one of them -

Voidable marriages

- (a) Is a person incompetent of contracting a marriage within the context of clause (3) of this section, or
- (b) He/she under misconception about the identity of the other person, or

(c) He/she has been forced to contract a marriage under threat, as specified in clause (4) of this section.

(3) For the purposes of paragraph (a) of clause (2) of this section a person incapable to contract a marriage is a person who -

- (a) Subject to the provisions of section 16, is under eighteen years of age, or

(b) Is incompetent at the time of the marriage ceremony to comprehend and appreciate his/her act in order to consent to the marriage, because of mental disorder or incompetence or due to addiction to addictive substances.

(4) For the purposes of paragraph (c) of clause (2) a threat is deemed to be -

(a) Any action, act or omission which may bring about fear to an average reasonable human being, that he/she may be exposed to a direct and significant risk of his/her life, honour, freedom, bodily integrity, or property or that of the members of his/her family, and because of such fear he/she consents to the marriage.

(b) Any legal, illegal immoral action or act or declaration which brings about fear to an average reasonable person and the consent for marriage is obtained by or both persons because of this reason.

Section 15

- (1) When one or both persons are under eighteen years of age, a marriage shall be permitted, if -

- (a) They are both over sixteen years of age,
 - (b) the persons acting as their guardians consent in writing,
 - (c) there are serious grounds justifying the marriage
- (2) When –
- (a) The guardians unjustifiably so do not consent, as provided in paragraph
 - (b) of clause (1) above, or (b) there is no guardian to consent, the District Court where the person intending to contract a marriage resides, may permit the marriage.

Czech Republic

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in the Czech Republic which prohibits slavery although section 168 of the Criminal Code prohibits slavery when committed as an element of the offence of trafficking in persons and section 401 criminalises enslavement as an element of crimes against humanity.
- ii) There appears to be **no legislation** in place in the Czech Republic which prohibits **servitude**, although section 168 of the Criminal Code prohibits servitude when committed as an element of the offence of trafficking in persons.
- iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour or service at article 9. Section 168 of the Criminal Code also prohibits forced labour when committed as an element of the offence of trafficking in persons
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which prohibits human trafficking at section 168.

2) International Obligations: the Czech Republic consents to:

1926 Slavery Convention: (10 October 1930, ratification)
 1930 Forced Labour Convention: (1 January 1993, ratification)
 1953 Protocol to the 1926 Slavery Convention: (date)
 1956 Slavery Convention: (22 February 1993, succession)
 1957 Abolition of Forced Labour Convention: (6 August 1996, ratification)
 1966 ICCPR: (22 February 1993, succession)
 1998 Rome Statute of the ICC: (21 July 2009, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (17 December 2014, ratification)
 2014 Protocol to the Forced Labour Convention: (09 June 2016, ratification)

3) Outcome: the Czech Republic appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE CZECH REPUBLIC
1993 (REV. 2013)
CHARTER OF
FUNDAMENTAL
RIGHTS AND BASIC
FREEDOMS

Article 1

All people are free, have equal dignity, and enjoy equality of rights. Their fundamental rights and basic freedoms are inherent, inalienable, non-prescriptible, and not subject to repeal.

Article 5

Everyone has the capacity to possess rights.

Article 8

1. Personal liberty is guaranteed.
2. No one may be prosecuted or deprived of her liberty except on the grounds and in the manner specified by law. No one may be deprived of her liberty merely on the grounds of inability to fulfill a contractual obligation.
3. A person accused of or suspected of having committed a criminal act may be detained only in cases specified by law. A person who is detained shall promptly be informed of the grounds for the detention, questioned, and within [twenty-four] hours at the latest, either released or turned over to a court. A judge must question the detained person and decide, within twenty-four hours of receiving him, whether the person shall be placed in custody or released.
4. A person accused of a criminal act may be arrested only on the basis of a warrant issued by a judge in writing and stating the reasons for the arrest. The arrested person shall be turned over to a court within twenty-four hours. A judge shall question the arrested person and decide, within twenty-four hours, whether the person shall be placed or released.
5. A person may be placed in custody only on the grounds and for the length of time laid down in a law, and only on the basis of a judicial decision.
6. The law shall specify the cases in which a person may be committed to or kept in a medical institution without her consent. A court must be notified within twenty-four hours that such a measure has been taken, and it shall decide within seven days whether the placement was proper.

Article 9

1. No one may be subjected to forced labor or service.
2. The provision of paragraph 1 shall not apply to:
 - a. labor imposed in accordance with law upon persons serving a prison sentence or upon persons serving other penalties that take the place of the penalty of imprisonment,
 - b. military service or some other service provided for by law in place of compulsory military service,
 - c. service required on the basis of law in the event of natural disasters, accidents, or other danger threatening human life, health, or property of significant value,
 - d. conduct imposed by law for the protection of life, health, or the rights of others.

Article 28

Employees have the right to fair remuneration for their work and to satisfactory work conditions. Detailed provisions shall be set by law.

CRIMINAL CODE

Criminal Offences Connected to Illicit Disposal with Human Tissues and Organs, Human Embryo and Human Genome

Section 164 Unauthorised Extraction of Tissues and Organs

(1) Whoever performs extraction of tissue, cell or organ from body of another contrary to other legal regulations, shall be sentenced to imprisonment for two to eight years.

(2) The same sentence shall be imposed to a anyone who contrary to other legal regulations for him-/herself or for another obtains, mediates, offers, imports, exports or transits human tissue, cell or organ withdrawn from the body of a living human, or in other ways disposes with such tissue, cell or organ.

(3) An offender shall be sentenced to imprisonment for five to twelve years or to confiscation of property, if he/she

- a) commits the act referred to in Sub-section (1) or (2) on a child,
- b) commits such an act with the use of violence, threat of violence or threat of another grievous injury,
- c) commits such an act while abusing distress, addiction or dependency of another,
- d) commits such an act on at least two persons,
- e) commits such an act repeatedly,
- f) commits such an act as a member of an organised group,
- g) causes grievous bodily harm by such an act, or
- h) gains substantial profit for him-//herself or for another by such an act.

(4) An offender shall be sentenced to imprisonment for eight to sixteen years or to confiscation of property, if he/she

- a) commits the act referred to in Sub-section (1) or (2) on a child under 15 years or age,
- b) commits such an act in connection to an organised group active in several states,
- c) causes death by such an act, or
- d) gains for him-/herself or for another extensive profit by such an act.

(5) Preparation is criminal.

Section 168 Trafficking in Human Beings

(1) Whoever forces, procures, hires, incites, entices, transports, conceals, detains, or consigns a child to be used by another for

- a) sexual intercourse or other forms of sexual abuse or harassment, or for production of pornographic works,
- b) extraction of tissue, cell, or organs from his/her body,
- c) service in the armed forces,
- d) slavery or servitude, or
- e) forced labour or other forms of exploitation, or who profits on such a conduct,

shall be sentenced to imprisonment for two to ten years.

(2) The same sentence shall be imposed to anyone who forces, procures, hires, incites, entices, transports, hides, detains, or consigns a person other than referred to in Sub-section (1) by

using violence, threat of violence or other grievous harm or deceit, or by abusing his/her error, distress, or addiction in order to use him/her for

- a) sexual intercourse or other forms of sexual abuse or harassment, or for the production of pornographic works,
- b) extraction of tissue, cell, or organs from their body,
- c) service in the armed forces,
- d) slavery or servitude, or

e) forced labour or other forms of exploitation, or who profits on such conduct.

(3) An offender shall be sentenced to imprisonment for five to twelve years or to confiscation of property if he/she

a) commits then act referred to in Sub-section (1) or (2) as a member of an organised group,

b) exposes another person to a risk of grievous bodily harm or death by such an act,

c) commits such an act with the intention to gain a substantial profit for him-/herself or for another, or

d) commits such an act with the intention to use another person for prostitution.

(4) An offender shall be sentenced to imprisonment for eight to fifteen years or to confiscation of property if he/she

a) causes grievous bodily harm by the act referred to in Sub-section (1) or (2),

b) commits such an act with the intention to gain extensive profit for him-/herself or for another, or

c) commits such an act in connection to an organised group operating in several states.

(5) An offender shall be sentenced to imprisonment for ten to eighteen years or to confiscation of property, if he/she causes death by the act referred to in Sub-section (1) or (2).

(6) Preparation is criminal.

Section 169 Entrusting a Child to Another Person

1) Whoever entrusts for a consideration a child to another person for the purpose of adoption or for another similar purpose, shall be sentenced to imprisonment for up to three years or to prohibition of activity.

(2) An offender shall be sentenced to imprisonment for two to eight years or to confiscation of property, if he/she

a) commits the act referred to in Sub-section (1) as a member of an organised group,

b) causes grievous bodily harm by such an act,

c) commits an such act repeatedly, or

d) commits such an act with the intention to gain substantial profit for him-/herself or for another by such an act.

(3) An offender shall be sentenced to imprisonment for three to ten years or to confiscation of property, if he/she

a) causes death by the act referred to in Sub-section (1),

b) commits such an act with the intention to gain extensive profit for him-/herself or for another by such an act, or

c) commits such an act in connection with an organised group operating in several states.

Section 170 Illegal Confinement

(1) Whoever without authorisation imprisons or otherwise confines another person, shall be sentenced to imprisonment for two to eight years.

(2) An offender shall be sentenced to imprisonment for five to twelve years, if he/she

a) commits the act referred to in Sub-section (1) as a member of an organised group,

- b) commits such an act on another for his/her true or presupposed race, belonging to an ethnical group, nationality, political beliefs, religion or because of his/her true or presupposed lack of religious faith,
- c) causes physical or mental suffering by such an act,
- d) causes grievous bodily harm by such an act, or
- e) commits such an act with the intention to gain substantial profit for him-/herself or for another.
- (3) An offender shall be sentenced to imprisonment for eight to sixteen years, if he/she
 - a) causes death by the act referred to in Sub-section (1) , or
 - b) commits such an act with the intention to gain extensive profit for him-/herself or for another
- (4) Preparation is criminal.

Section 171 Illegal Restraint

- (1) Whoever restrains another from enjoying personal freedom, shall be sentenced to imprisonment for up to two years.
- (2) An offender shall be sentenced to imprisonment for up to three years, if he/she commits the act referred to in Sub-section (1) with the intent to facilitate another criminal offence.
- (3) An offender shall be sentenced to imprisonment for two to eight years, if he/she
 - a) commits the act referred to in Sub-section (1) as a member of an organised group
 - b) commits such an act on another for his/her true or presupposed race, belonging to an ethnical group, nationality, political beliefs, religion or because of his/her true or presupposed lack of religious faith,
 - c) causes physical or mental suffering by such an act,
 - d) causes grievous bodily harm by such an act, or
 - e) commits such an act with the intention to gain substantial profit for him-/herself or for another.
- (4) An offender shall be sentenced to imprisonment for three to ten years if he/she
 - a) causes death by the act referred to in Sub-section (1), or
 - b) commits such an act with the intent to gain extensive profit for him-/herself or for another.

Section 401 Crimes against Humanity

- (1) Whoever commits within an extensive and systematic attack aimed against civilians
 - a) extermination of people,
 - b) enslavement,
 - c) deportation or forced transfer of a group of civilians,
 - d) rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilisation or other forms of sexual violence,
 - e) persecution of a group of civilians on political, race, national, ethnic, cultural or religious grounds, on sex or another similar grounds,
 - f) apartheid or another similar segregation or discrimination,
 - g) illegal restraint, kidnapping to an unknown location or any other restriction of personal freedom with following involuntary disappearance of persons,
 - h) torture,
 - i) murder, or
 - j) another inhumane act of similar nature,

shall be sentenced to imprisonment for twelve to twenty years or to an exceptional sentence of imprisonment.
(2) Preparation is criminal.

Democratic People's Republic of Korea

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in the Democratic People's Democratic People's Republic of Korea which prohibits **slavery**.
- ii) There appears to be **no legislation** in place in the Democratic People's Republic of Korea which prohibits **servitude**, although article 7 of the 1946 Law on Sex Equality prohibits the traffic in women as a wife, and article 4 states that women have "equal right with men to free marriage". The Family Law makes a marriage not based on free consent invalid at article 13.
- iii) There appears to be **no legislation** in place in the Democratic People's Republic of Korea which prohibits **forced labour**, although article 119 of the Criminal Law prohibits illegal hiring or exploitation of labour.
- iv) There appears to be **no legislation** in place in the Democratic People's Republic of Korea which prohibits **trafficking in persons**, although the Law on Sex Equality forbids the traffic in women as wives or concubines under article 7.

2) International Obligations: The Democratic People's Republic of Korea consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: N/A
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: N/A
 1966 ICCPR: (14 September 1981, accession; notification of withdrawal 25 August 1997)
 As the Covenant does not contain a withdrawal provision, the Secretariat of the United Nations forwarded on 23 September 1997 an aide-mémoire to the Government of the Democratic People's Republic of Korea explaining the legal position arising from the above notification.
 As elaborated in this aide-mémoire, the Secretary-General is of the opinion that a withdrawal from the Covenant would not appear possible unless all States Parties to the Covenant agree with such a withdrawal. The notification of withdrawal and the aide-mémoire were duly circulated to all States Parties under cover of C.N.467.1997.TREATIES-10 of 12 November 1997.
 1998 Rome Statute of the ICC: (date)
 2000 Palermo Protocol (Trafficking in Persons): N/A
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: The Democratic People's Republic of Korea appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

NORTH KOREAN
CONSTITUTION -
APRIL 2009

Article 8.

The social system of the DPRK is a man-centered social system whereby the working popular masses are the masters of everything, and everything in society serves the working popular masses. The state shall safeguard the interests of, and respect and protect the human rights of the working people, including workers, farmers, soldiers, and working intellectuals, who have been freed from exploitation and oppression and have become the masters of the state and society

Article 29.

Socialism is built by the creative labor of the working masses. Labor in the DPRK is the independent and creative labor of the working people who have been freed from exploitation and oppression. The state shall make the labor of our working people, who do not experience unemployment, more joyful and worthwhile, so that they work with voluntary enthusiasm and initiative for the society, the collective, and themselves.

Article 30.

The daily working hours of the working people shall be eight hours. The state shall shorten the daily working hours for certain labor, according to the level of difficulty and special conditions. The state shall ensure the full utilization of the working hours by organizing labor effectively and strengthening labor discipline.

Article 31.

In the DPRK, citizens shall begin to work from the age of 16. The state shall prohibit the labor of children under the stipulated working age.

Article 70.

Citizens shall have the right to labor. All citizens who are able to work shall choose occupations according to their wishes and talents, and shall be guaranteed secure jobs and working conditions. Citizens shall work according to their abilities and shall be paid in accordance with the quantity and quality of their work.

Article 71.

Citizens shall have the right to rest. This right shall be guaranteed by the establishment of working hours, legal holidays, paid leave, rest and recuperation at state expense, and by a variety of continuously increasing cultural facilities.

Article 79.

Citizens shall be guaranteed inviolability of the person and the home and privacy of correspondence. Citizens cannot be detained or arrested and their homes cannot be searched without legal grounds.

Article 83.

Labor is a sacred duty and honor of citizens. Citizens shall voluntarily and sincerely participate in labor and strictly observe labor discipline and working hours.

LAW ON SEX
EQUALITY ON JULY
30, 1946

Article 4.

Women shall have equal right with men to free marriage.

Article 6.

The minimum age for marriage shall be 17 years for females and 18 years for males.

Article 7.

The State shall hereafter forbid such violations of female human rights as polygamy and traffic in women as a wife or a concubine, the remnants of the mediaeval feudalism. The licensed or unlicensed prostitution and Kisaeng system (Kisaeng service, Kisaeng school etc.) shall be forbidden. Anyone who offends against the above provision shall be punished by law.

CRIMINAL LAW OF
THE DEMOCRATIC
PEOPLE'S REPUBLIC
OF KOREA

Article 119: (Exploitation of Labour)

A person who illegally hires another person with money or goods for personal business or exploits such other person's labour shall be punished by short-term labour for less than two years. In cases where the person commits a grave offence, he or she shall be punished by reform through labour for less than three years

Article 261: (Prostitution)

A person who has engaged in prostitution multiple times shall be punished by short-term labour for less than two years. In cases where the person commits a grave offence, he or she shall be punished by reform through labour for less than two years.

FAMILY LAW

Article 8

"Citizens are entitled to marry freely. Marriage shall be undertaken between a single male and a single female."

article 13

A marriage that is not based on the free consent of the parties, a marriage under the minimum age for marriage (18 years for males and 17 years for females) a marriage with a person who already has a registered husband or wife and a marriage between blood relatives up to and including third cousins, or between relatives by marriage up to and including first cousins is null and void. A marriage may be declared invalid by the court.

Democratic Republic of the Congo

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 16 which declares that no one may be held in slavery and the Decrees of the King-Sovereign of 1 July 1891 concerning the Slave Trade which prohibits slave trading but not slavery itself. Article 68 of the Penal Code criminalises abducting, arresting or detaining persons to sell them as slaves, causing to be abducted, arrested or detained, and disposing of persons under their authority for the same purpose while sexual slavery and forced prostitution are prohibited under articles 174e and 174c. Article 3 of the Labour Code abolishes child slavery under the worst forms of child labour.

ii) **Provisions** related to **servitude** are found in the Constitution at article 16 which declares that no one may be held in conditions analogous to slavery. Article 174f of the Penal Code also prohibits forced marriage. Article 3 of the Labour Code also abolishes practices similar to slavery against children under the worst forms of child labour.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 16 which declares that no one may be subjected to forced or compulsory labour and article 2 of the Labour Code which prohibits forced or compulsory labour.

iv) There appears to be **no legislation** in place in the Democratic Republic of the Congo which prohibits **trafficking in persons**, although trafficking in children is prohibited under the Child Protection Code (Law No 9/001).

2) International Obligations: Democratic Republic of the Congo consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (20 September 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (28 February 1975, accession)
 1957 Abolition of Forced Labour Convention: (20 June 2001, ratification)
 1966 ICCPR: (1 November 1976, accession)
 1998 Rome Statute of the ICC: (11 April 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (28 October 2005, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Democratic Republic of the Congo appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery and servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

1955 ENGEN REPORT

Paragraph 14

The following are punishable offences: the abduction by means of violence, frauds, or threats of any person for the purpose of trade or slavery, the receiving, conveying or transportation of slaves (Decree of the King Sovereign of 1 July 1891 to suppress the slave trade), and acts whereby a person disposes of other placed under his authority for sale as slaves (Penal Code, section 68)

1966 AWAD REPORT

Paragraph 114

Congolese Constitution, Article 16

“No one shall be held in slavery or servitude nor under any conditions analogous thereto. No one may be condemned to forced or compulsory labour except in the cases provided by law.”

Criminal Code, Article 67

“Any person who, by means of violence, fraud or threats, abducts or causes to be abducted, arrests or causes to be arrested arbitrarily, detains or causes to be detained another person shall be liable to a term of penal servitude of one to five years. If the person abducted, arrested or detained is subjected to physical torture, the guilty shall be liable to a term of penal servitude of five to twenty years. If such torture results in death, the guilty shall be sentenced to penal servitude for life or to death.”

Criminal Code, Article 68

“Any person who abducts or causes to be abducted, arrests or causes to be arrested, detains or causes to be detained another person for the purpose of selling him into slavery or who disposes of a person placed under his authority for the same purpose shall be liable to the penalties provided by law, and the distinctions established in the preceding article shall apply.”

Decree of the King-Sovereign of 1 July 1891 concerning the Slave Trade

The abduction of slaves

“1. Any person who abducts another by means of violence, fraud or threats for the purpose of trade or slavery shall be liable to a term of penal servitude of not less than one nor more than five years and to a fine of not less than 500 nor more than 2,000 francs.”

“2. The abduction of slaves effected by associations of armed men shall be punishable by death or by penal servitude for life.”

Trading in Slaves

“3. Any person who engages in any slave trading transaction shall be liable to a term of penal servitude of not less than six months nor more than three years and to a fine of not less than 200 nor more than 2,000 francs.”

“4. Any person who knowingly and wilfully conveys or transports one or more slaves obtained by abduction or trade shall be liable to a term of penal servitude of not less than 100 nor more than 1000 francs.”

“5. Any person who habitually carries on the activities referred to in articles 3 and 4 shall be deemed to be a slave-dealer and shall be liable

to a term of penal servitude of not less than five nor more than ten years and to a fine of not less than 1000 nor more than 5000 francs

Persons having a financial interest in a slave trading undertaking

“6. Any person who knowingly and wilfully takes a financial interest in an undertaking the object of which is to carry on the slave trade or operations to procure slaves for the slave trade shall be punishable as principle.”

Receivers of slaves obtained by trade

“7. Any person who knowingly and wilfully receives one or more slaves obtained by abduction or trade shall be liable to a term of penal servitude of not less than three months nor more than one year and to a fine of not less than 100 nor more than 200 francs, or to one only of these penalties.”

Fraudulent use of the flag for the purpose of carrying on the slave trade

“8. The penalties applicable under article 13 of the Decree of 25 February 1886 to the master of a vessel flying the State flag without proper ship’s papers may be increased to twice the maximum laid down in the article if such fraudulent use of the flag was made for the purpose of carrying on the slave trade or operations to procure slaves for the slave trade.”

Associations formed for the purpose of slave trading

“9. The formation of any association for the purpose of carrying on the slave trade or operations to procure slaves for the slave trade shall constitute an offence by reason of the mere organization of the band. The leader of the band and any person who has knowingly and wilfully held any command therein shall be liable to a term of penal servitude of not less than one nor more than five years and to a fine of not less than 100 nor more than 1000 francs: any other person is knowingly and wilfully a member of the band shall be liable to a term of penal servitude of not less than one month nor more than two years and to a fine of not less than 50 nor more than 200 francs.”

Crimes against liberated slaves

“10. Whoever shall have used fraud or violence to deprive a liberated slave of his letters of freedom or of his liberty, shall be considered a slave dealer and shall be liable to the penalties laid down in article 5.”

“11. Any person who commits the crime of castration shall be liable to the penalties laid down in article 67 of the Criminal Code, in accordance with the distinction determined in that article.”

“12. Any person guilty of the offences referred to above who inflicts physical torture on slaves shall also be liable to the penalties laid down in article 67 of the Criminal Code.”

Participation in crimes and offences relating to the slave trade

“13. Save the otherwise more particularly provided, the joint principals in and accomplices to the various offences referred to above shall be liable to the following penalties:

In the case of joint principals, to the penalty which is by statute applicable to principals;

In the case of accomplices, to a penalty which shall not exceed one half of the penalty to which they would have been liable if they had themselves been principals;

Where the penalty provided by statute is death or penal servitude for life, the penalty to which an accomplice shall be liable be a term of penal servitude of not less than ten nor more than twenty years.”

Prosecution and trial of offences covered by this Decree

“14. In modification of the Decree of 12 April 1886 concerning extradition, a national of any of the Powers signatory to the General Act drawn up by the Conference of Brussels, who has committed abroad an offence covered by this Decree and is discovered in the territory of the State shall be arrested by the national authorities empowered to do so, either on communication of the incriminatory evidence by the foreign authorities who have ascertained the violation of the law, or on production of any other evidence of liability and shall, without other formality, be held at the disposal of the competent tribunals, in accordance with the accepted extradition procedure.”

“15. Any Congolese subject who, having committed abroad any of the offences covered by this Decree, is discovered in the territory of the State, shall be prosecuted and tried in accordance with national law.”

The security to be furnished by persons liable for any of the offences covered by the General Act of Brussels

“16. In accordance with the provisions of article 19, paragraph 2, of the General Act drawn up by the Conference of Brussels, any person having incurred, inside or outside the territory of the State, a penalty in consequence of an offence covered by the General Act, shall be required to furnish security, at a rate and on conditions to be subsequently described by Us, before he is allowed to undertake any commercial operation in countries where the slave trade is carried on.”

DEMOCRATIC REPUBLIC OF THE CONGO CONSTITUTION

Article 16

The human person is sacred. The State has the obligation to respect it and to protect it.

All persons have the right to life, to physical integrity as well as to the free development of their personality, under respect for the law, of public order, of the rights of others and of public morality.

No one may be held in slavery or in an analagous condition.

No one may be subjected to cruel, inhuman or degrading treatment.

No one may be subjected to forced or compulsory labor.

Article 36

Work is a sacred right and duty for each Congolese.

The State guarantees the right to work, protection against unemployment and an equitable and satisfactory remuneration, assuring the worker as well as his family of an existence in accordance with human dignity, together with all the other means of social protection, notably retirement pension[s] and life annuities.

No one may discriminated against [leser] in their work because of their origin, their sex, their opinions, their beliefs or their socio-economic condition.

All Congolese have the right and the duty to contribute through their work to the national construction and prosperity.

The law establishes the status of workers and regulates the particulars concerning the juridical regime of the professional orders and the exercise of professions which require a scholastic or academic qualification.

Article 40

Each individual has the right to marry with the person of their choice, of the opposite sex, and to establish a family.

The family, the basic unit of the human community, is organized in a manner to assure its unity, its stability and its protection. It is placed under the protection of the public powers.

The care and the education to be given to the children constitute, for the parents, a natural right and a duty which they exercise under the surveillance [and] with the aid of the public powers.

The children have the duty to assist their parents.

The law establishes the rules concerning marriage and the organization of the family.

Article 41

Every person, without distinction of sex, who is not more than 18 years of age, is a minor.

All minors have the right to know the names of their father and of their mother.

They have, equally, the right to enjoy the protection of their family, of society and of the public powers.

The abandonment and maltreatment of children, notably pedophilia, sexual abuse as well as the accusation of witchcraft, are prohibited and punishable by law.

The parents have the duty to take care of their children and to assure them of their protection against any act of violence both inside and outside their home.

The public powers have the obligation to assure protection to children in a difficult situation and to bring, to justice, the authors and their accomplices of acts of violence concerning children.

All others forms of exploitation of minors are punished by the law.

Article 61

In no case, even when the state of siege or the state of urgency has been proclaimed in accordance with Articles 85 and 86 of this Constitution, can there be derogation of the rights and fundamental principles enumerated as follows:

- 1.the right to life;
- 2.the prohibition of torture and of cruel, inhuman or degrading punishments or treatment;
- 3.the prohibition of slavery and of servitude;
- 4.the principle of the legality of infractions and of penalties;
- 5.the right to [a] defense and the right to recourse;
- 6.the prohibition of imprisonment for debts;
- 7.the freedom of thought, of conscience and of religion.

CONGOLESE PENAL
CODE SPECIAL
OFFICIAL GAZETTE

Article 58

The child is protected against all forms of economic exploitation.

Economic exploitation means any form of abuse of children for economic purposes. Excessive weight concerns in particular the work in relation to

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(REV. BY LAW 06/018)

the child's age, time and duration of work, inadequate or no compensation, the interference of work with respect to access education, physical development, mental, moral, spiritual and social development of children.

Article 61

Without prejudice to the provisions of the Penal Code, the child is protected against all forms of exploitation and sexual abuse.

Are prohibited, including:

1. incitement, encouragement or coercion of a child to engage in sexual activity;
2. the use, procuring or offering of children for paedophilia;
3. dissemination of pornographic films for children;
4. exposing a child to songs and obscene performances.

Article 67

A person who, through violence, cunning or threats, has abducted or caused to be abducted, arrested or arbitrarily arrested, detained or caused to be detained, is liable to a penal servitude of one to five years. When the abducted, arrested or detained person has been subjected to physical torture, the culprit is punished with a penal servitude of five to twenty years. If torture has caused death, the culprit is sentenced to life imprisonment or death.

Article 68

The penalties provided for by and according to the distinctions in the preceding article shall be punished by those who have abducted or caused to be abducted, arrested or caused to be arrested, detained or caused to be detained persons to sell them as slaves or who disposed of persons under his authority for the same purpose.

Section 172

Anyone who attempted to morals by inciting, aiding or promoting in order to satisfy the passions of others, debauchery or corruption of persons of either sex under the age of eighteen years shall be punished imprisonment of three months to five years and a fine of 50,000 to 100,000 Congolese Francs constant.

Article 173

The offense set forth in the preceding article shall be punishable by a penal servitude of five to ten years and by a fine of between one hundred and two thousand zaires if committed against a child under ten years of age.

Article 174

If the offense was committed by the father or mother, the offender shall also be deprived of the rights and privileges granted to him on the person and property of the child by the decree of 4 May 1895, Chapter IX, Of the paternal power.

Article 174a

Will be punished with a penal servitude of three months to five years and a fine of fifty to a thousand zaires:

1. Anyone who, in order to satisfy the passions of others, has hired, trained, or diverted, for the purpose of debauchery or prostitution, even of his consent, a person aged or apparently more than twenty-one years of age. The age of the person may be determined in particular by medical examination, in the absence of civil status.
2. Whoever has kept a house of debauchery or prostitution.
3. The pimp. The pimp is the one who lives, in whole or in part, at the expense of a person whose prostitution he exploits.
4. Whoever has habitually exploited in some other way the debauchery or prostitution of others.

Article 174 b Pimping

Shall be punished with imprisonment of three months to five years and a fine of 50,000 to 100,000 Congolese Francs rates:

1. who, to gratify the passions of others, will be hired, abducted or enticed, to the debauchery and prostitution, even with his consent, a person older than eighteen years of age a person may be determined by such medical examination, if not vital;
2. anyone who held a house of prostitution or debauchery;
3. the pimp: pimp is one who lives wholly or partly at the expense of a person whom he exploits the prostitution;
4. whoever usually exploited in any other way, debauchery or prostitution of others.

Shall be punished with the same sentence as the previous paragraph:

1. anyone who has publicly released a document or pornographic movie to children under 18;
2. who will go on TV or dance held obscene, intrusive morality.

When the victim is a child under 18 years, the penalty is five to twenty years.

Article 174 c Forced Prostitution

Whoever caused one or more persons to engage one or more acts of a sexual nature by force, threat of force or coercion or by taking advantage of the inability of such persons to freely give their consent in order obtain pecuniary or other advantage, will be punished by three months to five years in prison.

Article 174d Sexual harassment

Anyone who persistently engages in acts of other people, such as words, gestures, orders or threats, or imposing constraints, or exerting serious pressure, or abusing authority which is conferred on him by his functions with a view to obtaining favors of a sexual nature, shall be punished with penal servitude of one to twelve years and a fine of fifty thousand to one hundred thousand Congolese Constant, or one of these penalties only .

Section 174 e Sexual slavery

Shall be punished by a sentence of five to twenty years' imprisonment and a fine of two hundred thousand constant Congolese francs, or anyone who has exercised all the powers associated with ownership of a person, including holding or by imposing a similar deprivation of liberty or by purchasing, selling, lending, bartering such a person for sexual purposes, and will be forced to perform one or more acts of a sexual nature.

Article 174 j Traffic and exploitation of children for sexual purposes

Any act or transaction relating to trafficking or exploitation of children or any person for sexual purposes for remuneration or any benefit, is punishable by ten to twenty years imprisonment.

Article 174 f Forced Marriage

Without prejudice to article 336 of the Family Code, a penalty of one to twelve years' imprisonment and a fine of not less than one hundred thousand Congolese francs shall be imposed on any person who, Parental or guardian authority over a minor or major person, shall have given him in marriage, or for the purpose of marriage, or compelled him to marry.

The minimum sentence referred to in paragraph 1 shall be doubled in the case of a person under 18 years of age.

Section 174 n Child prostitution

Shall be punished by imprisonment of five to twenty years and a fine of two hundred thousand francs Congolese constant whoever used a child under 18 for sexual activities against remuneration or any other form of consideration. If the offense was committed by a person exercising parental authority or guardianship, the offender will also be deprived of the exercise of parental authority or guardianship pursuant to section 319 of the Family Code.

LAW NO. 9/001 CHILD PROTECTION CODE

Article 162

Trafficking or the sale of children is punishable by ten to twenty years penal servitude and a fine of 500 thousand to one million Congolese francs.

It should be understood:

1. Child trafficking: the recruitment, transportation, transfer, harbouring or receipt of children by threatening to use force or other forms of coercion, of abduction, fraud, deception, abuse of authority or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person with authority over child exploitation ;
2. Sale of children means any act or transaction involving the transfer of children of any person or group of persons to another group against remuneration or other benefit.

Article 175

The result of holding one or more children in order to sexually abuse them is punishable by ten to twenty years penal servitude. If pregnancy ensues, the penal servitude is fifteen to twenty years.

Article 182

Pimping in respect of a child is punishable by five to twenty years penal servitude. The penalty is increased from ten to twenty-five years if the procuring of a child is that of father, mother, stepfather, stepmother of, guardian or any person exercising authority parenting. Pimping in respect of a child is the offering, obtaining, providing, obtaining or using a child for sexual purposes against remuneration or other benefits.

Section 183

Sexual slavery of a child is punishable by ten to twenty years penal servitude and a fine of eight hundred thousand to one million Congolese francs. Sexual slavery is the fact that a person or to exercise all powers related to ownership of a particular child by holding or by imposing a deprivation of liberty or by purchasing, selling, lending, trading child for sexual purposes, and to compel him to perform one or more acts of a sexual nature.

Article 67

Shall be punished by imprisonment of one to five years who, through violence, trickery or threats, has removed or is kidnapped, arrested or arbitrarily arrested, detained or have someone hold whatever. When the person abducted, arrested or detained have been subjected to physical torture, the guilty shall be punished by imprisonment from five to twenty years. If the torture has caused death, offender is sentenced to life imprisonment or death.

Article 68

The penalties provided by and according to the distinctions of the previous article that has removed or is kidnapped, detained or arrested, detained or have done any persons for sold as slaves or who has disposed of those under his authority in the same goal.

Section 183

Sexual slavery of a child is punishable by ten to twenty years penal servitude and a fine of eight hundred thousand to one million Congolese francs. Sexual slavery is the fact that a person or to exercise all powers related to ownership of a particular child by holding or by imposing a deprivation of liberty or by purchasing, selling, lending, trading child for sexual purposes, and to compel him to perform one or more acts of a sexual nature.

LAW NO. 015/2002 LABOUR CODE

Article 2

Work is for everyone a right and a duty. It constitutes a moral obligation for all those who are not prevented by age or incapacity for work found by a doctor.

Forced or compulsory labor is prohibited.

Any work or service exacted from an individual under threat of any kind of punishment for which the individual has not voluntarily offered himself is also prohibited.

Article 3:

All the worst forms of child labor are abolished.

The term "worst forms of child labor" includes:

- (A) all forms of slavery or similar practices, such as the sale and trafficking of children, bonded labor and serfdom, and forced or compulsory labor, including forced or compulsory recruitment of children for their Use in armed conflicts;
- (B) the use, procuring or offering of a child for the purpose of prostitution, the production of pornographic material for pornographic performances or obscene dances;
- (C) the use, procuring or offering of a child for the purpose

Illicit activities, in particular for the production and trafficking of narcotic drugs;

(D) works which, by their nature or the conditions under which they are carried out, are likely to affect the health, safety, dignity or morals of the child.

Article 326

Without prejudice to penal laws providing harsher penalties, to be punished by penal servitude for 6 months maximum and a fine of 30,000 FC as a constant or one of these penalties only, whoever will have contravened the dispositions of article 2...

Denmark

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Denmark which prohibits **slavery**, although slavery is criminalised where it forms an element of trafficking in persons under section 262a of the Criminal Code.
- ii) There appears to be **no legislation** in place in Denmark which prohibits **servitude**, although slavery-like conditions are criminalised where they form an element of trafficking in persons under section 262a of the Criminal Code. Forced marriage is also criminalised under section 260 of the Criminal Code.
- iii) There appears to be **no legislation** in place in Denmark which prohibits **forced labour**, although **forced labour** is criminalised where it forms an element of trafficking in persons under section 262a of the Criminal Code.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code at section 262a which criminalises human trafficking.

2) International Obligations: Denmark consents to:

1926 Slavery Convention: (17 May 1927, ratification)
 1930 Forced Labour Convention: (11 February 1932, ratification)
 1953 Protocol to the 1926 Slavery Convention: (3 March 1954, definite signature)
 1956 Slavery Convention: (6 July 1992, succession)
 1957 Abolition of Forced Labour Convention: (24 April 1958, ratification)
 1966 ICCPR: (6 January 1972, ratification)
 1998 Rome Statute of the ICC: (21 June 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (30 September 2003, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Denmark appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 147

To carry a former slave, staying in Denmark, back into slavery or conditions similar to slavery by taking him out of the country by force or threat will be punishable under section 261, subsection 2, or section 262 of the Criminal Code...

CONSTITUTION OF DENMARK 1953

Article 71

1. Personal liberty shall be inviolable. No Danish subject shall in any manner whatever be deprived of his liberty because of his political or religious convictions or because of his descent.
2. A person shall be deprived of his liberty only where this is warranted by law.
3. Any person who is taken into custody shall be brought before a judge within twenty-four hours. Where the person taken into custody cannot be released immediately, the judge shall decide, stating the grounds in an order to be given as soon as possible and at the latest within three days, whether the person taken into custody shall be committed to prison, and in cases where he can be released on bail, the judge shall determine the nature and amount of such bail. This provision may be departed from by Statute as far as Greenland is concerned, if for local considerations such departure may be deemed necessary.
4. The finding given by the judge may at once be separately appealed against by the person concerned to a higher court of justice.
5. No person shall be remanded for an offense that can involve only punishment consisting of a fine or mitigated imprisonment.
6. Outside criminal procedure the legality of deprivation of liberty which is not by order of a judicial authority, and which is not warranted by the legislation dealing with aliens, shall at the request of the person who has been deprived of his liberty, or at the request of any person acting on his behalf, be brought before the ordinary courts of justice or other judicial authority for decision. Rules governing this procedure shall be provided by Statute.
7. The persons mentioned in subsection (6) shall be under supervision by a board set up by the Folketing, to which board the persons concerned shall be permitted to apply.

CRIMINAL CODE CONSOLIDATION ACT NO. 909 OF SEPTEMBER 27, 2005

Section 260

With a fine or imprisonment up to 2 years for unlawful coercion that which

- 1) by violence or threat of violence, of major damage to goods, detention or to make false charges of criminal offense or ærerørigt relationship or reveal privacy related matters forcing someone to do, tolerate or refrain from doing something,
- 2) the threat to declare or reveal any criminal offense or to make true defamation forcing someone to do, tolerate or refrain, as far forward subjugation can not be considered of due justified by the fact that the threat concerned.

PCS. 2. Forcing someone to marry, the penalty may increase to imprisonment for up to four years.

Section 261

- (1) Any person who deprives another person of liberty shall be liable to a fine or to imprisonment for any term not exceeding four years.

(2) If the deprivation of liberty has been effected for the purpose of gain or if it has been of long duration or if it consisted of any person being unlawfully kept in custody as insane or mentally deficient or being enlisted for foreign military service or being taken into captivity or any other state of dependence in any foreign country, the penalty shall be imprisonment for any term not exceeding 12 years.

(3) Any person, who through gross negligence brings about a deprivation of liberty of the nature referred to in Subsection (2) above, shall be liable to a fine or to imprisonment for any term not exceeding six months.

Section 262 a

(1) Any person who recruits, transports, transfers, houses or subsequently receives a person, using or following the use of 1) unlawful coercion pursuant to Section 260 of this Act; 2) deprivation of liberty pursuant to Section 261 of this Act; 3) threats pursuant Section 266 of this Act; 4) unlawful induction, corroboration or exploitation of a delusion; or 5) other unseemly conduct; for the purpose of exploitation of the individual through sexual immorality, forced labour, slavery or slavery-like conditions, or removal of organs, shall be guilty of trading in human beings and liable to imprisonment for any term not exceeding eight years.

(2) The same penalty shall apply to any person, who, for the purpose of exploitation of the individual through sexual immorality, forced labour, slavery or slavery-like conditions, or removal of organs,

1) recruits, transports, transfers, houses or subsequently receives a person under the age of 18 years, or

2) renders a payment or other favours to obtain consent to the exploitation from an individual who has guardianship over the victim, and any person who receives such payment or other favours.

Section 266

Any person, who in a manner likely to induce in some other person serious fear concerning the life, health or welfare of himself or of others, threatens to commit a punishable act, shall be liable to a fine or to imprisonment for any term not exceeding two years.

Djibouti

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Djibouti which prohibits **slavery**.
- ii) There appears to be **no legislation** in place in Djibouti which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the Labour Code which prohibits forced labour at article 2 although punishment is limited to only one month's imprisonment or a fine.
- iv) **Provisions** related to **trafficking in persons** are found in the 2007 Law Regarding the Fight Against Human Trafficking.

2) International Obligations: Djibouti consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (3 August 1978, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: (21 March 1979, accession)
1957 Abolition of Forced Labour Convention: (3 August 1978, ratification)
1966 ICCPR: (5 November 2002, accession)
1998 Rome Statute of the ICC: (5 November 2002, ratification)
2000 Palermo Protocol (Trafficking in Persons): (20 April 2005, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Djibouti appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION OF THE REPUBLIC OF DJIBOUTI

Article 10

The human person is sacred. The State has the obligation to respect it and to protect it. All human beings are equal before the law.

No one may be condemned to the penalty of death.

Every individual has the right to life, to the liberty, to the security and to the integrity of his person.

No one may be prosecuted, arrested, inculpated or condemned except by virtue of a law promulgated prior to the acts of which he is accused.

All accused persons are presumed innocent until their culpability has been established by the competent jurisdiction.

The right to a defense, and including that of assistance by the attorney of one's own choice, is guaranteed at all the stages of the procedure.

Any person made the object of a measure deprivative of his liberty has the right to be examined by a doctor of his choice.

No one may be detained in a penal establishment except on an order delivered by a magistrate of the judicial order.

Article 15

Each has the right to express and to disseminate freely their opinions by word, pen, and image. These rights may be limited by prescriptions in the law and in respect for the honor of others.

All the citizens have the right to constitute associations and trade unions freely, under reserve of conforming to the formalities ordered in the laws and regulations.

The right to strike is recognized. It is exercised within the framework of the laws which govern it. It may in no case infringe the freedom to work.

Article 16

No one may be submitted to torture, or to inhuman, cruel, degrading or humiliating actions or treatment.

Any individual, any agent of the State, or any public authority rendered culpable of such acts, either on their own initiative, or on instruction, shall be punished in accordance with the law.

PENAL CODE

Article 482

The deportation, reduction to slavery or massive and systematic summary executions, the abduction of people following their disappearance, torture or other barbarous acts, inspired by political, philosophical, racial or religious and organised against a group of the civil population carries the punishment of imprisonment for life.

LAW NO 133 LABOUR CODE

Article 2

Forced or compulsory labor is absolutely prohibited.

The term "forced or compulsory labor" means any work or service required of an individual under physical and / or moral constraint and for which the individual has given himself ipso jure.

However, the term "forced or compulsory labor" shall not include:

(A) any work or service required under the laws on compulsory military service and assigned to work of a purely military character;

(B) any work or service of general interest as defined by the laws on civic obligations;

(C) any work or service required of an individual as a result of a conviction by a court decision, provided that such work or service is

performed under the supervision and control of the public authorities and that the said person is not granted or made available to private individuals, companies or private legal entities;

(D) any work or service required in cases of force majeure, that is to say, in the event of war, disasters or threats of disasters such as fire, floods, famines, earthquakes, epidemics and epizootics Violations, invasions of harmful animals, insects or plant pests and, in general, any circumstances which endanger or threaten the life or normal conditions of life of the whole or part of the population;

(E) small village works, that is, works carried out in the direct interest of the community by members of the community, which can be regarded as normal civic obligations to the members of the community, provided that the population itself or its direct representatives have the right to decide on the merits of such work.

Article 290

A fine of 1,000,000 FD to 2,000,000 FD and one month's imprisonment is imposed and, in case of repeated offense, two months imprisonment and a double fine, or one of these two sentences only:

(A) the perpetrators of infringements of the provisions of Article 2 on the prohibition of forced labor;

LAW NO 210 REGARDING THE FIGHT AGAINST HUMAN TRAFFICKING 2007

Article 2

Trafficking in human beings is defined as the process by which any person is recruited, removed, transported, transferred, harboured or housed in the interior or exterior of the national territory by one or more persons or corporations by means of menace or by other forms of constraint, by fraud, by deception, by misappropriation, by abuse of authority to an end of exploitation.

Article 3

To be considered trafficking, anyone who is guilty of at least one of the acts in article 2.

Article 4

Accomplices of the offense are those who knowingly have:

- Brought to action by giving information or instructions;
- Procured instruments, weapons, vehicles, or any other means useful in the preparation, consumption of the action, or to promote the impunity of its authors;
- Assisted or assisted the perpetrators in the facts they prepared, facilitated or consumed.

Article 7

A penalty of imprisonment of two to five years and a fine of 500,000 FDJ and 1,000,000 FDJ or one of these two penalties alone shall be imposed on anyone who engages in trafficking in human beings. Regardless of the place of departure and destination of that person.

Anyone who is an accomplice in the trafficking of human beings is punished with the same punishment.

The attempt to traffic in human beings is punishable:

Imprisonment of one to two years and a fine of 100,000 to 500,000 FDJ or one of these two penalties only.

Article 8

Everyone is guilty of trafficking in human beings committed in the following circumstances: 10 to 15 years' imprisonment and a fine of 500,000 to 5,000,000 FDJ;

- If the act was committed by violence;
- If the author uses a narcotic to alter the will of the victim;
- If the victim has been sequestered or exposed in a public or private place of recruitment;
- If the acts of trafficking have caused the victim a physical, moral or mental incapacity or any other medical sequelae;
- If the traffic is the work of an organized group;
- If the victim has been subjected to the worst forms of child labor;
- In case of recidivism.

The judge may order the confiscation of all objects and materials used in the trafficking process.

Article 10

Everyone who knowingly facilitates the trafficking of human beings is punished from six months to one year of imprisonment.

In the case of a second offense the penalty shall be doubled.

Article 11

A penalty of between one and five years' imprisonment and a fine of 500,000 to 1,000,000 FDJ or of one of these two penalties alone shall be imposed on anyone who solicits, approves gifts, promises, benefits Of any kind with a view to facilitating trafficking in human beings.

The penalty shall be doubled if the author is an officer of the administration who has acted in the performance of his duties.

Dominica

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 4(1) which declares that no person shall be held in slavery. Kidnapping with intent to cause another person to be held to serve against their will is also criminalised under section 65 of the Offences against the Person Act.

ii) **Provisions** related to **servitude** are found in the Constitution at article 4(1) which declares that no person shall be held in servitude. Taking or detaining a person against their will in order to marry is also criminalised under section 22 of the Sexual Offences Act.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 4(2).

iv) **Provisions** related to **trafficking in persons** are found in the 2013 Transnational Organized Crime (Prevention and Control) Act, although these offences require entry into or exit from Dominica.

2) International Obligations: Dominica consents to:

1926 Slavery Convention: (17 August 1994, succession)
 1930 Forced Labour Convention: (28 February 1983, ratification)
 1953 Protocol to the 1926 Slavery Convention: (17 August 1994, succession)
 1956 Slavery Convention: (17 August 1994, succession)
 1957 Abolition of Forced Labour Convention: (28 February 1983, ratification)
 1966 ICCPR: (17 June 1993, accession)
 1998 Rome Statute of the ICC: (12 February 2001, accession)
 2000 Palermo Protocol (Trafficking in Persons): (17 May 2013, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Dominica appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

THE COMMONWEALTH OF DOMINICA CONSTITUTION ORDER 1978

Paragraph 540

“Slavery” was abolished in Dominica by the Slavery Abolition Act, 1833 (3 and 4 Will. 4 c. 73). United Kingdom legislation on the subject applies to this Territory

Paragraph 541

There is no criminal offence for owning a slave, person of servile status, as such, but section 10 of the Slave Trade Act, 1824 (5 Geo. 4 c. 113) and the Writ of Habeas Corpus render the owning of such persons impossible.

WHEREAS the People of Dominica-

- a. have affirmed that the Commonwealth of Dominica is founded upon principles that acknowledge the supremacy of God, faith in fundamental human rights and freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person, and the equal and inalienable rights with which all members of the human family are endowed by their Creator;
- b. respect the principles of social justice and therefore believe that the operation of the economic system should result in so distributing the material resources of the community as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity;

Article 1

Whereas every person in Dominica is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origins, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely—

- a. life, liberty, security of the person and the protection of the law;
 - b. freedom of conscience, of expression and of assembly and association; and
 - c. protection for the privacy of his home and other property and from deprivation of property without compensation,
- the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

Article 3 Protection of rights to personal liberty

1. A person shall not be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say...

Article 4 Protection from slavery and forced labour.

1. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced labour.
3. For the purposes of this section, the expression “forced labour” does not include—

- a. any labour required in consequence of the sentence or order of a court;
- b. labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
- c. any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;
- d. any labour required during any period of public emergency or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.

OFFENCES AGAINST THE PERSON ACT

Section 28.

Any person who being legally liable, either as a husband, parent, guardian or committee, master or mistress, nurse or otherwise, to provide for any person as wife, child, ward, a person suffering from mental disorder or a mentally subnormal person, apprentice or servant, infant or otherwise, necessary food, clothing or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, or unlawfully or maliciously does, or causes to be done, any bodily harm to any such apprentice or servant, so that the life of such apprentice or servant is endangered, or the health of such apprentice or servant has been or is likely to be permanently injured, is liable to imprisonment for two years.

Section 52.

Any person who by force takes away or detains against her will any woman of any age with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person is liable to imprisonment for five years.

Section 65.

Any person who, without lawful authority, forcibly seizes and confines or imprisons any other person within the State, or kidnaps any person with intent –

- (a) To cause the other person to be secretly confined or imprisoned in the State against his will; or
- (b) To cause the other person to be unlawfully sent or transported out of the State against his will; or
- (c) To cause the other person to be in any way held to serve against his will,

Is liable to imprisonment for seven years.

Section 66.

Upon the trial of any offence under section 65 the non-resisting of the person so kidnapped or unlawfully confined shall not be a defence unless

it appears to the satisfaction of the Court and jury⁶ that it was not caused by threats, duress, force or exhibition of force.

TRANSNATIONAL
ORGANIZED CRIME
(PREVENTION AND
CONTROL) ACT 2013

Section 8.

- (1) A person who, for the purpose of exploitation of another person organizes or facilitates –
- (a) the entry or proposed entry of the other person into Dominica;
 - (b) the exit or proposed exit of the other person from Dominica; or
 - (c) the receipt of the other person into Dominica,
- 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, commits the offence of trafficking in persons.
- (2) A 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,
- commits the offence of trafficking in persons.
- (3) A person referred to in 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 Dominica 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,
- commits the offence of trafficking in persons.
- (4) A person referred to in 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,
- commits 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) commits 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.

Section 10.

(1) The consent of a victim of trafficking in persons is immaterial to the commission of the offence of trafficking in persons.

(2) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be regarded as trafficking in persons even where the recruitment, transportation, transfer, harbouring or receipt did not involve any of the means specified in section 8(6).

(3) Notwithstanding the provisions of any other law, all legal proceedings conducted in relation to the offence of trafficking in persons shall be conducted in camera.

SEXUAL OFFENCES ACT 1998

Section 20.

(1) A person who detains another against that other's will –

- (a) in or upon any premises with intent that the person detained may have sexual intercourse with any person; or
- (b) in any brothel,

Is guilty of an offence and liable on conviction to imprisonment for ten years.

Section 22.

(1) Any person who unlawfully takes away or causes to be taken away or detains another person against the will of that other person with intent –

- (a) to commit or to aid or abet the commission of an offence under this Act;

- (b) to marry or to have sexual intercourse with the other person; or
- (c) to cause the person to marry or to have sexual intercourse with any other person,

Is guilty of an offence and liable on conviction to imprisonment for ten years.

(2) It is no defence to a charge under subsection (1) that the person consented to be taken away or detained, if that person is a minor under the age of sixteen years.

Section 24.

A person who –

- (a) Keeps, manages, acts or assists in the management of a brothel;
- (b) Being the tenant, lessee, occupier or person in charge of any premises, knowingly permits the premises or any part thereof to be used as a brothel or for the purposes of prostitution; or

- (c) Being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the same or any part thereof with the knowledge that the premises or some part thereof are or is to be used as a brothel, or is willfully party to the continued use of the premises or any part thereof as a brothel,

Is guilty of an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for five years.

LABOUR STANDARDS
ACT

Section 8.

(1) Where a minimum rate of wage is fixed by Order pursuant to section 5 in respect of an occupation or category, every employer of an employee who is employed in that occupation or category shall pay wages to the employee at not less than that minimum rate.

(2) Where an employer is authorised pursuant to section 7 to employ a handicapped person at a wage lower than the minimum rate of wage, the employer shall pay wages to the handicapped person at not less than that lower wage.

Dominican Republic

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 41 which prohibits slavery and the trade or traffic of persons. The Law on Illicit Traffic in Migrants and Trafficking in Persons also recognises slavery as a form of exploitation for the purpose of the crime of human trafficking.

ii) There appears to be **no legislation** in place in Dominican Republic which prohibits **servitude**, although the Constitution prohibits serfdom at article 41. The Law on Illicit Traffic in Migrants and Trafficking in Persons also recognises practices similar to slavery, debt bondage, servile marriage and irregular adoptions as forms of exploitation for the purpose of the crime of human trafficking.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 62(2) which declares that no one may obligate another to work against their will. The Law on Illicit Traffic in Migrants and Trafficking in Persons also recognises forced labour as a form of exploitation for the purpose of the crime of human trafficking.

iv) **Provisions** related to **trafficking in persons** are found in the Law on Illicit Traffic in Migrants and Trafficking in Persons which criminalises human trafficking at article 3.

2) International Obligations: Dominican Republic consents to:

1926 Slavery Convention: (accession not perfected by ratification)
 1930 Forced Labour Convention: (5 December 1956, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (31 October 1962, accession)
 1957 Abolition of Forced Labour Convention: (23 June 1958, ratification)
 1966 ICCPR: (4 January 1978, accession)
 1998 Rome Statute of the ICC: (12 May 2005, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (5 February 2008, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Dominican Republic appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF THE DOMINICAN REPUBLIC

Article 26. International relations and international law

The Dominican Republic is a State member of the international community, open to cooperation and tied to the norms of international law, consequently:

1. It recognizes and applies the norms of international law, general and American, in the method in which its public powers have adopted them;
2. The norms in effect from international ratified agreements shall rule in the internal realm, once published in an official manner;
3. The international relations of the Dominican Republic are based and ruled by the affirmation and promotion of its national values and interests, respect for human rights and international law;
4. In equality of conditions with other States, the Dominican Republic accepts an international judicial system that guarantees respect of fundamental rights, peace, justice, and political, social, economic and cultural development of nations. It promises to act on the international, regional, and national levels in a manner compatible with national interests, the peaceful coexistence between peoples and the duties of solidarity with all nations.
5. The Dominican Republic shall promote and favor integration with the nations of America, toward the end of strengthening a community of nations that defends the interests of the region. The State may enter into international treaties in order to promote the common development of the nations, that safeguard the well-being of the peoples and the collective security of their inhabitants, and in order to confer supranational organizations the required abilities to participate in processes of integration;
6. It declares itself in favor of economic solidarity between the countries of America and supports all initiatives in defense of its basic products, raw materials, and biodiversity.

Article 38. Human dignity

The State bases itself on respect for the dignity of the person and organizes itself for the real and effective protection of the fundamental rights that are inherent to it. The dignity of the human being is sacred, innate, and inviolable; its respect and protection constitute an essential responsibility of the public powers.

Article 40. Right to liberty and personal security

All people have a right to liberty and personal security. Accordingly:

1. No one may be sent to prison or denied his liberty without an order caused and written by the appropriate judge, except in cases of flagrante delicto;

Article 41. Prohibition of slavery

Slavery, serfdom, and the trade and traffic of persons are prohibited in all their forms.

Article 56. Protection of minors

The family, society, and State shall give preference to the superior interests of male and female children and adolescents, and shall have the obligation to assist and protect them in order to guarantee their harmonious and integral development and the full exercise of their fundamental rights, in accordance with this Constitution and the laws. Consequently:

- 1.The eradication of child labor and all types of mistreatment or violence against minors is declared of the highest national interest. Male and female children and adolescents shall be protected by the State against all forms of abandonment, kidnapping, states of vulnerability, abuse or physical, psychological, moral or sexual abuse, commercial, labor, economic exploitation or risky jobs.
- 2.The active and progressive participation of male and female children and adolescents in family, community, and social life shall be promoted.
- 3.Adolescents are active subjects to the process of development. The State, with the participation in solidarity of families and society, shall create opportunities to stimulate their productive movement towards adult life.

Article 62. Right to work

Work is a right, a duty, and a social function that is exercised with the protection and assistance of the State. It is an essential purpose of the State to foment dignified and paid employment. The public powers shall promote the dialogue and agreement between workers, employers, and the State. Consequently:

- 1.The State guarantees the equality and equity of women and men in the exercise of the right to work.
- 2.No one may impede the work of others nor obligate them to work against their will.
- 3.Union freedom, social security, collective negotiation, professional training, respect for one's physical and intellectual abilities, privacy, and personal dignity are, among others, the basic rights of male and female workers.
- 4.Union organization is free and democratic, should adjust itself to its statutes, and be compatible with the principles inscribed in this Constitution and the law.
- 5.All kinds of discrimination in access to employment or during the extension of services are prohibited, excluding the exceptions provided for by law with the goal of protecting the worker
- 6.In order to resolve peaceful work conflicts, the right of workers to strike and of employers to halt private enterprises are recognized, always that they are exercised with respect to the law, which shall dictate the means to guarantee the maintenance of public services or those of public use
- 7.The law shall dictate, according to what is required by the general interest, the workdays, the days of rest and vacations, the minimum wage and its forms of payment, the participation of nationals in all work, the participation of workers in the benefits of the business and, in general, all the minimum means that are considered necessary in favor of workers, including special regulations for informal work in the home and any other form of human work. The State shall make use of the means at its disposal so that workers may acquire the tools and instruments that are indispensable to their work.
- 8.It is the obligation of all employers to guarantee their workers adequate conditions of safety, health standards, hygiene, and work environment. The State shall adopt means to promote the creation of petitions integrated by employers and workers for the attainment of these goals
- 9.All workers have the right to a wage that is just and sufficient to permit them to live with dignity and cover the basic material, social, and

intellectual needs of themselves and their families. The payment of equal wages for work of equal value is guaranteed, without discrimination by gender or of another type and in identical conditions of ability, efficiency, and seniority.

10. The application of labor norms in relation to the nationalization of work is of high interest. The law shall determine the percentage of foreigners that may lend their services to a business as salaried workers.

PENAL CODE

Article 114.

Officials, agents or delegates of the Government who have ordered or committed an arbitrary act or an attack on individual liberty, the political rights of one or many citizens, or the Constitution, shall be condemned to the penalty of degradation Civic If they justify, however, that they have acted on orders of superiors to those who were to be subject to hierarchical obedience on matters within their competence, they shall be exempt from punishment, which in this case shall apply to superiors who have given the order.

Article 351-1.

(Added by Law 24-97 dated January 28, 1997 G.O. 9945). They will be punished with sentences of six months to a year and a fine of five hundred and five thousand pesos:

1st. Persons who, with a spirit of profit, had encouraged the parents, or one of them to abandon their child, born or to be born;

2nd. Any person who has made or intends to sign an act in the terms of which they undertake to leave the unborn child or to have it signed by the prospective parents, or by one of them, Purpose of making use of or attempting to make use of it;

3rd Any person who, with a spirit of profit, has contributed or tried to provide his mediation to have a child pick up or adopt.

LAW NO. 137-03 ON ILLICIT TRAFFIC IN MIGRANTS AND TRAFFICKING IN PERSONS

Article 1.

For the purposes of this law, the following shall be understood to mean:

a) Trafficking in Persons: The capture, transportation, transfer, reception or reception of persons, using the threat, by force, Coercion, abduction, abuse, abuse of power, or situations of vulnerability or the granting or receipt of payments or benefits to obtain the consent of a person having authority over another for the purpose of exploitation, so that Engages in any form of sexual exploitation, pornography, debt bondage, forced labor or services, servile marriage, irregular adoption, slavery and / or similar practices, or the extraction of organs;

Article 3.

It is considered passable of the crime of trafficking in persons that through the capture, transport, transfer, reception or reception of persons, Children, adolescents, women, resorting to threat, force, coercion, abduction, fraud, deception, abuse of power, situations of vulnerability, concession or receipt of payments or benefits, to obtain the consent of a person having authority over another, To engage in begging, any kind of sexual exploitation, pornography, forced labor or service, debt bondage, servile marriage, irregular adoption, slavery or similar practices, servitude or the removal of organs, even with the

consent of the person Victim, and will be sentenced to 15 to 20 years imprisonment and a fine of 175 minimum wages.

Article 5.

The attempt of the illegal traffic of migrants or trafficking in persons will be punished as the same fact erected in violation.

Article 6.

Those who participate as complicit in the commission of the crime of illegal traffic of migrants and trafficking in persons will be subject to the same penalty imposed on those who are the author or authors of the act.

Article 7.

The following are considered aggravating circumstances of the crime of illicit traffic in migrants or trafficking in persons:

- A) When the death of the person or persons involved or objects of the illegal traffic of migrants or trafficking in persons occurs, Or when the victim is affected by temporary or permanent physical or psychic damage;
- B) When one or more of the perpetrators of the infraction is a public official (s), elected or not, of the central, decentralized, autonomous, or member of the Armed Forces or of the National Police;
- C) In the case of a criminal group that can be defined as national or transnational organized crime, due to the participation in the illegal traffic of migrants or trafficking in persons;
- D) When there are a plurality of aggrieved as a result of the incriminated facts;
- E) If these behaviors are carried out in people who suffer psychological immaturity, or mental disorder, temporary or permanent mental alienation, or are under 18 years of age;
- F) When the responsible is spouse or cohabiting or relative to the third degree of consanguinity, first of affinity;
- G) When the subject or subjects recidivate in the conduct of trafficking in persons and illegal trafficking of migrants;
- H) Any person who creates, alters, produces or falsifies travel documents or identity, furnishes or facilitates the possession of such documents, or who, through said documents, or any other, promotes or obtains for illicit purposes a visa another person.

PARAGRAPH I. - For the aggravating factors indicated in the previous article, a penalty of five (5) years is established, in addition to the main penalty for the crimes described in this law.

PARAGRAPH II.- For the calculation of the fines set forth in this law, the minimum wage established by the competent authority in labor matters shall be used as the basis, at the date that the infraction is committed.

LABOUR CODE

Sets the legal minimum age for employment in the Dominican Republic at 14

Ecuador

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 66(29) which prohibits slavery in all its forms and the 2014 Organic Criminal Code which criminalises slavery at article 82.

ii) There appears to be **no legislation** in place in Ecuador which prohibits **servitude**, although article 66(29) of the Constitution prohibits bondage. The promise of marriage or servile union and illegal adoption are criminalised under articles 106 and 107 of the Organic Criminal Code. Debt bondage, promise of marriage or servile union, and illegal adoption are also elements of the offence of trafficking in persons under article 91.

iii) **Provisions** related to **forced labour** are found in the 2014 Organic Criminal Code which prohibits forced labour and labour exploitation at article 105. Exploitation in all its forms is also prohibited by article 66(29) of the Constitution while article 33 demands that the State guarantee the 'performance of a healthy job that is freely chosen', and forced labour may be an element of an offence of trafficking in persons under article 91 of the Organic Criminal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution at article 66(29) which prohibits trafficking in human beings and the Organic Criminal Code which criminalises trafficking in articles 91 and 92.

2) International Obligations: Ecuador consents to:

1926 Slavery Convention: (26 March 1928, accession)
 1930 Forced Labour Convention: (6 July 1954, ratification)
 1953 Protocol to the 1926 Slavery Convention: (17 August 1955, acceptance)
 1956 Slavery Convention: (29 March 1960, accession)
 1957 Abolition of Forced Labour Convention: (5 February 1962, ratification)
 1966 ICCPR: (6 March 1969, ratification)
 1998 Rome Statute of the ICC: (5 February 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (17 September 2002, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Ecuador appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude; and
- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 150

...slavery was legally abolished in Ecuador by the Supreme Decree of 25 June 1851, issued by General José María Urbina. Subsequently, article 107 of the 1852 Constitution laid down the principle that all men are born equal and that consequently no one can be reduced to slavery. By the Legislative Decree of 25 September of the same year, the Constituent Assembly adopted the Act on the freeing of slaves, which enabled the aforesaid constitutional principle to be implemented.

Paragraph 152

By the Legislative Decree of 20 October 1918, the Ecuadorian State abolished *concertaje* and imprisonment and human bondage for debt.

ENGEN REPORT

Paragraph 20

When Ecuador became an independent state in 1830, it carried on its anti-slavery tradition and in 1852 enacted the Emancipation and Manumission of Slaves Act.

Paragraph 53

Debt bondage, which continued to exist under the name of *concertaje* as an inheritance from the colonial past, was abolished by law in Ecuador in 1918 and the Labour Code enacted in 1938 gives the workers full protection against abuses of this kind... Under the Civil Marriage and Divorce Act, marriage is a free and voluntary civil contract, which may be dissolved according to the procedure provided for in the Act... all matters connected with the protection of child labour are regulated in Ecuador by the Code of Minors and come within the jurisdiction of special courts... Work is free and is guaranteed by the Constitution and the Labour Code. Article 170 of the Constitution lays down the State's obligation to see that justice is done in relations between employers and workers, that the dignity of the worker is respected, that he is ensured a decent existence and given fair wages to meet his personal and family requirements... Paragraph (p) of the article provides that deprivation of the *huasipungo*, the piece of land allotted by the estate owners to native workers, shall be considered as improper dismissal... Article 187 guarantees freedom of employment relations and of labour.

With respect to servitude, I am happy to be able to state that it is prohibited in Ecuador under existing law. Servitude is construed as the rendering of compulsory services arising out of a relationship with the landlord. It is a survival of the feudal concept of serfdom.

According to article 3 [of the Labour Code] every worker is free to engage in such lawful employment as he may choose and he may not be compelled to work without his consent. It is expressly stipulated as a principle that all work must be remunerated.

Article 161 of the Constitution of the Republic of Ecuador provides that 'no contract shall be valid which places one person at the disposal of another, in an absolute and indefinite manner; nor may conditions be prescribed by statute which impair the dignity of the human person'.

CONSTITUTION OF ECUADOR

Article 11

The exercise of rights shall be governed by the following principles:

3. The rights and guarantees set forth in the Constitution and in international human rights instruments shall be directly and immediately

enforced by and before any civil, administrative or judicial servant, either by virtue of their office or at the request of the party.

For the exercise of rights and constitutional guarantees, no conditions or requirements shall be established other than those set forth in the Constitution or by law.

Rights shall be fully actionable. Absence of a legal regulatory framework cannot be alleged to justify their infringement or ignorance thereof, to dismiss proceedings filed as a result of these actions or to deny their recognition.

4. No legal regulation can restrict the contents of rights or constitutional guarantees.

5. In terms of rights and constitutional guarantees, public, administrative or judicial servants must abide by the most favorable interpretation of their effective force.

6. All principles and rights are unalienable, obligatory, indivisible, interdependent and of equal importance.

Article 33

Work is a right and a social duty, as well as an economic right, source of personal fulfillment and the basis for the economy. The State shall guarantee full respect for the dignity of working persons, a decent life, fair pay and retribution, and performance of a healthy job that is freely chosen and accepted.

Article 39

The State shall guarantee the rights of young people and shall promote the effective exercise of these rights by means of policies and programs, institutions and resources that ensure and uphold, on a permanent basis, their participation and inclusion in all sectors, especially in public sector spaces.

The State shall recognize young people as strategic players in the country's development and shall guarantee their right to education, health, housing, recreation, sports, leisure, freedom of expression and association. The State shall foster their incorporation into the labor force in fair and decent conditions, with emphasis on training, guarantee of access to first employment, and promotion of their entrepreneurial skills.

Article 46

The State shall adopt, among others, the following measures that safeguard children and adolescents:

1. Care for children under six years of age that guarantees their nutrition, health, education and dairy care in a framework of integral protection of their rights.

2. Special protection against any type of labor or economic exploitation. The work of children under fifteen years of age is forbidden and policies shall be implemented for the progressive elimination of child labor.

Adolescent labor shall be the exception rather than the rule and cannot undermine their right to education nor can it be carried out in situations that are harmful or dangerous to their health or personal development. Their work and other activities shall be respected, recognized, and supported as long as it does not jeopardize their education and integral development.

3. Preferential care for the full social integration of persons with disabilities. The State shall guarantee mainstreaming disabled persons in the regular education system and society.
4. Protection and care against all forms of violence, mistreatment, sexual exploitation or exploitation of any other kind or against neglect leading to these situations.

Article 66

The following rights of persons are recognized and guaranteed:

17. The right to freedom of work. No one shall be obligated to carry out free or forced labor, unless provided for by law.

29. The rights of freedom also include:

- a. Recognition that all persons are born free.
- b. Prohibition of slavery, exploitation, bondage and smuggling and trafficking in human beings in all their forms.

The State shall adopt measures to prevent and eliminate trafficking in persons and to protect and socially reinsert victims of trafficking and other forms of the infringement of freedom.

- c. That no person can be incarcerated for debt, costs, fines, taxes or other obligations, except in the case of alimony payments.
- d. That no person can be obligated to do something forbidden or to cease from doing something not forbidden by law.

Article 67

Family in its various forms is recognized. The State shall protect it as the fundamental core of society and shall guarantee conditions that integrally favor the achievement of its goals. They shall be comprised of legal or common-law ties and shall be based on the equality of rights and the opportunities of their members.

Marriage is the union of man and woman and shall be based on the free consent of the persons entering into this bond and on the equality of rights, obligations and legal capacity.

ORGANIC CRIMINAL CODE 2014

Article 82. Slavery

A person who exercises all or some attributes of the property right over another, constituting slavery, shall be punished with a custodial sentence of twenty-two to twenty-six years.

Article 89. Crimes against humanity

Crimes against humanity are those committed as part of a widespread or systematic attack against a civilian population: extrajudicial execution, slavery, forced displacement of the population that does not aim to protect their rights, illegal or arbitrary deprivation of liberty, torture, rape and forced prostitution, non-consensual insemination, forced sterilization and enforced disappearance shall be punishable by imprisonment for twenty-six to thirty years.

Article 91. Trafficking in Persons

The capture, transportation, transfer, delivery, reception or reception for himself or for a third person, of one or more persons, either inside the country or to or to other countries for exploitation purposes, constitutes a crime of trafficking in persons.

Any activity which results in tangible or intangible gain, an intangible advantage or any other benefit, for himself or for a third party, by means

of the submission of a person or the imposition of living or working conditions obtained from:

1. Illegal extraction or marketing of organs, tissues, fluids or genetic material of living persons, including tourism for organ donation or transplantation.
2. Sexual exploitation of persons including forced prostitution, sex tourism and child pornography.
3. Labor exploitation, including forced labor, debt bondage and child labor.
4. Promise of marriage or servile de facto union, including early, arranged marriage, as compensation or transaction, temporary or for purposes of procreation.
5. The illegal adoption of children and adolescents.
6. Begging.
7. Forced recruitment for armed conflicts or for the commission of acts punishable by law.
8. Any other form of exploitation.

Article 92. Sanction for the crime of trafficking in persons

Trafficking in persons will be sanctioned:

1. With deprivation of liberty from thirteen to sixteen years.
2. With imprisonment of between sixteen and nineteen years, if the offense falls on persons of one of the priority attention groups or in situations of double vulnerability or if there has been an affective, consensual relationship between the victim and the aggressor, Conjugal, coexistence, family or economic dependence or there is a link of civil, military, educational, religious or labor authority.
3. With imprisonment of between nineteen and twenty-two years, if, in the event of trafficking in persons, the victim has suffered serious or irreversible psychological or physical illness or damage.
4. With deprivation of liberty from twenty-two to twenty-six years, if by reason of trafficking in persons the death of the victim occurs.

Trafficking is pursued and punished independently of other offenses committed in its execution or as a consequence thereof.

Article 95. Extraction and illegal treatment of organs and tissues.

Any person who, without complying with legal requirements, extracts, preserves, manipulates organs, their parts, vital anatomical components or irreproducible tissues, cells or other fluids or body substances from Persons, shall be punished with imprisonment of ten to thirteen years.

Article 96

A person who, outside the cases permitted by law, acts that have as purpose the intermediation onerous or negotiate by any means or transfers organs, tissues, fluids, cells, anatomical components or corporal substances, will be sanctioned with a custodial sentence From thirteen to sixteen years.

Article 100. - Sexual exploitation of persons

A person who, for his own benefit or that of a third party, sells, lends, takes advantage of or gives in exchange to another to perform one or more acts of a sexual nature, shall be punished with a custodial sentence of thirteen to sixteen years.

If the conduct described is carried out on older adults, children, adolescents, pregnant women, persons with disabilities or catastrophic illness, persons at risk or are in a situation of vulnerability, or between the victim and the aggressor A consensual relationship of partner, family, conjugal or economic dependence or there is a link of civil, military, educational, religious or labor authority, the custodial sentence shall be from sixteen to nineteen years.

Article 101.- Forced prostitution

A person who obliges, demands, imposes, promotes or induces another against his or her will to perform one or more acts of a sexual nature shall be punished by deprivation of liberty from thirteen to sixteen years in one or more of the following circumstances :

1. When taking advantage of conditions of vulnerability of the victim or using violence, threat or intimidation.
2. When, with the offender, he maintains or has maintained a family relationship, consensual of a spouse, spouse, ex-spouse, cohabiting partner, ex-partner, partner or ex-spouse in deed, family or relative up to the fourth degree of consanguinity or second affinity the victim.
3. When you have some kind of trust or authority relationship with the victim.

Article 103. Pornography with the use of children or adolescents.

The person who photographs, films, records, produces, transmits or edits visual, audio-visual, computer, electronic or any other physical material or format containing the visual representation Of real or simulated disassemblies or semi-nudes of girls, boys or adolescents in a sexual attitude;

Shall be punished with imprisonment from thirteen to sixteen years.

If the victim also suffers some form of disability or serious or incurable illness, he shall be punished with imprisonment from sixteen to nineteen years.

When the offending person is the father, mother, relative up to the fourth degree of consanguinity or second of affinity, guardian, legal representative, Healer to the intimate environment of the family; Minister of religion, teacher, teacher, or person who by virtue of his profession or activity has sought the victim, shall be punished with a custodial sentence of twenty-two to twenty-six years.

Article 104. Marketing of pornography with the use of children or adolescents.

The person who advertises, buys, possesses, carries, transmits, downloads, stores, imports, exports or sells, by any means, for personal use or for exchange Pornography of children and adolescents, will be served with a prison sentence of ten to thirteen years Shall be punished with imprisonment from twenty-two to twenty-six years. Article 104.-

Marketing of pornography with the use of children or adolescents.- The person who advertises, buys, possesses, carries, transmits, downloads, stores, imports, exports or sells, by any means, for personal use or for exchange Pornography of children and adolescents, will be served with a prison sentence of ten to thirteen years Shall be punished with imprisonment from twenty-two to twenty-six years. Article 104.-

Marketing of pornography with the use of children or adolescents.- The person who advertises, buys, possesses, carries, transmits, downloads,

stores, imports, exports or sells, by any means, for personal use or for exchange Pornography of children and adolescents, will be served with a prison sentence of ten to thirteen years

Article 105. - Forced labor or other forms of labor exploitation

The person who submits another to forced labor or other forms of exploitation or labor services, inside or outside the country, shall be punished by deprivation of liberty from ten to thirteen years.

There will be forced labor or other forms of exploitation or labor services in the following cases:

1. When a person is forced or deceived to perform, against his will, a job or service under the threat of causing harm to him or to third parties.
2. When children or adolescents under 15 years of age are used in these facilities.
3. When adolescents older than 15 years of age are used in hazardous, harmful or hazardous work as stipulated by the corresponding regulations.
4. When a person is forced to perform a job or service using violence or threat.
5. When a person is forced to commit or render personal services or those of someone over whom he exercises authority, as collateral for a debt, taking advantage of his debtor status.
6. When a person is forced to live and work in a land belonging to another person and to render to it, for remuneration or gratuitously, certain services without freedom to change their condition.

Article 106. Promise of marriage or de facto servile union.

The person who gives or promises in marriage to a person, to contract marriage or de facto union, in exchange for a consideration given to his parents, his tutor or tutor, His family or any other person who exercises authority over him, without the future spouse or partner or partner has the right to oppose, will be punished with imprisonment of ten to thirteen years.

Article 107. Illegal adoption

The person who facilitates, collaborates, carries out, transfers, intervenes or benefits from the illegal adoption of persons shall be punished with a custodial sentence of ten to thirteen years.

The same sanction shall be imposed on the person who circumvents legal procedures for fostering or adoption and for the purpose of establishing a relationship similar to filiation, induce, by any means, the holder of parental authority to the delivery of a girl, Child or adolescent to another.

Article 110. Common Provisions.

For the crimes foreseen in Sections 2 and 3 of this chapter, the following common provisions shall be observed:

1. In these crimes, the judge or judge, in addition to the custodial sentence, may impose one or more non-custodial sentences.
2. In cases where the alleged perpetrator is an ascendant or descendant, collateral up to the fourth degree of consanguinity or second of affinity, spouse, exonerate, cohabiting, ex-partner, partner or ex-partner in de facto union, tutor or guardian, Legal representative, curator or curator or any person in charge of the care or custody of the victim, the judge or

Criminal Guarantees as a precautionary measure will suspend parental authority, guardianship, guardianship and any other modality of care about the victim in order to protect their rights.

3. For these crimes, the attenuation provided for in number 2 of article 45 of this Code does not fit.

4. The public or private behavior of the victim, prior to the commission of the infraction, is not considered in the process.

5. In these crimes, the consent given by the victim does not exclude criminal responsibility or reduce the corresponding penalty.

6. Victims in these crimes may enter the victims and witnesses program.

Egypt

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2014 Constitution which forbids slavery at article 89. Slavery may also be an element of an offence of trafficking in persons under Law No 64 of 2010 regarding Combating Human Trafficking.

ii) There appears to be **no legislation** in place in Egypt which prohibits **servitude**, although article 89 of the Constitution prohibits all forms of oppression. Servitude and practices similar to slavery may also be elements of an offence of trafficking in persons under Law No 64 of 2010 regarding Combating Human Trafficking.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 12 and forced exploitation at article 89. Article 117 of the Penal Code criminalises the use of unpaid workers and withholding of wages by public officials and civil servants although this offence does not extend beyond these actors. Forced labour or service may also be an element of an offence of trafficking in persons under Law No 64 of 2010 regarding Combating Human Trafficking.

iv) **Provisions** related to **trafficking in persons** are found in Law No 64 of 2010 regarding Combating Human Trafficking which criminalises human trafficking under articles 2 and 5.

2) International Obligations: Egypt consents to:

1926 Slavery Convention: (25 January 1928, accession)
 1930 Forced Labour Convention: (29 November 1955, ratification)
 1953 Protocol to the 1926 Slavery Convention: (15 June 1954, acceptance)
 1956 Slavery Convention: (17 April 1958, accession)
 1957 Abolition of Forced Labour Convention: (23 October 1958, ratification)
 1966 ICCPR: (14 January 1982, ratification)
 1998 Rome Statute of the ICC: (26 December 2000, signature)
 2000 Palermo Protocol (Trafficking in Persons): (5 March 2004, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Egypt appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION OF EGYPT 2014

Article 12. Right to Work, Forced Labour

Work is a right, a duty, and an honor guaranteed by the state. There can be no forced labor except in accordance with the law and for the purpose of performing a public service for a defined period of time and in return for a fair wage, without prejudice to the basic rights of those assigned to the work

Article 13. Worker rights

The state commits to protecting worker rights, and works on building balanced work relationships between the two sides of the production process. It ensures means for collective negotiations and works on protecting workers against the risks of work, ensures that conditions for professional security, safety and health are met, and prohibits arbitrary dismissal. All the foregoing is as organized by law.

Article 27. Economic system

The economic system aims at achieving prosperity in the country through sustainable development and social justice to guarantee an increase in the real growth rate of the national economy, raising the standard of living, increasing job opportunities, reducing unemployment rates and eliminating poverty.

The economic system is committed to the criteria of transparency and governance, supporting competitiveness, encouraging investment, achieving balanced growth with regards to geography, sector and the environment; preventing monopolistic practices, taking into account the financial and commercial balance and a fair tax system; regulating market mechanisms; guaranteeing different types of ownership; and achieving balance between the interests of different parties to maintain the rights of workers and protect consumers.

The economic system is socially committed to ensuring equal opportunities and a fair distribution of development returns, to reducing the gaps between incomes by setting a minimum wage and pension to ensure a decent life, and setting a maximum wage in state agencies for whoever works for a wage as per the law.

Article 51. Human dignity

Dignity is a right for every person that may not be infringed upon. The state shall respect, guarantee and protect it.

Article 54. Personal freedom

Personal freedom is a natural right which is safeguarded and cannot be infringed upon. Except in cases of in flagrante delicto, citizens may only be apprehended, searched, arrested, or have their freedoms restricted by a causal judicial warrant necessitated by an investigation.

All those whose freedoms have been restricted shall be immediately informed of the causes therefor, notified of their rights in writing, be allowed to immediately contact their family and lawyer, and be brought before the investigating authority within twenty-four hours of their freedoms having been restricted.

Questioning of the person may only begin once his lawyer is present. If he has no lawyer, a lawyer will be appointed for him. Those with disabilities shall be provided all necessary aid, according to procedures stipulated in the law.

Those who have their freedom restricted and others possess the right of recourse before the judiciary. Judgment must be rendered within a week from such recourse, otherwise the petitioner shall be immediately released.

The law shall regulate preventive detention, its duration, causes, and which cases are eligible for compensation that the state shall discharge for preventative detention or for execution of a penalty that had been executed by virtue of a judgment that is overruled by a final judgment. In all cases, the accused may be brought to criminal trial for crimes that he may be detained for only in the presence of an authorized or appointed lawyer.

Article 60

The human body is inviolable. Any assault, defilement or mutilation thereof is a crime punishable by law. Organ trafficking is forbidden, and no medical or scientific experiment may be performed thereon without the documented free consent of the subject, according to the established principles of the medical field as regulated by law.

Article 80. Rights of the child

A child is considered to be anyone who has not reached 18 years of age. Children have the right to be named and possess identification papers, have access to free compulsory vaccinations, health and family care or an alternative, basic nutrition, safe shelter, religious education, and emotional and cognitive development.

The state guarantees the rights of children who have disabilities, and ensures their rehabilitation and incorporation into society.

The state shall care for children and protect them from all forms of violence, abuse, mistreatment and commercial and sexual exploitation. Every child is entitled to early education in a childhood center until the age of six. It is prohibited to employ children before they reach the age of having completed their primary education, and it is prohibited to employ them in jobs that expose them to risk.

The state shall establish a judicial system for child victims and witnesses. No child may be held criminally responsible or detained except in accordance with the law and the time frame specified therein. Legal aid shall be provided to children, and they shall be detained in appropriate locations separate from adult detention centers.

The state shall work to achieve children's best interest in all measures taken with regards to them.

Article 89. Slavery, oppression, trafficking

Slavery and all forms of oppression and forced exploitation against humans are forbidden, as is sex trafficking and other forms of human trafficking, all of which are punishable by law.

Article 99. Violation of personal freedom

Any assault on the personal freedoms or sanctity of the life of citizens, along with other general rights and freedoms guaranteed by the Constitution and the law, is a crime with no statute of limitations for both civil and criminal proceedings. The injured party may file a criminal suit directly.

The state guarantees just compensation for those who have been assaulted. The National Council for Human Rights shall inform the

prosecutor's office of any violation of these rights, and also possesses the right to enter into an ancillary civil lawsuit on the side of the injured party at its request. This is as specified within the law.

PENAL CODE 1937

Article 117

Any public official/civil servant who uses unpaid workers in performing a work for any of the quarters prescribed in article 119, or withholds the whole or part of their wages unjustifiably shall be liable to the punishment of a temporary hard labor.
Detention shall be the penalty if the offender is not a public servant.

Article 280

Whoever arrests, confines, or detains a person without an order from one of the concerned judges/ruling governors, and in other than the cases wherein the laws and statutes authorize the arrest of suspects, shall be punished with detention or a fine not exceeding two hundred pounds.

Article 281

Any person who lends a place for impermissible confinement or detention while knowing about it, shall also be punished with detention for a period not exceeding two years.

Article 288

Whoever personally, or through others, kidnaps cunningly or coercively a male child that has not reached sixteen complete years of age, shall be punished with temporary hard labor.

Article 289

Whoever, personally or through others, kidnaps unforcibly and uncunningly a child that has not reached sixteen complete years of age, shall be punished with imprisonment for a period of three to ten years. If the kidnapped child is a female, the punishment shall be temporary hard labor.

Article 290

Whoever, personally or through others, kidnaps cunningly or forcibly, a female shall be punished with permanent hard labor. However, if the perpetration of this felony is accompanied with a felony of lying with the kidnapped female without her consent, the perpetrator shall be punished with a death sentence.

LAW NO 64 OF 2010 REGARDING COMBATING HUMAN TRAFFICKING

Article 2

A person who commits the crime of human trafficking shall be considered one who deals in any manner in a natural person, including: the sale, offer for sale, purchase, or promise thereof; or the use, transport, delivery, harbouring, reception, or receipt, whether within the country or across its national borders; if this occurred through the use of force, violence, or threat thereof; or through abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability or need; or through a promise to give or receive payments or benefits in exchange for obtaining the consent of a person to traffic another having control over him; or if the purpose of the transaction was exploitation in

any of its forms, including: exploitation of acts of prostitution and all forms of sexual exploitation, exploitation of children in such acts and in pornography, forced labor or services, slavery or practices similar to slavery or servitude, or begging or removal of human organs, tissues or a part thereof.

Article 3

The consent of the victim to exploitation in any of the forms of human trafficking shall be irrelevant as long as any of the means stipulated in Article (2) of this law have been used.

To establish trafficking in a child or in the incapacitated, use of any of the means referred to is not required, and in all cases his consent or the consent of the person responsible for him or his guardian shall be irrelevant.

Article 5

Aggravated imprisonment and a fine not less than 50,000 pounds and not to exceed 200,000 pounds or a fine equal to the value of the benefit gained, whichever is greater shall be imposed on anyone who committed the crime of human trafficking.

Article 6

Life imprisonment and a fine not less than 100,000 pounds and not to exceed 500,000 pounds shall be imposed on anyone who committed the crime of human trafficking in the following cases:

- 1) If the perpetrator established, organized, or managed an organized criminal group for the purposes of human trafficking, if he was a leader thereof, if he was one of its members or belonged thereto, or if the crime was of a transnational nature;
- 2) If the act was committed by way of threats of death, serious harm or physical or psychological torture; or if the act was committed by a person carrying a weapon;
- 3) If the perpetrator was the spouse, one of the ascendants or descendants, or custodian or guardian of the victim, or was responsible for the supervision or care or had authority over the victim;
- 4) If the perpetrator was a public official or was assigned to carry out a public service and committed the crime by exploiting the office or public service;
- 5) If the crime resulted in the death of the victim or caused him to suffer a permanent disability or an incurable disease;
- 6) If the victim was a child, was incapacitated or was a person with disabilities;
- 7) If the crime was committed by an organized criminal group.

Article 10

Imprisonment shall be imposed on anyone who induces another by any means to commit a crime referenced to in the aforementioned articles, irrespective of whether the inducement had an effect

El Salvador

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution at article 4 which declares that every person in the Republic is free and that no one who enters the territory shall be a slave. Article 367 of the Penal Code also prohibits trade in persons for any purpose.
- ii) **Provisions** related to **servitude** are found in the Constitution at article 4 which declares that no one shall be subjected to servitude.
- iii) **Provisions** related to **forced labour** are found in the Constitution at article 9 which declares that no one shall be obligated to perform work or services without their full consent and the Labour Code which prohibits forced labour at article 13, although no penalties are prescribed.
- iv) **Provisions** related to **trafficking in persons** are found in the 2014 Special Law Against Human Trafficking which criminalises human trafficking at article 54 and the Penal Code at article 367.

2) International Obligations: El Salvador consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (15 June 1995, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: (17 September 1956, signature)
1957 Abolition of Forced Labour Convention: (18 November 1958, ratification)
1966 ICCPR: (30 November 1979, ratification)
1998 Rome Statute of the ICC: (3 March 2016, accession)
2000 Palermo Protocol (Trafficking in Persons): (18 March 2004, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: El Salvador appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF EL
SALVADOR, 1983
(REV. 2014)

Article 2

Every person has the right to life, physical and moral integrity, liberty, security, work, property and possession, and to be protected in the conservation and defense of the same. The right to honor, personal and family intimacy, and one's own image is guaranteed. Indemnification, in conformity with the law, is established for damages of a moral character.

Article 4

Every person in the Republic is free. No one who enters its territory shall be a slave nor the individual who traffics in slaves be a citizen. No one shall be subjected to servitude or to any other condition that injures their dignity.

Article 5

Every person has the liberty to enter, remain in, and leave the territory of the Republic, save the limitations that the law establishes.

No one shall be obligated to change their domicile or residence, except by order of a judicial authority in special cases and by means of the requirements indicated by the law.

No Salvadoran shall be expatriated, nor his entry into the Republic prohibited, nor a passport or other documents of identification for his return be denied. Neither shall the right to leave the territory of the Republic be prohibited, except by resolution or sentence of a competent authority, dictated in accordance with the laws.

Article 9

No one shall be obligated to perform work or render personal services without fair remuneration and without their full consent, except in cases of public disaster and others specified by the law.

Article 38

Labor shall be regulated by a Code which shall have the principal objective of harmonizing the relations between employers and workers, establishing their rights and obligations. It shall be based on general principles that tend toward the improvement of the living conditions of workers, and shall include especially the following rights:

1st—In the same business or establishment and under identical circumstances, to equal work shall correspond equal remuneration for the worker, without regard for his sex, race, creed, or nationality;

2nd—Every worker has the right to earn a minimum wage, which shall be fixed periodically. To fix this wage, attention shall be paid above all to the cost of living, the type of work, the different systems of remuneration, the distinct zones of production, and other similar criteria.

This wage shall be sufficient to satisfy the normal needs of the worker's home in their material, moral and cultural aspects. For piecework,

contract work (por ajuste) or work for a lump sum (precio alzado), it is obligatory to assure the minimum wage per day (jornada) of work;

3rd—Salary and social benefits, in the quantity determined by law, are unattachable and cannot be compensated or retained, except for obligations to supply essential support (obligaciones alimenticias).

Amounts also may be retained for social security, union quota, or tax obligations. Worker's instruments of labor are unattachable;

- 4th—The salary shall be paid in legal tender (moneda de curso legal). The salary and social benefits constitute privileged credits in relation to other credits that may exist against an employer;
- 5th—Employers shall give their workers a bonus for each year of work. The law shall establish the form in which one shall determine the quantity in relation to salaries;
- 6th—The ordinary workday (jornada) of effective daytime work shall not exceed eight hours, and the work-week shall not exceed forty-four hours; The maximum hours of overtime (horas extraordinarias) for each type of work shall be determined by the law. The night shift (jornada) and the shift that requires dangerous or unhealthy tasks shall be shorter than the daytime shift and shall be regulated by law. The limitation on working hours shall not apply in cases of force majeure. The law shall determine the length of pauses that shall interrupt the workday when, attending to biological reasons, the rhythm of tasks so demand, and of those that shall intercede between two workdays. Overtime and night work shall receive additional remuneration (recargo);
- 7th—Every worker has the right to one day of remunerated rest for each work week, in the form required by law. The workers who do not enjoy rest on the days previously indicated, shall have the right to additional remuneration for the services rendered on these days and a compensatory leave;
- 8th—Workers shall have the right to paid rest on the holidays (días de asueto) designated by law; [the law] shall determine the kind of work for which this disposition shall not apply, but in those cases, workers shall have the right to extraordinary remuneration;
- 9th—Every worker that accredits a minimum of services performed during a given period, shall have the right to an annual paid vacation in the form determined by law. Vacations shall not be compensated by money and, to the obligation of the employer to grant them corresponds the obligation of the worker to take them;
- 10th—Those less than fourteen years old, and those having reached this age but who remain subject to obligatory education in virtue of the law, may not be employed in any type of work. Their employment shall be authorized when it is considered indispensable for their subsistence or that of their family, provided that this does not prevent compliance with the minimum of obligatory education. The workday for those under sixteen years old cannot be more than six hours a day and thirtyfour hours a week, in any kind of work. Unhealthy or dangerous work is prohibited for persons under eighteen years of age and women. Night work is also prohibited for persons under eighteen years old. The law shall define (determinar) dangerous and unhealthful work;
- 11th—The employer who discharges a worker without just cause is obligated to indemnify him according to the law;
- 12th—The law shall determine under which conditions employers are obligated to pay their permanent workers who resign from their work an economic compensation (prestación), which amount shall be fixed in relation to their salaries and time of service. Resignation produces its effects without the need for acceptance by the employer, but the latter's refusal to pay corresponding compensation constitutes a legal presumption of unfair discharge. In the case of total and permanent incapacitation or death of the worker, the worker or his beneficiaries

shall have the right to the compensations they would receive in the case of voluntary resignation.

Article 41

The domestic worker (trabajador a domicilio) has the right to an officially designated minimum wage, and to the payment of indemnification for time lost by motive of an employer's delay in ordering or receiving work or for the arbitrary or unjustified suspension of work. Domestic workers shall be recognized as having an analogous legal situation as other workers, taking into consideration the special characteristics of their work.

Article 45

Agricultural and domestic workers have the right to protection with respect to wages, working hours, rests, vacations, social security, indemnification for dismissal, and, in general, to social benefits. The extent and nature of the aforementioned rights shall be determined by law according to the conditions and peculiarities of the work. Persons who perform services that are domestic in character in industrial, commercial businesses, social entities and other similar enterprises shall be considered manual workers and shall have the rights granted to these.

Article 46

The State shall propitiate the creation of a bank owned by the workers.

Article 49

A special jurisdiction is established for labor. The procedures in labor matters shall be regulated in a form that will permit a rapid solution to conflicts. The State has the obligation to promote conciliation and arbitration, so they constitute effective means for the peaceful solution of labor conflicts. Special administrative boards of conciliation and arbitration shall be established to solve collective conflicts of interests or of an economic character.

Article 52

The rights consecrated in favor of the workers cannot be renounced. The enumeration of the rights and benefits to which this chapter refers, does not exclude others that are derived from principles of social justice.

PENAL CODE

Article 147B trafficking and illegal tense of human organs and tissues

Anyone who extracts or transplants human organs or tissues, without being duly authorized for it, as established in the Health Code, shall be punished with imprisonment of four to eight years.

The same sanction will be imposed on anyone who trades with human organs or tissues.

Those who have in their possession, organs or tissues of human persons, without being authorized to do so, as established by the Health Code, will be punished by three to five years in prison.

Article 148. Deprivation of freedom

Whoever deprives another of his individual liberty shall be punished with imprisonment for three to six years.

Article 149. Kidnapping

Anyone who deprives another of his individual liberty for the purpose of obtaining a ransom, compliance with a certain condition, or for the public authority to perform or fail to perform a particular act, shall be punished with a penalty of thirty Forty-five years in prison, under no circumstances may the convicted person be granted the benefit of parole or early probation.

Article 149A. Proposition and conspiracy in the crimes of deprivation of freedom and kidnapping

The proposition and conspiracy to commit any of the behaviors described in the two previous articles, will be sanctioned, in the case of deprivation of liberty with imprisonment of one to three years, and in the case of kidnapping, with Prison from ten to twenty years.

Article 150. Aggravated attacks against individual freedom

The penalty corresponding to the crimes described in the previous articles, shall be increased up to one-third of the maximum, in any of the following cases:

- 1) If the crime is executed with simulation of public authority or false order of the same;
- 2) If the deprivation of liberty lasts longer than eight days;
- 3) If executed in person less than eighteen years of age, over sixty, invalid, or pregnant woman;
- 4) If it will be executed in order to change the filiation;
- 5) If it involves subjection or servitude that impairs his dignity as a person;
- 6) If the victim is of the officials referred to in Article 236 of the Constitution of the Republic; Y,
- 7) If executed in person, to whom, according to the rules of international law, El Salvador owes special protection.

Article 151. Attacks against individual freedom attenuated

If the victim is voluntarily released before seventy-two hours, without having obtained the specific purposes of the deprivation of liberty, the penalty of imprisonment referred to in the previous articles shall be reduced to In one third of the maximum.

If the voluntary release proceeds before the twenty-four hours of the deprivation of liberty, without having obtained the specific aims of this one, the prison sentence will be reduced to half of the maximum.

Art. 152. Detention by particular

An individual who detains a person caught in flagrante delicto and does not have the competent authority immediately after the capture, shall be punished with imprisonment of six months to one year.

Article 153 Coercion

He who by violence obliges another to do, tolerate or ignore any action, shall be punished with imprisonment of one to three years. When coercion was entered to prevent the exercise of a fundamental right, the penalty is imprisonment for two to four years.

Article 154 Threats

Whoever threatens another with produce to him or his family harm constituting a crime, in their persons, freedom, sexual freedom, honor or in equity, shall be punished with imprisonment of one to three years.

Article 155

In the case of the two preceding articles shall be considered special aggravating, if committed with any of the following circumstances:

- 1) That the act is committed with a weapon,
- 2) the action was committed by two or more persons;
- 3) If the threats were anonymous or condition, and
- 4) If the stock falls on a person having the quality of victims or witnesses in any of the individuals who enjoy the regime of the Special Law for the Protection of Victims and Witnesses.

In these cases the penalty is three to six years in prison.

Article 244. Infringement of labor or social security conditions

Any person who, through deceit or abuse of a situation of necessity, subjects workers to their service to working or social security conditions that harm, suppress or restrict the rights recognized by legal provisions or individual or collective contracts of employment, Will be punished with imprisonment from six months to two years.

Article 367. Commerce in persons

Any person who, per se or as a member of an international organization, engages in trade in persons for any purpose, shall be punished with imprisonment of four to eight years.

If trade is carried out with Salvadoran women or children, the sanction may be increased up to one-third of the maximum indicated.

Article 367A. Illegal trafficking in persons

A person who, by himself or by means of another or other, in contravention of the law, intends to introduce or introduce foreigners into the national territory, shelter them or guide them, in order to evade the migratory controls of the Country or other countries, will be punished with imprisonment of four to eight years.

With the same penalty, a person who shelters, transports or guides nationals with the purpose of evading the immigration controls of the country or of other countries will be sanctioned.

In the same sanction will incur the people who with false or fraudulent documentation try to make or make leave the country to Salvadorans or citizens of any other nationality; Or those who use authentic documentation, whose holder is another person.

If, as a consequence of the commission of this crime, taxpayers suffer deprivation of liberty abroad, are victims of crimes of any order or die for violent causes, or are guilty in nature, the penalty shall be increased by two thirds.

Article 367B. Trafficking in persons

Who, by himself or as a member of a national or international organization for the purpose of obtaining an economic benefit, recruits, transports, welcomes or receives persons, inside or outside the national territory, to carry out any activity Sexual exploitation, forced labor or services, practices similar to slavery, or for the removal of organs,

fraudulent adoptions or forced marriages, shall be punishable by four to eight years' imprisonment.

REPEALED.

Anyone who facilitates, promotes or favors any of the above activities will be punished with a penalty of three to six years in prison.

When the described actions are carried out in commercial premises or of any nature that require permission of competent authority, it must revoke it by proceeding to the immediate closure of the same.

Article 367C. Aggravating the crime of trafficking in persons

The offense referred to in Article 367-B of this Code shall be punished with the maximum corresponding penalty increased by up to one-third of the maximum and disqualification from the exercise of his profession for the duration the conviction, in the following cases:

- 1.- If it is carried out by civil servants, public and municipal employees, public authority, agent of authority and the agents of the National Civil Police.
2. When the victim is under eighteen years of age or incapacitated.
3. If it is carried out by persons prevailing from the superiority originated by relationships of trust, domestic, educational, work or any other relationship.
- 4.- If, as a consequence of the commission of the previous offense, taxable persons suffer

Deprivation of liberty abroad, are victims of crimes of any order or die for causes of willful or guilty nature.

Article 370

Those directing or forming part of international organizations engaged in trafficking in slaves, trade in persons or carrying out acts of piracy, or violating provisions of the treaties approved by El Salvador to protect human rights shall be punished with imprisonment of five to fifteen years.

LABOUR CODE

Article 13. Right to work

No one can prevent the work to the others but by means of resolution of competent authority aimed at protecting the rights of the workers, of the employers or of the society, in the cases foreseen by the Law.

No form of forced or compulsory labor, ie any work or service required under the threat of any penalty and for which the worker has not volunteered.

The prohibition referred to in the previous paragraph does not include:

(A) Any work or service required under the Laws on compulsory military service and having a purely military character;

B) Any work or service that forms part of normal civic obligations;

C) Any work or service that is required by a sentence pronounced by a judicial decision, provided that this work or service is carried out under the supervision and control of the public authorities and that the person who provides it is not assigned or placed at the disposal of private individuals or companies;

D) Any work or service required in cases of force majeure, ie war, casualties or threat of casualties, such as: fires, floods, hunger, earthquakes, violent epidemics and epizootics, invasions of animals, insects or harmful plant parasites, and in general all circumstances that endanger or threaten to endanger normal life or conditions

Of the existence of all or part of the population;

E) The small communal works, carried out by the members of a community for the direct benefit of the same, provided that the members of the community have the right to pronounce on the need for them.

Article 29. Obligations of the employer

The obligations of the employers are:

- 1) Pay the worker his salary in the amount, date and place established in Chapter I, Title Three of this Book;
- 2) To pay the worker a pecuniary benefit equivalent to the ordinary salary that would have accrued during the time that he stops working because of imputable to the employer;
- 3) Provide the worker with the necessary materials for the job; As well as the tools and tools suitable for the performance of the work, when It is not agreed that the worker provides the latter;
- 4) To provide a safe place for the guarding of the tools and tools of the worker, when these must necessarily be kept in the place where Services are provided. In this case, the inventory of tools and tools must be made whenever requested by either party;
- 5) To keep due consideration to the workers, refraining from mistreating them of work or speech;
- 6) Grant the worker a license:
 - A) To fulfill obligations of public character established by law or ordered by competent authority.

In these cases, the employer must pay the worker a benefit equivalent to the ordinary salary that would have accrued in the time required for the fulfillment of said obligations;

B) To fulfill family obligations that rationally claim their presence as in cases of death or serious illness of their spouse, ancestors and descendants; As well as in the case of persons who are economically dependent on him and who appear named in the respective employment contract or, failing that, in any registration of the company. This license will last for the necessary time; But the employer will only be obliged to recognize for this reason a benefit equivalent to the ordinary wage of two days in each calendar month and in no case more than fifteen days in the same calendar year; Y

C) In order that during the necessary time he can carry out the necessary commissions in the exercise of his office, if he is a director of a professional association, and whenever the respective organization so requests. The employer, for this reason, will not be obliged to recognize any benefit;

7) Keep enough seats or chairs available to workers in commercial houses, offices, hotels, restaurants and other similar work centers. The same provision shall be observed in industrial establishments where the nature of the work so permits;

8) To pay the worker the expenses of round trip when, due to the service, it has to move to a place different from the one of his residence;

9) Comply with the corresponding internal regulations of work; and

10) All those imposed by this Code, the Law on Prevention and Control of Infection caused by the Human Immunodeficiency Virus, and other sources of labor obligations.

Article 30. Prohibitions for employers

It is forbidden to the employers:

- 1) Require their workers to buy items of any kind in establishments or to specific persons, whether credit or cash;
- 2) Require or accept from the workers gratuities to be admitted to work or to obtain some privilege or concession that relates to working conditions;
- 3) Try to influence their workers in the exercise of their political rights or religious beliefs;
- 4) Try to influence their workers regarding the exercise of the right of professional association;
- 5) By direct or indirect means, discriminate between workers because of their union status or retaliate against them for the same reason;
- 6) To retain the tools or objects that belong to their workers, to guarantee the fulfillment of their obligations; Or to be paid as compensation for the damages and losses caused to him or for any other cause;
- 7) Make or authorize compulsory collections or subscriptions among its workers;
- 8) Directing work in a state of drunkenness, under the influence of narcotics or drugs, or in any other abnormal abnormality analogous;
- 9) Pay the salary with chips, vouchers, promissory notes, coupons or any other symbols that are not legal tender;
- 10) Reduce, directly or indirectly, the wages they pay, as well as eliminate or reduce the social benefits they provide to their workers, unless there is legal cause; and
- 11) Execute any act that directly or indirectly tends to restrict the rights that this Code and other sources of labor obligations confer on the workers.
- 12) Establish any distinction, exclusion or preference based on race, color, sex, religion, political opinion, national origin or social origin, except for the exceptions provided by law for the purpose of protecting the worker's person.
- 13) Require women applying for employment, to undergo previous examinations to check if they are pregnant, and to require them to present medical certificates for such examinations, as requirements for their employment.
- 14) Require persons applying for HIV testing as a prerequisite for employment, and for the duration of the employment contract.
- 15) By direct or indirect means, make any distinction, exclusion and / or restriction among workers, due to their HIV / AIDS status, as well as to disclose their diagnosis.

**SPECIAL LAW
AGAINST HUMAN
TRAFFICKING 2014**

Article 5. Forms of human exploitation

For the purposes of this Act, the following are forms of human exploitation:

- a) Easement: state of dependence or submission of the will, in which the treating induce or coerce the victim of trafficking in persons to perform acts, jobs or to pay services;
- b) Sexual exploitation: all actions to induce or compel a person to acts of sexual or erotic kind, for the purpose of financial gain or otherwise for himself or a third party. This includes acts of prostitution and pornography;

- c) Sexual Exploitation in Tourism Sector: the use of people in activities for sexual purposes, utilizing those facilities and tourist facilities;
- d) Forced Labor: work or service exacted from any person under threat or coercion;
- e) Slavery: state or condition of a person, which will be exercised or absolute control of another person, to the point that it is treated as an object;
- f) Forced Begging: the exploitation of one or more people, forcing them or using them to ask for money or other benefit for the dealer;
- g) Forced pregnancy: induction a child, teenager or woman through force or deception to get pregnant, regardless of the purpose;
- h) Forced Marriage or Union: action by which a person is promised to his will or forced into marriage, or sustain a relationship in fact, in exchange for a benefit for the treating person or a third person;
- i) Adoption Fraudulent: occurs when it has been preceded by a sale, subtraction, detention, abduction of children and adolescents, delivered by the end of adoption with or without the consent of their parents, guardians or relatives, in violation the Law on the matter;
- j) Illegal Traffic of organs, tissues, fluids, cells or embryos: it is get, remove, deploy, transport, trade, possess or have unlawfully organs, tissues, fluids, germ cells or embryos;
- k) Clinical and Experimental Pharmacology: conducting anyone without your consent to medical tests or experiments with it drugs or medicines for the benefit of treating or third party; and
- l) Trade Pornographic Material: includes the distribution, reproduction, possession and use of pornographic material victims of the Crime of Trafficking in Persons for any medium of any kind, particularly computer.

Penal provisions

Article 54. Trafficking

Whoever gives, recruits, transports, transfers, receiving or accepting people, inside or outside the country or facilitate, promote or encourage, to run or allow others to do any activity of human exploitation, as defined in Article 3 of this Act shall be punished ten to fourteen years in prison.

Article 55. Aggravating the Crime of Trafficking in Persons

The crime of trafficking in persons shall be punished with sixteen to twenty years 'imprisonment and suspension from the practice of the profession, job or public or private employment during the duration of the sentence, in the following cases:

- a) When the victim is a child, child, adolescent, adult or person who is disability;
- b) When the perpetrator is a public official or employee, public authority or agents authority; subject to applicable contest offense when cargo prevail;
- c) When a relationship of parent, child, adoptive parent, adopted brother, spouse or person with whom such a marital relationship or have convivere affective; or in the case of guardian, conservator, guardian or in fact responsible for the education or care of the victim and when there is a relationship of authority or trust with the victim, their dependents or persons responsible, not bound or relationship relationship;
- d) When the offense is committed by a person directly or indirectly responsible care of the child or adolescent who is under a measure of

- refuge in care institutions for children and adolescents, whether public or private;
- e) cuandose occasioned and irreversible damage or serious bodily injury and disease;
 - f) When the act is preceded by the threat or use of force or other forms of coercion or deceit;
 - g) When used in the planning or execution of the crime, services or facilities for tourism, business, sports recreation ode, ode similar nature; and,
 - h) The offense is made using as support information technology and communication, including the Internet.

When the authors of the Crime of Trafficking in Persons are the organizers, chiefs, leaders or financiers of illegal groups or organized structures, national or transnational crime will be He punished by twenty to twenty five years in prison.

Article 56. Remuneration in the Crime of Trafficking in Persons

Anyone who applies, promise, pay or rewarded with any kind of benefit to third people to perform acts involving victims of Trafficking in Persons, either of the procedures laid down in this Act shall be punished with imprisonment from four to ten years. When the victim is a child, child, teenager or adult who is disabled person, imprisonment will increase by one third of the maximum.

Article 57. Consent of the Victim

The consent of the victim, regardless of age, can not be valued in any case or instance, be it administrative or judicial, as exclusionary cause or mitigating criminal liability.

Equatorial Guinea

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Equatorial Guinea which prohibits slavery, although article 13(l) of the Constitution affirms the right to freedom of work and slavery may form an element of the offence of Trafficking in persons under the Smuggling of Migrants and Trafficking in Persons Law.

ii) There appears to be **no legislation** in place in Equatorial Guinea which prohibits **servitude**, although servitude, debt servitude, irregular adoption and practices similar to slavery may form elements of the offence of Trafficking in persons under the Smuggling of Migrants and Trafficking in Persons Law.

iii) There appears to be **no legislation** in place in Equatorial Guinea which prohibits **forced labour**, although article 13(l) of the Constitution affirms the right to freedom of work and the 1990 Labour Standards Law affirms the right to work and free choice of profession at article 24(A). Forced labour or services may also form an element of the offence of Trafficking in persons under the Smuggling of Migrants and Trafficking in Persons Law.

iv) **Provisions** related to **trafficking in persons** are found in the Smuggling of Migrants and Trafficking in Persons Law which criminalises human trafficking at article 3.

2) International Obligations: Equatorial Guinea consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (13 August 2001, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (13 August 2001, ratification)
 1966 ICCPR: (25 September 1987, accession)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (7 February 2003, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Equatorial Guinea appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
EQUATORIAL
GUINEA, 1991 (REV.
2012)

Article 5

The fundamentals of the Equatoguinean society are:

- a. The respect to the human being, his dignity and freedom, and other fundamental rights.
- b. The protection of the Family, the basis of the Equatoguinean society.
- c. The recognition of equality between men and women.
- d. The protection of labor through which man develops its personality of creating wealth for the Nation in favor of social well-being.
- e. The promotion of economic development of the Nation;
- f. The promotion of the social and cultural development of the Equatoguinean citizens to make real in them the supreme values of the State.

Article 8

The Equatoguinean State abides to the principles of International Law and reaffirms its attachment to the rights and obligations that arise from the Organizations and International Organizations to which it is a member.

Article 13

(1) Every citizen enjoys the following rights and freedoms:

- a. The respect of his person, life, personal integrity, its dignity and his full material and moral development. The death penalty can only be imposed by a crime established by the law.

l. To freedom of working.

- m. To not being deprived of their freedom save by virtue of a judicial order, except in those cases provided by the Law and in flagrant crimes.

(3) The legislative provisions will define the conditions under which these rights and liberties will be exercised.

Article 14

The enumeration of the fundamental rights recognized in this chapter does not exclude those guaranteed by the Fundamental Law, nor others of analogue nature and that are derived from human dignity, from the principle of sovereignty of the people or the social and democratic state of law and the republican form of government.

Article 22: The State shall ensure the protection of every person from birth, and foster his normal development and ensure his security for his moral, psychological and physical integration as well as his family life. It shall encourage and promote primary health care as the cornerstone of the development of this sector.

Article 26

1. Work is a right and social duty. The State recognizes its constructive role in improving the well-being and the development of its national wealth. The State promotes the economical and social conditions to eradicate poverty, misery and ensures to all the citizens of the Republic of Equatorial Guinea with equality the possibilities of a useful occupation that allows them not to be threatened by necessity.
2. The law will define the conditions for the exercise of this right.

LAW NO. 1/2004 OF
SEPTEMBER 14, 2004
ON THE SMUGGLING

Article 1. Definitions

For the purposes of this Law, the following definitions shall apply:

OF MIGRANTS AND TRAFFICKING IN PERSONS

- (a) Trafficking in persons: the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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, so that said person can engage in any type of sexual exploitation, pornography, debt servitude, forced labour or services, forced marriage, unlawful adoption, slavery or practices similar to slavery, or the removal of organs;
- (i) Offense: the conduct described in this Law, the consummation of which is punished under the provisions thereof;

Article 2. Offense of Smuggling Migrants

This offense shall be incurred by anyone who promotes, induces, constrains, finances, transports by land, sea, or air, or cooperates in any way in the illegal entry into or departure of persons from the country, as the point of origin, destination, or transit, without complying with the legal requirements, in order to obtain, directly or indirectly, some financial benefit for oneself or others. Such action shall be punishable by imprisonment of 5 to 10 years and a fine ranging between 7 and 77 million CFA francs.

Article 3. Offense of Trafficking in Persons

This offense shall be incurred by anyone who engages in the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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, so that said person will engage in begging, or in any type of sexual exploitation, pornography, debt servitude, forced marriage, irregular adoption, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs, even with the consent of the victim; such action shall be punishable by imprisonment of 10 to 15 years and a fine of at least 50 million CFA francs.

Article 4. Offense of Parental Abuse of Minors

This offense consists of the use of children by their parents for the itinerant sale of goods or other work during the school day or at night. This offense shall be punished by imprisonment of one month to one year and a fine of between 50,000 and 500,000 CFA francs.

Article 5. Offense of Child Labour

This offense shall be incurred by anyone who employs, offers work to, or accepts a minor for work on his own behalf or that of another, in the formal or informal market, and shall be punished by imprisonment of one year and a maximum fine of 250,000 CFA francs.

Article 7. Criminal Liability of Legal Entities

Legal entities shall be criminally liable and may be prosecuted for the smuggling of migrants and trafficking in persons committed by any managerial, administrative, or oversight agency, by any agency having

general or collective social-welfare responsibility, or by any representatives acting for or on behalf of such legal entities, and shall be punished by any or all of the following penalties:

- (a) A fine of five times the amount stipulated for natural persons;
- (b) Dissolution of the entity, if the offense prosecuted under the provisions of this Law would have been punished by imprisonment of over 15 years had it been committed by a natural person;
- (c) Prohibition to engage, either directly or indirectly, in one or more of its professional or social activities, either permanently or for a period of at least ten years;
- (d) Monitoring by the courts for a period of no less than five years;
- (e) Prohibition by one or more of the principal places of business, headquarters, branches, or locations belonging to the company used in the commission of the offense to engage in any activities, either permanently or for a period of at least ten years;
- (f) Prohibition, for a period not to exceed five years, to use credit cards or to issue commercial instruments, such as checks, bills of exchange, or promissory notes, except those that allow funds to be withdrawn by their issuer when the latter is the beneficiary thereof, or those that are certified;
- (g) Confiscation of the objects used or intended to be used to commit the offense, or of the proceeds from the offense; and
- (h) Publication of the sentence [sic]. The liability of legal entities shall not exclude the liability of any natural person who is the author or accomplice of the above-mentioned offenses. The penalties listed under (a) to (i) of this Article shall apply to legal entities established under public law, political parties, legally established legal movements or groups, unions or professional associations, NGOs, and religious organizations recognized as such under law when these entities commit such offenses.

Article 8. Attempt to Commit the Offenses

Any attempt to commit the offense of smuggling migrants or trafficking in persons shall be punished as if the actual offense had been committed.

Article 9. Complicity

Those who participate as accomplices in the commission of the offense of smuggling migrants and trafficking in persons shall be subject to the same punishment as that imposed on the actual perpetrators of the offense.

Article 10. Aggravating Circumstances

The following shall be considered circumstances aggravating the offense of smuggling migrants or trafficking in persons:

- (a) When the death of the person who is the victim of the smuggling or trafficking results, or when the victim suffers physical or psychological harm, either temporarily or permanently;
- (b) When one or more perpetrators of the offense are officials, elected or otherwise, of the central government or of local associations, or are members of the Armed Forces or of the State Security Forces;
- (c) When a criminal group is involved and said group can be defined as a national or transnational organized criminal group, or one that has participated in the smuggling of migrants or the trafficking in persons;

- (d) When the commission of the offense results in more than one victim;
- (e) When the offense has been committed against persons suffering from mental distress or illness, either temporary or permanent, or persons under the age of 18;
- (f) When the person responsible is the spouse, partner, or relative to the third degree of consanguinity or first degree of affinity of the victim of the offense;
- (g) When the perpetrator or perpetrators commit the offense of smuggling migrants or trafficking in persons more than once;
- (h) When a person creates, alters, produces, or falsifies travel or identification documents, supplies or facilitates the possession of such documents or any others, or illegally obtains a visa for himself or another, or encourages another to do so.

The penalty for offenses committed with the aggravating circumstances described in this Article shall be imprisonment of five years, added to the principal penalty for said offenses.

Article 11. Extenuating Circumstances

If the perpetrator of the offense of smuggling migrants or trafficking in persons or his accomplice cooperates or identifies with certainty the organizers of such activities or provides information leading to their arrest, such persons may, under a well-founded order issued by the Public Prosecutor, be exempted from criminal prosecution.

LAW NO 2/1990 ON GENERAL LABOUR STANDARDS

Article 11. Work of minors

- (1) The work of children under the age of fourteen is prohibited.
- (2) However, those who have reached the age of thirteen may undertake light work, provided that they are not liable to prejudice their health or development, as well as their attendance at school, their participation in approved vocational guidance or training programs by the competent authorities, nor the education they receive.
- (3) Twelve-year-olds may be admitted to certain jobs or light work of an artisan or agricultural character, the labour authorities, who shall consult beforehand the professional organizations of workers, when they exist, and shall pay particular attention to the health, physical and moral integrity and education of such minors.
- (4) The minimum age for admission to work which by its nature or the conditions under which it is carried out may be hazardous to the health, safety or morals of minors shall be sixteen years. In any case, the professional organizations of workers, where they exist, and the labour authorities shall ensure that sufficient guarantees of protection are adopted for minors and that, before entering work, they receive adequate and specific professional training in the relevant branch of activity. The labour authorities may also raise the minimum age for admission to certain jobs to eighteen years, while this does not break the principle of equal employment opportunity.
- (5) Minors cannot enter into employment contracts without the authorization of their father, mother or legal representative.
- (6) An employer who hires the services of minors who have not reached the minimum age required to work, or who are not legally authorized to do so, shall in any case pay them the salary and other legal benefits, without prejudice to legal sanctions Which may correspond.

Article 23. Obligations of the employer

It is the duty of the employer:

- A) give effective employment to their workers;
- B) Provide them with adequate instruments of work;
- C) indemnify them for the loss of their own tools or tools entrusted to the care of the employer;
- D) to respect and consider them and to refrain from mistreatment in word or deed;
- E) attending their justified complaints;
- F) to refrain from influencing their religious convictions;
- G) not imposing penalties to them other than the provisions of this law;
- H) not to retaliate against workers for appealing to the authorities in defense of their labour rights;
- I) to observe good morals and customs during working hours;
- J) fulfil the other labour obligations imposed by the laws.

Article 24. Rights of the worker

(1) The worker has the following basic rights, with the content that for each one of them establish specific, legal or contractual rules:

- A) work and free choice of profession or trade;
- B) to the effective occupation;
- C) not be discriminated in any way and for any reason;
- D) promotion and vocational training at work;
- E) their physical integrity, rest and work in good conditions of safety and hygiene;
- F) respect for their privacy and respect for their dignity;
- G) to the punctual perception of the remuneration agreed or legally established;
- H) to the exercise of the actions derived from the contract of employment;
- I) professional association;
- J) collective bargaining.

(2) Employers may not reduce or eliminate the rights and benefits recognized to their workers by the time of enactment of this law.⁵⁵

Article 57. Minimum wage

(1) The minimum wage shall be fixed periodically, at least every two years, by decree, after consultation, on an equal basis, with representatives of representative organizations of employers and workers or, failing that, representatives of the Employers and workers concerned; As far as possible, persons of recognized competence to represent the general interests of the country shall be consulted, after having received the opinion of the most representative professional organizations, where they exist.

(2) In determining the minimum wage, the following shall be taken into account as soon as possible:

- A) the needs of workers and their families, taking into account the general level of wages, the cost of living, social security benefits and the relative standard of living of other social groups;
- B) economic factors, including the requirements of economic development, levels of productivity and the desirability of achieving and maintaining a high level of employment;
- C) the conditions, the time and the place in which the work is carried out.

Art. 86. Employers' infractions

(1) Employers' infringements of the labour provisions will be known and sanctioned, through the appropriate administrative file, by the labour authorities.

(2) The penalties shall be graduated in accordance with the gravity of the infraction, malice or falsity of the employer, number of workers affected, economic importance of the company and recidivism, if applicable.

(3) Employers' infractions will be sanctioned with a fine, at the proposal of the labour inspection, or the delegation of labour, of:

A) up to CFAF 200 000, by the Delegate of Labour;

B) up to CFAF 500 000 by the Director-General for Labour, Employment and Occupational Training;

C) up to CFAF 2 000 000 by the Minister for Labour, Social Security and the Advancement of Women.

(4) In situations of serious danger to the life or health of workers, the Labour Inspector may order the suspension of work activities for a specified period of time. In case of recidivism, the Minister of Labour and Social Promotion, at the proposal of the Inspector, may order the temporary or definitive closure of the work centre. Its decision will be appealed against before the Council of Ministers.

Eritrea

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the 1997 Constitution which prohibits slavery at article 16(3) and the 2015 Criminal Code which criminalises enslavement at article 297.
- ii) **Provisions** related to **servitude** are found in the 1997 Constitution which prohibits servitude at article 16(3).
- iii) **Provisions** related to **forced labour** are found in the 1997 Constitution which prohibits forced labour at article 16(3) and the 2015 Criminal Code which criminalises violation of freedom of work at article 299. Article 9(6) of the Labour Proclamation also affirms that forced labour shall be punishable under the Penal Code.
- iv) **Provisions** related to **trafficking in persons** are found in the 2015 Criminal Code at article 315 which prohibits traffic in women, infants and young persons. This provision does not cover trafficking in males.

2) International Obligations: Eritrea consents to:

1926 Slavery Convention: *N/A*
 1930 Forced Labour Convention: (22 February 2000, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: *N/A*
 1957 Abolition of Forced Labour Convention: (22 February 2000, ratification)
 1966 ICCPR: (22 January 2002, accession)
 1998 Rome Statute of the ICC: (7 October 1998, signature)
 2000 Palermo Protocol (Trafficking in Persons): (24 September 2014, accession)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Eritrea appears to be:

- in breach of its obligations under the ICCPR in regards to servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

ERITREA
CONSTITUTION 1997

Article 15: Right to Life and Liberty

(1) No person shall be deprived of life without due process of law. (2) No person shall be deprived of liberty without due process of law.

Article 16: Right to Human Dignity

(1) The dignity of all persons shall be inviolable.
(2) No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.
(3) No person shall be held in slavery or servitude or required to perform forced labour not authorised by law.

Article 22. Family

1. The family is the natural and fundamental unit of society and is entitled to the protection and special care of the State and society.
2. Men and women of full legal age shall have the right, upon their consent, to marry and to found a family freely, without any discrimination and they shall have equal rights and duties as to all family affairs.
3. Parents have the right and duty to bring up their children with due care and affection; and, in turn, children have the right and the duty to respect their parents and to sustain them in their old age.

CRIMINAL CODE

Article 108. Crimes against Humanity

(1) A person who, in violation of international law and international humanitarian law, with knowledge of such attack, organizes, orders or engages in any of the following acts as part of a widespread or systematic attack directed against any civilian population:
(c) enslavement;
(e) rape, sexual slavery, enforced prostitution and engagement in debauchery, forced pregnancy, enforced sterilization, grossly inhuman treatment, or any other form of sexual violence of comparable gravity;
(h) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
(j) other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health,
is guilty of crimes against humanity, a Class 1 serious offence, punishable with life imprisonment, or, in cases of exceptional gravity, with death, or with a definite term of imprisonment of not less than 23 years and not more than 27 years.
(2) For the purpose of the offence of crimes against humanity:
(c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

Article 109. War Crimes against the Civilian Population.

A person who, as part of systemic plan or policy or a largescale commission, and in time of war, armed conflict or occupation, organizes, orders or engages in any of the following acts:

(2) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(t) committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or biological experiments, or any other form of sexual violence;
is guilty of war crimes against civilian population, a Class 1 serious offence, punishable with life imprisonment, or, in cases of exceptional gravity, with death, or with a definite term of imprisonment of not less than 23 years and not more than 27 years.

Article 297. Enslavement and Abetting Traffic

(1) A person who:

(a) sells, alienates, pledges, buys, trades, traffics or otherwise enslaves another person;

(b) keeps or maintains another person in a condition of slavery even in disguised form; or

(c) knowingly transports whether by land, sea or air persons enslaved or aids and abets such traffic whether within Eritrean territory or otherwise, is guilty of enslavement and abetting traffic, a Class 6 serious offence, punishable with a definite term of imprisonment of not less than 7 years and not more than 10 years.

(2) If the person enslaved is under eighteen years of age, the offence shall be a Class 4 serious offence, punishable with a definite term of imprisonment of not less than 13 years and not more than 16 years.

Article 299. Violation of the Right of Freedom to Work.

(1) A person who by intimidation, violence, fraud or any other unlawful means, whether alone or with others compels another to:

(a) to accept a particular employment or particular conditions of employment, or to refuse or withhold his labor, with the object of imposing on an employer by force the acceptance or modification of terms of employment;

(b) to join a group or association having as its aim the objects mentioned in (a); or

(c) anyone who prevents another from freely leaving such a group or association,

is guilty of violation of the right of freedom to work, a Class 1 petty offence, punishable with a definite term of imprisonment of not less than 6 months and not more than 12 months, or a fine of 20,001 – 50,000 Nakfas, to be set in intervals of 2,500 Nakfas.

(2) Violation of the right of freedom to work may only be prosecuted upon preferring of charges by the victim.

Article 300. Aggravated Violation of the Right of Freedom to Work

A person who commits an offence of the violation of the right to work as defined in Article 299 and:

(a) carries a weapon or instruments; or

(b) where the prevention or coercion is the work of a large group, is guilty of aggravated violation of the right of freedom to work, a Class 9 serious offence, punishable with a definite term of imprisonment of not less than 1 year and not more than 3 years.

Article 315. Traffic in Women, Infants and Young Persons

A person who for gain or to gratify the passions of others:

(a) traffics in women or infants and young persons, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution or the production of pornography or for pornographic performances, even with their consent; or
(b) keeps such a persons in a disorderly house or to let them out to prostitution,
is guilty of traffic in women, infants and young persons, a Class 7 serious offence, punishable with a definite term of imprisonment of not less than 5 years and not more than 7 years.

Article 316. Aggravated Traffic in Women, Infants and Young Persons

A person who commits an offence under Article 315 and where:

- (a) he professionally procures children under fifteen years of age;
- (b) he professionally procures his wife or his descendant, his adopted child or the child of his spouse, his brother or his sister, or his ward or anybody entrusted to his custody or care;
- (c) he has taken unfair advantage of the physical or mental distress of his victim, or his position as a protector, employer, teacher, landlord or creditor, or any other like situation;
- (d) he has made use of trickery, fraud, violence, intimidation or coercion, or where he has misused his authority over the victim; 202
- (e) he intends to deliver the victim to a professional procurer, or the victim is taken abroad or the victims whereabouts or place of abode cannot be established; or
- (f) the victim has been driven to suicide by shame, distress or despair, is guilty of aggravated trafficking in women, infants and young persons, a Class 6 serious offence, punishable with a definite term of imprisonment of not less than 7 years and not more than 10 years.

Article 317. Organization of Traffic in Persons

A person who makes arrangements or provisions of any kind for the trafficking of women, or infants and young persons, is guilty of organization of traffic in persons, a Class 8 serious offence, punishable with a definite term of imprisonment of not less than 3 years and not more than 5 years.

Article 318. Aggravated Organization of Traffic in Persons

A person who commits an offence under Article 317 as a professional procurer and fully makes arrangements involving many victims, is guilty of aggravated organization of traffic in persons, a Class 7 serious offence, punishable with a definite term of imprisonment of not less than 5 years and not more than 7 years.

PROCLAMATION NO.
118/2001 THE LABOUR
PROCLAMATION OF
ERITREA

Article 3: Interpretation

(17). "Forced Labour," means any service which a person performed involuntarily due to the coercion of another person and includes the following:

- a. any work performed by a young person contrary to the provisions of this proclamation; and
- b. any work performed involuntarily merely because of someone's influence as a result of his holding a public office or traditional status of chieftaincy.

Compulsory national service, normal civic obligations, forced labour as a provided for in the Penal Code, communal services and services rendered during emergency may not, however, be regarded as a forced labour.

Employment Relations Chapter 1. Contract of Employment

Article 9: General

(6) An employer who engages in forced labour shall be punishable under the Penal Code

CODE OF ERITREA (TCE).

Marriage is based on the free consent of both partners, and needs no parental consent. The legal age for marriage was raised to 18 years from 15, Women can enter into marriage freely and are afforded equal rights as men; Bride price and abduction became prohibited by law.

Estonia

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Estonia which prohibits **slavery**, although section 136 of the Penal Code criminalises deprivation of liberty.
- ii) There appears to be **no legislation** in place in Estonia which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the Constitution at article 29 which declares that no one shall be compelled to perform work or service against his or her free will.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code at section 133 which criminalises human trafficking although the forms of exploitation specified do not align with the Palermo Protocol.

2) International Obligations: Estonia consents to:

1926 Slavery Convention: (16 May 1929, ratification)
 1930 Forced Labour Convention: (7 February 1996, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: *N/A*
 1957 Abolition of Forced Labour Convention: (7 February 1996, ratification)
 1966 ICCPR: (21 October 1991, accession)
 1998 Rome Statute of the ICC: (30 January 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (12 May 2004, ratification)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Estonia appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF THE REPUBLIC OF
ESTONIA 1992 (REV.
2015)

Article 11

Rights and freedoms may be restricted only in accordance with the Constitution. Such restrictions must be necessary in a democratic society and shall not distort the nature of the rights and freedoms restricted.

Article 15

Everyone whose rights and freedoms are violated has the right of recourse to the courts. Everyone has the right, while his or her case is before the court, to petition for any relevant law, other legislation or procedure to be declared unconstitutional.

The courts shall observe the Constitution and shall declare unconstitutional any law, other legislation or procedure which violates the rights and freedoms provided by the Constitution or which is otherwise in conflict with the Constitution.

Article 18

No one shall be subjected to torture or to cruel or degrading treatment or punishment.

No one shall be subjected to medical or scientific experiments against his or her free will.

Article 19

Everyone has the right to freely develop his/her personality.

Everyone shall honor and consider the rights and freedoms of others, and shall observe the law, in exercising his or her rights and freedoms and in fulfilling his or her duties.

Article 20

Everyone has the right to liberty and security of person.

No one shall be deprived of his or her liberty except in the cases and pursuant to procedure provided by law:

- 1.to execute a conviction or detention ordered by a court;
- 2.in the case of non-compliance with a direction of the court or to ensure the fulfillment of a duty provided by law;
- 3.to combat a criminal or administrative offence, to bring a person who is reasonably suspected of such an offence before a competent state authority, or to prevent his or her escape;
- 4.to place a minor under disciplinary supervision or to bring him or her before a competent state authority to determine whether to impose such supervision;
- 5.to detain a person suffering from an infectious disease, a person of unsound mind, an alcoholic or a drug addict, if such person is dangerous to himself or herself or to others;
- 6.to prevent illegal settlement in Estonia and to expel a person from Estonia or to extradite a person to a foreign state.

No one shall be deprived of his or her liberty merely on the ground of inability to fulfill a contractual obligation.

Article 29

An Estonian citizen has the right to freely choose his or her area of activity, profession and place of work. Conditions and procedure for the exercise of this right may be provided by law. Citizens of foreign states

and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law.

No one shall be compelled to perform work or service against his or her free will, except service in the armed forces or alternative service, work to prevent the spread of an infectious disease, work in the case of a natural disaster or a catastrophe, and work which a convict must perform on the basis of and pursuant to procedure established by law. The state shall organize vocational training and shall assist persons who seek employment in finding work.

Working conditions shall be under state supervision.

Everyone may freely belong to unions and federations of employees and employers. Unions and federations of employees and employers may uphold their rights and lawful interests by means which are not prohibited by law. The conditions and procedure for the exercise of the right to strike shall be provided by law.

The procedure for resolution of labor disputes shall be provided by law.

PENAL CODE

Division 6

Offences against Liberty

Section 133 Trafficking in Human Beings

(1) Placing a person in a situation where he or she is forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by one to seven years' imprisonment.

(2) The same act if:

- 1) committed against two or more persons;
 - 2) committed against a person of less than eighteen years of age;
 - 3) committed against a person in a helpless situation;
 - 4) committed in a torturous or cruel manner;
 - 5) serious health damage is caused thereby;
 - 6) danger to life is caused thereby;
 - 7) committed by a group;
 - 8) committed by taking advantage of official position,
 - 9) serious consequences are caused thereby;
 - 10) committed by a person who has previously committed a criminal offence provided for in this section or Section 1331, 1332, 1333 or 175;
- is punishable by three to fifteen years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of Section 832 of this Code.

(5) For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to commit any of the acts specified in subsection (1) of this section.

Section 1331. Support to human trafficking

(1) Transportation, delivery, escorting, acceptance, concealment or accommodation without prior authorisation of a person placed in a

situation specified in subsection 133 (1) of this Code, or aiding without prior authorisation his or her forced acts in any other way, is punishable by up to five years' imprisonment.

(2) The same act if:

- 1) committed against two or more persons;
- 2) committed against a person of less than eighteen years of age;
- 3) committed against a person in a helpless situation;
- 4) committed by taking advantage of official position,

is punishable by two to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,

is punishable by a pecuniary punishment.

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of Section 832 of this Code.

Section 1332. Pimping

(1) Organisation of a meeting of a person engaged in prostitution with a client, owning, managing of a brothel, aiding of prostitution or renting of premises for keeping a brothel, or influencing of a person to cause him or her to commence or continue prostitution, if the act does not contain the necessary elements of an offence provided for Section 133 or 1331 of this Code,

is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act if:

1) committed by a person who has previously committed an offence provided for in this section or Section 133, 1331, 1333 or 175;

2) committed for the purpose of large proprietary gain, is punishable by one to five years' imprisonment.

(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of Section 832 of this Code.

(5) For the purposes of this section, a brothel denotes any premises or limited area where a third party mediates the engagement of two or more people in prostitution or aids engagement of two or more people in prostitution.

Section 1333. Aiding prostitution

(1) Knowing aiding of prostitution if the act does not contain the necessary elements of an offence provided for Section 133, 1331 or 1332 of this Code,

is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

Section 134. Abduction

(1) Taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on grounds of race or gender or for other reasons, and where he or she lacks legal

protection against such treatment and does not have the possibility to leave the state,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed:

1) against two or more persons; or

2) against a person of less than eighteen years of age,

is punishable by two to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

Section 136. Unlawful deprivation of liberty

(1) Unlawful deprivation of the liberty of another person
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed against a person of less than eighteen years of age,

is punishable by one to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

Division 2

Offences against Minors

Section 175. Human trafficking in order to take advantage of minors

(1) Influencing of a person of less than eighteen years of age in order to cause him or her to commence or continue commission of a criminal offence, begging, engagement in prostitution or working under unusual conditions or to appear as a model or actor in the manufacture of a pornographic or erotic performance or work, but it does not contain the necessary elements of an offence provided for in Section 133 of this Code, and a person aiding in other manner in the activities specified in this section of a person of less than eighteen years of age,
is punishable by two to ten years' imprisonment.

(11) The same act if committed by a person who has previously committed a criminal offence provided for in this section or Section 133 to 1333, Section 1751 or Section 178 to 179,
is punishable by three to ten years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of Section 832 of this Code.

Ethiopia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 18(2) which declares the no one shall be held in slavery. Article 596 of the Criminal Code also criminalises enslavement.

ii) **Provisions** related to **servitude** are found in the Constitution at article 18(2) which declares the no one shall be held in servitude. Article 587 of the Criminal Code also criminalises abduction of women with intent to marry.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 18(3) which declares that no one shall be required to perform forced or compulsory labour and the Criminal Code at article 603 which criminalises compelling a person through intimidation, violence, fraud or any other unlawful means to accept a particular employment or particular conditions of employment.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution at article 18(2) which prohibits trafficking in human beings for any purpose. The Criminal Code also criminalises trafficking in women and children although the purposes are limited to forced labour (article 597) or prostitution (article 635).

2) International Obligations: Ethiopia consents to:

1926 Slavery Convention: (21 January 1969, ratification)
 1930 Forced Labour Convention: (02 September 2003, ratification)
 1953 Protocol to the 1926 Slavery Convention: (21 January 1969, ratification)
 1956 Slavery Convention: (21 January 1969, accession)
 1957 Abolition of Forced Labour Convention: (24 March 1999, ratification)
 1966 ICCPR: (11 June 1993, accession)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (22 June 2012, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Ethiopia appears to be:

- in breach of its obligations under the 1956 Convention with regard to and servitude;
- in breach of its obligations under the ICCPR in regards to servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE FEDERAL
DEMOCRATIC
REPUBLIC OF
ETHIOPIA

Article 10: Human and Democratic Rights

1. Human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable.
2. Human and democratic rights of citizens and peoples shall be respected.

Article 14: Rights to life, the Security of Person and Liberty

Every person has the inviolable and inalienable right to life the security of person and liberty.

Article 16: The Right of the Security of Person

Everyone has the right to protection against bodily harm.

Article 17: Right to Liberty

1. No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law.
2. No person may be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him.

Article 18: Prohibition against Inhuman Treatment

1. Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment.
2. No one shall be held in slavery or servitude. Trafficking in human beings for whatever purpose is prohibited.
3. No one shall be required to perform forced or compulsory labour. 4. For the purpose of sub-Article 3 of this Article the phrase "forced or compulsory labour" shall not include:
 - a. Any work or service normally required of a person who is under detention in consequence of a lawful order, or of a person during conditional release from such detention;
 - b. In the case of conscientious objectors, any service exacted in lieu of compulsory military service;
 - c. Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
 - d. Any economic and social development activity voluntarily performed by a community within its locality.

Article 35 Rights of Women

2. Women have equal rights with men in marriage as prescribed by this Constitution.
4. The State shall enforce the right of women to eliminate the influences of harmful customs. Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited.
8. Women shall have a right to equality in employment, promotion, pay, and the transfer of pension entitlements.

Article 42: Rights of Labour

2. Workers have the right to reasonable limitation of working hours, to rest, to leisure, to periodic leaves with pay, to remuneration for public holidays as well as healthy and safe work environment.

PROCLAMATION
NO.414/2004 THE
CRIMINAL CODE OF

Article 270.- War Crimes against the Civilian Population.

Whoever, in time of war, armed conflict or occupation organizes, orders or engages in, against the civilian population and in

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ETHIOPIA

violation of the rules of public international law and of international humanitarian conventions:
(f) compulsion to acts of prostitution, debauchery or rape

Article 573: Endangering the Human Body.

- 1) Whoever, with intent to obtain money or other advantage:
 - a) gives while alive his organ or a part of his body to another; or
 - b) enters into a contract with another person or institution to give his organ or a part of his body after his death,is punishable with simple imprisonment or fine.
- (2) Whoever, with intent to obtain money or other advantage, takes away an organ or a part of the body of another with the latter's consent, shall be punishable:
 - a) with rigorous imprisonment from five years to ten years, where the act is committed while the victim is still alive; or
 - b) with rigorous imprisonment not exceeding five years, where the act is committed after the death of the victim.
- (3) Whoever takes an organ or part of the body of another by coercion, fraud, trickery or without the consent of the person concerned, is punishable with rigorous imprisonment from ten years to twenty-five years.
- (4) Whoever, apart from the cases specified in the above sub-articles, and contrary to law, regulations or rules, carries out scientific or medical examination, research or experiments on a person's body by coercing the person or without his consent or knowledge, or discloses or gives under any conditions to another person such information obtained in this manner, is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding ten years.
- (5) Where a juridical person commits one of the acts specified in sub-article (2), (3) or (4) above, it shall be liable to punishment in accordance with Articles 34 and 90(3) of this Code.

Article 586: Abduction of Another.

Whoever abducts another by violence, or commits such an act after having obtained his consent by intimidation or violence, trickery or deceit, is punishable with rigorous imprisonment not exceeding seven years.

Article 587: Abduction of a Woman.

- (1) Whoever with intent to marry a woman abducts her by violence, or commits such an act after having obtained her consent by intimidation, threat, trickery or deceit, is punishable with rigorous imprisonment from three years to ten years.
- (2) Where the act of abduction is accompanied by rape, the perpetrator shall be liable to the punishment prescribed for rape in this Code.
- (3) The conclusion of a marriage between the abductor and the abducted subsequent to the abduction shall not preclude criminal liability.
- (4) Nothing shall affect the right of the victim to claim compensation under civil law for the moral and material damage she may have sustained as a result of the abduction.

Article 588: Abduction of an Unconscious or Defenceless Woman.

Whoever knowing her conditions, intentionally carries off an insane, feeble-minded or retarded woman, one not fully conscious, or one who

is incapable or has been rendered incapable of defending herself or of offering resistance, is punishable with rigorous imprisonment from five years to fifteen years.

Article 589: Abduction of a Minor.

1) Whoever abducts another by violence, or commits such an act after having obtained his consent by intimidation or violence, trickery or deceit, is punishable with rigorous imprisonment from five years to fifteen years.

(2) Whoever knowing his conditions, intentionally carries off an insane, feeble-minded or retarded minor, one not fully conscious, or one who is incapable or has been rendered incapable of defending himself or of offering resistance, is punishable with rigorous imprisonment from seven years to twenty years.

(3) Whoever carries off, abducts or improperly detains an infant or a young person in order to deprive his parents or lawful guardians of his custody, is punishable with rigorous imprisonment not exceeding five years.

(4) Where the criminal returns the minor to his parents or lawful guardians within thirty days, and where none of the aggravating circumstances specified in the following Article has obtained, the punishment shall be simple imprisonment not exceeding one year.

Article 596: Enslavement.

(1) Whoever:

a) forcibly enslaves another, sells, alienates, pledges or buys him, or trades or traffics in or exploits him in any manner; or

b) keeps or maintains another in a condition of slavery, even in a disguised form,

punishable with rigorous imprisonment from five years to twenty years, and fine not exceeding fifty thousand Birr.

(2) Whoever, in order to deliver him at his place of destination, carries off or transports a person found in situations stated above, whether by land, by sea or by air, or conducts or aids such traffic, is liable to the punishment under sub-article (1) above.

(3) Where the crime is committed against children, women, feeble-minded or sick persons, the punishment shall be rigorous imprisonment from ten years to twenty years.

Article 597: Trafficking in Women and Children.

(1) Whoever by violence, threat, deceit, fraud, kidnapping or by the giving of money or other advantage to the person having control over a woman or a child, recruits, receives, hides, transports, exports or imports a woman or a minor for the purpose of forced labour, is punishable with rigorous imprisonment from five years to twenty years, and fine not exceeding fifty thousand Birr.

(2) Whoever knowingly carries off, or transports, whether by land, by sea or by air, the victim mentioned in sub-article (1), with the purpose stated therein, or conducts, or aids such traffic, is liable to the penalty prescribed under sub-article (1) above.

Article 598: Unlawful Sending of Ethiopians for Work Abroad.

(1) Whoever, without having obtained a license or by any other unlawful means, sends an Ethiopian woman for work abroad, is punishable with

rigorous imprisonment from five years to ten years, and fine not exceeding twenty-five thousand Birr.

(2) Where the Ethiopian woman sent abroad, owing to the act mentioned above, suffers an injury to her human rights, or to her life, body or psychological make-up, the sender shall be punishable with rigorous imprisonment from five years to twenty years, and fine not exceeding fifty thousand Birr.

(3) The provisions of this Article shall apply where similar acts are committed against Ethiopian men.

Article 602: Violation of the Right of Freedom of Movement.

(1) Whoever, not being authorized by law so to do, prevents another from moving freely within the territory of Ethiopia, is punishable with simple imprisonment or fine. (2) Where the criminal is a public servant, he shall be punishable under the relevant provision of this Code (Art. 407).

Article 603: Violation of the Right of Freedom to Work

1) Whoever, by intimidation, violence, fraud or any other unlawful means, compels another:

- a) to accept a particular employment or particular conditions of employment, or to refuse or withhold his labour, with the object of imposing on an employer by force the acceptance or modification of terms of employment; or
- b) to join a group or association having as its aim the objects mentioned in (a), or anyone who prevents another from freely leaving such a group or association, is punishable, upon complaint, with simple imprisonment for not less than three months, or fine. (2) Where the person or persons causing intimidation or violence were carrying Weapons or other instruments; or where the prevention or coercion is the work of a large group, the punishment of imprisonment prescribed under sub-article (1) shall be imposed in combination with fine.

Article 634: Habitual Exploitation for Pecuniary Gain.

Whoever, for gain, makes a profession of or lives by procuring or on the prostitution or immorality of another, or maintains, as a landlord or keeper, a brothel, is punishable with simple imprisonment and fine.

Article 635: Traffic in Women and Minors.

Whoever, for gain, or to gratify the passions of another:

- a) traffics in women or minors, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution, even with their consent; or
- b) keeps such a person in a brothel to let him out to prostitution, is punishable with rigorous imprisonment not exceeding five years, and fine not exceeding ten thousand Birr, subject to the application of more severe provisions, especially where there is concurrent illegal restraint.

Article 636: Aggravation to the Crime.

In cases of professional procuring or traffic in persons, rigorous imprisonment shall be from three years to ten years, and the fine shall not exceed twenty thousand Birr where:

- a) the victim is a minor; or
- b) the victim is the wife or a descendant criminal, his adopted child or the child of his spouse, his brother or his sister, or his ward, or where the

victim has been entrusted, on any ground whatsoever, to his custody or care; or

c) the criminal has taken unfair advantage of the material or mental distress of his victim, or of his position as protector, employer, teacher, landlord or creditor, or of any other like situation; or

d) the criminal has made use of trickery, fraud, violence, intimidation, coercion, or where he has misused his authority over the victim; or

e) the victim is intended for a professional procurer, or has been taken abroad or where the victim's whereabouts or place of abode cannot be established; or

f) the victim has been driven to suicide by shame, distress or despair.

Article 637: Organization of Traffic in Women and Minors.

Whoever makes arrangements or provisions of any kind for the procurement of or traffic in women or minors, is punishable with simple imprisonment, or according to the circumstances of the case, especially where a professional procurer is involved or where the arrangements are fully made and intended to apply to many victims, with rigorous imprisonment not exceeding three years, and a fine which shall be not less than five hundred Birr in grave cases.

LABOUR
PROCLAMATION NO.
377/2003

Chapter 2: Working Conditions of Young Workers

Article 89: General

1) For the purpose of this Proclamation, "Young worker" means a person who has attained the age of 14 but is not over the age of 18 years.

2) It is prohibited to employ persons under 14 years of age.

3) It is prohibited to employ young workers which on account of its nature or sure to the condition in which it is carried out, endangers the life or health of the young workers performing it.

4) The Minister may prescribe the list of activities prohibited to young workers which shall include in particular:

a) work in the transport of passenger and goods by road, railway, air and internal waterway, docksides and warehouses involving heavy weight liftings, pulling or pushing or any other related type of labour;

b) work connected with electric power generation plants transformers or transmission, lines;

c) underground work, such as mines, quarries and similar works;

d) work in sewers and digging tunnels

Article 90: Limits of Hours of Work. Normal hours of work for young workers shall not exceed seven hours a day.

PROCLAMATION NO.
909/2015
PREVENTION AND
SUPPRESSION OF
TRAFFICKING IN
PERSONS AND
SMUGGLING OF
MIGRANTS,

Article 3

(1) Any person, for the purpose of exploitation, within the territory or outside of Ethiopia:

a) at the pretext of domestic or overseas employment or sending to abroad for work or apprenticeship;

b) by concluding adoption agreement or at the pretext of adoption;

c) for any other purpose; using threat or force or other means of coercion, abduction, fraud, deception, promise, abuse of power or by using the vulnerability of a person or recruits, transports, transfer, harbors or receives any person by giving or receiving of payments or benefits to achieve the consent of a person having control over another

person shall be punishable with rigorous imprisonment from 15 years to 25 years, and with fine from 150,000 to 300,000 birr.

(2) Where the crime stipulated under sub-article (1) of this article:

(a) is committed against a child, women or anyone with mental or physical impairment;

(b) resulted in physical or psychological harm on the victim;

(c) is committed using drugs, medicine or weapons as a means;

(d) Is committed by public official or civil servant in abusing of power; or

(e) is committed by a person who is parents, brother, sister, a guardian or a person having a power on the victim;

The punishment shall be rigorous imprisonment for not less than 25 years or life imprisonment and with fine from 200,000 to 500,000 Birr.

(3) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons, even if this does not involve any of the means stipulated under sub-article (1) of this article.

REVISED FAMILY
CODE
PROCLAMATION NO.
213/2000

Article 7

(1) Neither a man nor a woman who has not attained the full age of eighteen years shall conclude a marriage. Notwithstanding the provisions of Sub-Article (2) of this Article, the Minister of Justice may, on the application of the future spouses, or the parents or guardian of one of them, for serious cause, grant dispensation of not more than two years.

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 24(1) which prohibits slavery and the Penal Code at section 252 which prohibits kidnapping or abducting in order to subject a person to, or put in danger of being subjected to slavery. The 2003 Fiji Islands Immigration Act also defines 'exploitation' to include slavery for the purpose of the offence of trafficking in persons.

ii) **Provisions** related to **servitude** are found in the Constitution at article 24(1) which prohibits servitude. The Immigration Act also defines 'exploitation' to include practices similar to slavery and servitude, and the 2009 Crimes decree criminalises debt bondage.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 24(1) which prohibits forced labour, and the Fiji Islands Immigration Act which makes trafficking in persons an offence and defines 'exploitation' to include forced labour or services.

iv) **Provisions** related to **trafficking in persons** are found in the 2009 Crimes Decree which criminalises trafficking in persons internationally (article 112) and domestically (article 115) and trafficking in children internationally (article 114) and domestically (article 117), although each of these offences requires transportation. The 2003 Fiji Islands Immigration Act also prohibits trafficking at article 19, although this offence requires entry into Fiji or any other State.

2) International Obligations: Fiji consents to:

1926 Slavery Convention: (12 June 1972, succession)
 1930 Forced Labour Convention: (19 April 1974, ratification)
 1953 Protocol to the 1926 Slavery Convention: (12 June 1972, succession)
 1956 Slavery Convention: (12 June 1972, succession)
 1957 Abolition of Forced Labour Convention: (19 April 1974, ratification)
 1966 ICCPR: N/A
 1998 Rome Statute of the ICC: (29 November 1999, ratification)
 2000 Palermo Protocol (Trafficking in Persons): N/A
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Fiji appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF THE REPUBLIC OF THE FIJI ISLANDS

Article 23. Personal liberty

(1) A person must not be deprived of personal liberty except:
(a) for the purpose of executing the sentence or order of a court, whether handed down or made in Fiji or Freedom from cruel or degrading treatment.

Article 24. Freedom from servitude and forced labour

(1) A person must not be held in slavery or servitude and must not be required to perform forced labour.
(2) In this section: forced labour does not include:
(a) labour required in consequence of the sentence or order of a court;
(b) labour reasonably required of a person serving a term of imprisonment, whether or not required for the hygiene or maintenance of the prison;
(c) labour required of a member of a disciplined Force as part of his or her duties or, in the case of a person who has a conscientious objection to military service, labour that the person is required by law to perform in place of that service; or
(d) labour reasonably required as part of reasonable and normal communal or civic obligations.

Article 25. Freedom from cruel or degrading treatment

(1) Every person has the right to freedom from torture of any kind, whether physical, mental or emotional, and from cruel, inhumane, degrading or disproportionately severe treatment or punishment.

Article 33. Labour relations

(1) Workers have the right to form and join trade unions, and employers have the right form employers' organisations. (2) Workers and employers have the right to organise and bargain collectively. (3) Every person has the right to fair labour practices, including humane treatment and proper working conditions. (4) A law may limit, or may authorise the limitation of, the rights set out in this section: (a) in the interests of national security, public safety, public order, public morality or public health; (b) for the purpose of protecting the rights and freedoms of others; or (c) for the purpose of imposing reasonable restrictions on members of a disciplined

PENAL CODE

Article 152. Abduction

Any person who, with intent to marry or carnally know a woman of any age, or to cause her to be married or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years, with or without corporal punishment.

Article 161. Detention with intent or in brothel

(1) Any person who detains any woman or girl against her will-
(a) in or upon any premises with intent that she may be unlawfully and carnally known by any man whether any particular man or generally; or
(b) in a brothel,
is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without corporal punishment.

Article 162. Selling minors under the age of sixteen years for immoral purposes

(1) Any parent or any other person having the custody, charge or care of a minor under the age of sixteen years who sells, lets for hire or otherwise disposes of such minor with intent that such minor shall at any age be employed or used for the purpose of prostitution or illicit sexual intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such minor at any age will be employed or used for any such purpose, is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without corporal punishment.

(2) When a minor under the age of sixteen years is sold, let for hire or otherwise disposed of to a common prostitute or other person of known immoral character, the parent or person so disposing of such minor shall, until the contrary is proved, be deemed to have disposed of such minor with the intent mentioned in this section.

Article 163. Buying minors under the age of sixteen years for immoral purposes

(1) Any person who buys, hires or otherwise obtains possession of any minor under the age of sixteen years with intent that such minor shall at any age be employed or used for the purpose of prostitution or illicit sexual intercourse with any person or for any unlawful and immoral purpose or knowing it to be likely that such minor at any age will be employed or used for any such purpose, is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without corporal punishment.

(2) Any common prostitute or other person of known immoral character who buys, hires or otherwise obtains possession of a minor under the age of sixteen years shall, until the contrary is proved, be deemed to have obtained possession of such minor with the intent mentioned in this section.

Article 252. Kidnapping or abducting

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony. and is liable to imprisonment for ten years.

Article 253. Wrongfully concealing or keeping in confinement kidnapped or abducted person

Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, is guilty of a felony, and shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose, as that with or for which he conceals or detains such person in confinement.

Punishment for wrongful confinement

256. Whoever wrongfully confines any person is guilty of a misdemeanour, and is liable to imprisonment for one year or to a fine of four hundred dollars.

- (1) A person (the perpetrator) commits an indictable offence if—
- (a) the perpetrator exercises any or all of the powers attaching to the right of ownership over one or more persons (including the exercise of a power in the course of trafficking in persons, in particular women and children) ; and
 - (b) the perpetrator’s conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

(2) In sub-section (1)—

“exercises any or all of the powers attaching to the right of ownership” over a person includes purchases, sells, lends or barter a person or imposes on a person a similar deprivation of liberty and also includes exercise a power arising from a debt incurred or contract made by a person.

Definitions

111. In this Division—

“threat” means—

- (a) a threat of force; or
 - (b) a threat to cause a person’s removal from Fiji; or
 - (c) a threat of any other detrimental action -
- unless there are reasonable grounds for the threat of that action.

Article 112. Offence of trafficking in persons

(1) A person (the first person) commits an indictable offence of trafficking in persons if—

- (a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Fiji; and
- (b) the first person uses force or threats; and
- (c) that use of force or threats results in the first person obtaining the other person’s compliance in respect of that entry or proposed entry or in respect of that receipt.

Penalty — Imprisonment for 12 years.

(2) A person (the first person) commits an indictable offence of trafficking in persons if—

- (a) the first person organises or facilitates the exit or proposed exit of another person from Fiji; and
- (b) the first person uses force or threats; and
- (c) that use of force or threats results in the first person obtaining the other person’s compliance in respect of that exit or proposed exit.

Penalty — Imprisonment for 12 years.

(3) A person (the first person) commits an indictable offence of trafficking in persons if—

- (a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Fiji; and
- (b) in organising or facilitating that entry or proposed entry, or that receipt, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that entry or receipt.

Penalty — Imprisonment for 12 years.

(4) A person (the first person) commits an indictable offence of trafficking in persons if—

- (a) the first person organises or facilitates the exit or proposed exit of another person from Fiji; and
- (b) in organising or facilitating that exit or

proposed exit, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that exit.

Penalty — Imprisonment for 12 years.

(5) A person (the first person) commits an indictable offence of trafficking in persons if—

(a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Fiji; and

(b) the first person deceives the other person about the fact that the other person's entry or proposed entry, the other person's receipt or any arrangements for the other person's stay in Fiji, will involve the provision by the other person of sexual services or will involve the other person's exploitation or debt bondage or the confiscation of the other person's travel or identity documents.

Penalty — Imprisonment for 12 years.

(6) A person (the first person) commits an indictable offence of trafficking in persons if—

(a) the first person organises or facilitates the exit or proposed exit of another person from Fiji; and

(b) the first person deceives the other person about the fact that the other person's exit or proposed exit is for purposes that involve the provision by the other person of sexual services outside Fiji or will involve the other person's exploitation or debt bondage or the confiscation of the other person's travel or identity documents.

Penalty — Imprisonment for 12 years.

(7) A person (the first person) commits an offence of trafficking in persons if—

(a) the first person organises or facilitates the entry or proposed entry, or the receipt, of another person into Fiji; and

(b) there is an arrangement for the other person to provide sexual services in Fiji; and

(c) the first person 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 or her place of residence;

(v) if 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.

Penalty — Imprisonment for 12 years.

(8) A person (the first person) commits an indictable offence of trafficking in persons if—

(a) the first person organises or facilitates the exit or proposed exit of another person from Fiji; and

(b) there is an arrangement for the other person to provide sexual services outside Fiji; and

(c) the first person 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 or her place of residence;
 - (v) if 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.
- Penalty -Imprisonment for 12 years.
- (9) Absolute liability applies to sub-sections (1)(c) and (2)(c).

Article 113. Aggravated offence of trafficking in persons

- (1) A person (the first person) commits an aggravated offence of trafficking in persons if the first person commits the offence of trafficking in persons in relation to another person (the victim) and any of the following applies—
- (a) the first person commits the offence intending that the victim will be exploited, either by the first person or another:
 - (i) if the offence of trafficking in persons is an offence against sub-section 112(1), (3), (5) or (7)
 - after entry into Fiji; and
 - (ii) if the offence of trafficking in persons is an offence against sub-section 112(2), (4), (6) or (8)
 - after exit from Fiji;
 - (b) the first person, in committing the offence, subjects the victim to cruel, inhuman or degrading treatment;
 - (c) the first person, in committing the offence—
 - (i) engages in conduct that gives rise to a danger of death or serious harm to the victim; and
 - (ii) is reckless as to that danger.
- Penalty — Imprisonment for 20 years.
- (2) If, on a trial for an offence against this section, the court is not satisfied that the defendant is guilty of the aggravated offence, but is satisfied that he or she is guilty of an offence against section 115, it may find the defendant not guilty of the aggravated offence but guilty of an offence against that section.

Article 114. Offence of trafficking in children

- (1) A person (the first person) commits an indictable offence of trafficking in children if—
- (a) the first person organises or facilitates the entry or proposed entry into Fiji, or the receipt in Fiji, of another person; and
 - (b) the other person is under the age of 18; and
 - (c) in organising or facilitating that entry or proposed entry, or that receipt, the first person -
 - (i) intends that the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that entry or receipt; or
 - (ii) is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that entry or receipt.
- Penalty — Imprisonment for 25 years.
- (2) A person (the first person) commits an indictable offence of trafficking in children if —

- (a) the first person organises or facilitates the exit or proposed exit from Fiji of another person; and
 - (b) the other person is under the age of 18; and
 - (c) in organising or facilitating that exit or proposed exit, the first person:
 - (i) intends that the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that exit; or
 - (ii) is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited, either by the first person or another, after that exit.
- Penalty — Imprisonment for 25 years.
- (3) In this section—
“sexual service” means the use or display of the body of the person providing the service for the sexual gratification of others.

Article 115. Offence of domestic trafficking in persons

- (1) A person (the first person) commits an indictable offence of domestic trafficking in persons if—
- (a) the first person organises or facilitates the transportation or proposed transportation of another person from one place in Fiji to another place in Fiji; and
 - (b) the first person uses force or threats; and
 - (c) that use of force or threats results in the first person obtaining the other person’s compliance in respect of that transportation or proposed transportation.
- Penalty — Imprisonment for 12 years.
- (2) A person (the first person) commits an indictable offence of domestic trafficking in persons if—
- (a) the first person organises or facilitates the transportation or proposed transportation of another person from one place in Fiji to another place in Fiji; and
 - (b) in organising or facilitating that transportation or proposed transportation, the first person is reckless as to whether the other person will be exploited, either by the first person or another, after that transportation.
- Penalty — Imprisonment for 12 years.
- (3) A person (the first person) commits an indictable offence of domestic trafficking in persons if—
- (a) the first person organises or facilitates the transportation of another person from one place in Fiji to another place in Fiji; and
 - (b) the first person deceives the other person about the fact that the transportation, or any arrangements the first person has made for the other person following the transportation, will involve the provision by the other person of sexual services or will involve the other person’s exploitation or debt bondage or the confiscation of the other person’s travel or identity documents.
- Penalty — Imprisonment for 12 years.
- (4) A person (the first person) commits an indictable offence of domestic trafficking in persons if—
- (a) the first person organises or facilitates the transportation of another person from one place in Fiji to another place in Fiji; and
 - (b) there is an arrangement for the other person to provide sexual services; and

- (c) the first person 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 or her place of residence;
 - (v) if 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.
- Penalty — Imprisonment for 12 years.

Article 116. Aggravated offence of domestic trafficking in persons

- (1) A person (the first person) commits an aggravated offence of domestic trafficking in persons if the first person commits the offence of domestic trafficking in persons in relation to another person (the victim) and any of the following applies—
- (a) the first person commits the offence intending that the victim will be exploited, either by the first person or by another, after arrival at the place to which the person has been transported;
 - (b) the first person, in committing the offence, subjects the victim to cruel, inhuman or degrading treatment;
 - (c) the first person, in committing the offence—
 - (i) engages in conduct that gives rise to a danger of death or serious harm to the victim; and
 - (ii) is reckless as to that danger.
- Penalty — Imprisonment for 20 years.
- (2) The offence in sub-section (1) is an indictable offence.
- (3) If, on a trial for an offence against this section, the court is not satisfied that the defendant is guilty of the aggravated offence, but is satisfied that he or she is guilty of an offence against section 115, it may find the defendant not guilty of the aggravated offence, but guilty of an offence against that section.

Article 117. Offence of domestic trafficking in children

- (1) A person commits an indictable offence of domestic trafficking in children if—
- (a) the first-mentioned person organises or facilitates the transportation of another person from one place in Fiji to another place in Fiji; and
 - (b) the other person is under the age of 18; and
 - (c) in organising or facilitating that transportation, the first-mentioned person:
 - (i) intends that the other person will be used to provide sexual services or will be otherwise exploited, either by the first-mentioned person or another, during or following the transportation to that other place; or
 - (ii) is reckless as to whether the other person will be used to provide sexual services or will be otherwise exploited, either by the first-mentioned person or another, during or following the transportation to that other place.
- Penalty — Imprisonment for 25 years.

(2) In this section—
“sexual service” means the use or display of the body of the person providing the service for the sexual gratification of others.

Article 118. Offence of debt bondage

(1) A person commits a summary offence of debt bondage if—
(a) the person engages in conduct that causes another person to enter into debt bondage; and
(b) the person intends to cause the other person to enter into debt bondage.
Penalty — Imprisonment for 12 months.
(2) In determining, for the purposes of any proceedings for an offence against sub-section (1), whether a person (the first person) has caused another person (the second person) to enter into debt bondage, a court may have regard to any of the following matters—
(a) the economic relationship between the first person and the second person;
(b) the terms of any written or oral contract or agreement between the second person and another person (whether or not the first person);
(c) the personal circumstances of the second person, including but not limited to—
(i) whether the second person is lawfully entitled to be in Fiji; and
(ii) the second person’s ability to speak, write and understand English or the language in which the deception or inducement occurred; and
(iii) the extent of the second person’s social and physical dependence on the first person.
(3) Sub-section (2) does not—
(a) prevent the leading of any other evidence in proceedings for an offence against sub-section (1); or
(b) limit the manner in which evidence may be adduced or the admissibility of evidence.

Article 119. Offence of aggravated debt bondage

(1) A person commits an offence of aggravated debt bondage if the person commits an offence of debt bondage in relation to another person (the victim) and the victim is under 18.
Penalty — Imprisonment for 2 years.
(2) In order to prove an offence of aggravated debt bondage, the prosecution must prove that the defendant intended to commit, or was reckless as to committing, the offence against a person under that age.
(3) If, on a trial for an offence against this section, the court is not satisfied that the defendant is guilty of the aggravated offence, but is satisfied that he or she is guilty of an offence against section 118, it may find the defendant not guilty of the aggravated offence but guilty of an offence against that section.

FIJI ISLANDS
IMMIGRATION ACT
2003 PART 5 -
TRAFFICKING AND
SMUGGLING OF
PERSONS

Article 17. Interpretation

(1) In this Part, unless the context otherwise requires—
...
“exploitation” includes forced labour or services, slavery or practices similar to slavery, servitude, removal of organs, sexual servitude, exploitation of another person’s prostitution or any other form of exploitation whether sexual or otherwise;

"trafficking in persons" means the recruitment, transportation, transfer, harbouring or receipt of a person for the purposes of exploitation; "unlawful means" means any of the following means- (a) threat; (b) use of force or other forms of coercion; (c) abduction; (d) fraud; (e) deception; (f) abuse of power or of a position of vulnerability; (g) giving or receiving payments or benefits to achieve the consent of a person having control over another person

Article 19. Offence of trafficking in persons

A person who engages in trafficking in a person knowing that the persons entry into the Fiji Islands or any other state was arranged by unlawful means commits an offence.

Article 20. Offence of trafficking in children

A person who engages in trafficking in a person who is a child regardless of whether the child's entry into the Fiji Islands or any other state was arranged by unlawful means commits an offence.

Article 22. Consent of trafficked persons

For sections 19, 20 and 21, it is not a defence- (a) that the trafficked person or unlawful employee consented; or (b) that the person charged believed consent was given.

Article 27. Aiding, abetting, etc

(1) A person who intentionally aids, abets, counsels or procures the commission of an offence under this Part by another person is taken to have committed the offence and is punishable as if the offence had been committed by that person.

(2) A person does not commit an offence of aiding, abetting, counselling or procuring the commission of an offence if, before the offence was committed, the person

- (a) terminated that persons involvement; and
- (b) took all reasonable steps to prevent the commission of the offence.

Article 28. Incitement to commit an offence

(1) A person who intentionally urges or incites the commission of an offence under this Part commits an offence.

(2) A person commits an offence under subsection (1) even if committing the offence incited is impossible.

Article 29. Conspiring to commit an offence

(1) A person who conspires with another person to commit an offence under this Part commits the offence of conspiracy to commit that offence and is punishable as if the offence to which the conspiracy relates had been committed.

(2) A person does not commit the offence of conspiracy if, before the taking of action under the agreement, the person-

- (a) withdrew from the agreement; and
 - (b) took all reasonable steps to prevent the commission of the offence.
- (3) A person does not commit the offence of conspiracy if-
- (a) all other parties to the agreement have been acquitted of the conspiracy and a finding of guilt would be inconsistent with their acquittal; or

(b) that person is a person for whose benefit or protection the offence exists.

Article 30. Attempting to commit an offence

A person who attempts to commit an offence under this Part commits the offence of attempting to commit that offence and is punishable as if the offence attempted had been committed, provided that the persons conduct is more than merely preparatory to the commission of the offence.

MARRIAGE ACT 1978

Article 12. Marriageable age

Any person may contract a valid marriage under the provisions of this Act if such person is, in the case of a male, of the age of eighteen years or upwards, or, in the case of a female, of the age of sixteen years or upwards.

Article 13. Consent in case of minors

(1) If either of the parties to a proposed marriage is under the age of twenty-one years, such marriage shall not be performed without the prior consent of-

(a) the father of such party; or

(b) in the event of the father being dead or out of Fiji, the mother of such party; or

(c) in the event of neither of the parents being alive or in Fiji, or if the father or the mother, as the case may be, refuses or withholds such consent or is from any other cause incapable or unable to give such consent, a Commissioner or a magistrate.

(2) Any applications under the provisions of paragraph (c) of subsection

(1) shall be made on the prescribed form to a Commissioner or magistrate who shall make inquiry on oath as to the facts and circumstances of the case and, if the Commissioner or magistrate is satisfied that there is no parent alive or in Fiji or that the parent whose consent would otherwise be required has refused such consent unreasonably or is incapable or unable to give such consent, he may give the required consent in the manner prescribed.

(3) Where a Commissioner or a magistrate gives his consent to the marriage of a minor, such consent shall operate for the purposes of this Act, as the consent of the parent whose consent would otherwise have been required.

(4) For the purposes of this section "father" in relation to an illegitimate child, means the person who, in connexion with the registration of such child, has acknowledged paternity.

Article 14. Consent to be attested

Every consent to the marriage of a minor given under the provisions of paragraphs (a) or (b) of subsection (1) of section 13 shall be given in the prescribed form and shall be attested by the Registrar-General or a district registrar or other marriage officer.

Article 31. Penalty for marrying minors without consent

Every person who wilfully and unlawfully marries a person under the age of twenty-one years, not having been previously married, without having previously obtained such consent to the marriage as is required by this Act, or who induces or endeavours to induce any marriage officer or

other person to solemnize marriage between parties one of whom he or she knows to be under age without such consent, and every person who abets or assists the offender in any such act or endeavour knowing the same to be illegal, shall severally be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding two years.

EMPLOYMENT ACT

Article 59. Employment of children under twelve years of age

(1) No child under the age of twelve years shall be employed in any capacity whatsoever:

Provided that the provisions of this section shall not apply to any such child employed in light work suitable to his capacity in an agricultural undertaking which is owned and operated by the family of which he is a member,

(2) Any person who employs any child under the age of twelve years in contravention of the provisions of subsection (1) shall commit an offence against this Act.

Article 60. Employment of children

(1) A child shall be employed only—

1. upon a daily wage and on a day to day basis; and
2. upon the terms that he returns each night to the place of residence of his parent or guardian,

(2) Any person who employs a child in contravention of any of the provisions of subsection (1) shall commit an offence against this Act.

Article 61. Restriction on employment of children and young persons

(1) No child or young person shall be employed in any employment which in the opinion of the proper authority is injurious to health, dangerous, or is otherwise unsuitable.

(2) No person shall, after being notified in writing by the proper authority that the kind of work upon which a child or young person is employed is injurious to his health, dangerous, or otherwise unsuitable, continue so to employ him. Such notification may be made generally or in any particular case.

(3) Where any employment is discontinued under the provisions of subsection (2), such discontinuance shall be without prejudice to the right of the child or young person to be paid such wages as he may have earned up to the date of such discontinuance under the terms of the contract of service.

(4) Any person who employs any child or young person in any employment which is injurious to health, dangerous, or is otherwise unsuitable, or who continues to employ any young person in any work concerning which he has been notified by the proper authority that it is injurious to health, dangerous, or otherwise unsuitable, shall commit an offence against this Act.

Article 62. Children and young persons not to be employed against the wishes of parent or guardian

(1) No employer shall continue to employ any child or young person after receiving notice, either orally or in writing, from the parent, guardian or proper authority, that the child or young person is employed against the wishes of such parent or guardian.

(2) Any employer who continues to employ any child or young person after receiving such notice shall commit an offence against this Act.

Article 73. Offences by parents and guardians

Any parent or guardian of a child or young person who permits such child or young person to be employed in contravention of any of the provisions of this Part shall commit an offence against this Act.

Finland

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code at chapter 25, section 3(a)(2) which criminalises enslaving another person, transporting or trading in slaves as aggravated trafficking in human beings ‘if the act is aggravated when assessed as whole.’

ii) **Provisions** related to **servitude** are found in the Criminal Code at chapter 25, section 3(a)(2) which criminalises keeping a person in servitude as aggravated trafficking in human beings ‘if the act is aggravated when assessed as whole.’

iii) There appears to be **no legislation** in place in Finland which prohibits **forced labour**, although forced labour may constitute an element of the offence of trafficking in persons under chapter 25, section 3 of the Criminal Code

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code at chapter 25, sections 3 and 3(a) although the means listed do not include all those listed in the Palermo Protocol.

2) International Obligations: Finland consents to:

1926 Slavery Convention: (29 September 1927, ratification)
 1930 Forced Labour Convention: (13 January 1936, ratification)
 1953 Protocol to the 1926 Slavery Convention: (19 March 1954, acceptance)
 1956 Slavery Convention: (1 April 1959, accession)
 1957 Abolition of Forced Labour Convention: (27 May 1960, ratification)
 1966 ICCPR: (19 August 1975, ratification)
 1998 Rome Statute of the ICC: (29 December 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (7 September 2006, acceptance)
 2014 Protocol to the Forced Labour Convention: (27 January 2017, entry into force 27 January 2018)

3) Outcome: Finland appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF FINLAND 11 JUNE
1999 (REV. 2011)

Section 7 - The right to life, personal liberty and integrity

Everyone has the right to life, personal liberty, integrity and security. No one shall be sentenced to death, tortured or otherwise treated in a manner violating human dignity. The personal integrity of the individual shall not be violated, nor shall anyone be deprived of liberty arbitrarily or without a reason prescribed by an Act. A penalty involving deprivation of liberty may be imposed only by a court of law. The lawfulness of other cases of deprivation of liberty may be submitted for review by a court of law. The rights of individuals deprived of their liberty shall be guaranteed by an Act.

Section 9 - Freedom of movement

Finnish citizens and foreigners legally resident in Finland have the right to freely move within the country and to choose their place of residence. Everyone has the right to leave the country. Limitations on this right may be provided by an Act, if they are necessary for the purpose of safeguarding legal proceedings or for the enforcement of penalties or for the fulfilment of the duty of national defence. Finnish citizens shall not be prevented from entering Finland or deported or extradited or transferred from Finland to another country against their will. However, it may be laid down by an Act that due to a criminal act, for the purpose of legal proceedings, or in order to enforce a decision concerning the custody or care of a child, a Finnish citizen can be extradited or transferred to a country in which his or her human rights and legal protection are guaranteed. (802/2007) The right of foreigners to enter Finland and to remain in the country is regulated by an Act. A foreigner shall not be deported, extradited or returned to another country, if in consequence he or she is in danger of a death sentence, torture or other treatment violating human dignity.

Section 18 - The right to work and the freedom to engage in commercial activity.

Everyone has the right, as provided by an Act, to earn his or her livelihood by the employment, occupation or commercial activity of his or her choice. The public authorities shall take responsibility for the protection of the labour force. The public authorities shall promote employment and work towards guaranteeing for everyone the right to work. Provisions on the right to receive training that promotes employability are laid down by an Act. No one shall be dismissed from employment without a lawful reason.

Section 22 - Protection of basic rights and liberties

The public authorities shall guarantee the observance of basic rights and liberties and human rights.

THE CRIMINAL CODE
OF FINLAND (WITH
AMENDMENTS UP TO
2012)

Chapter 11 – War crimes and crimes against humanity

Section 3 - Crime against humanity

A person who, as part of a broad or systematic assault on civilian population,

(1) kills or enslaves another, subjects him or her to trade by offer, purchase, sale or rent, or tortures him or her, or in another manner causes him or her considerable suffering or a serious injury or seriously harms his or her health or destroys a population by subjecting it or a part thereof to destructive living condition or in another manner,

(4) rapes another, subjects him or her to sexual slavery, forces him or her into prostitution, pregnancy or sterilization or commits other corresponding aggravated sexual violence against him or her, shall be sentenced for a crime against humanity to imprisonment for at least one year or for life.
An attempt is punishable.

Section 5 - War crime

(1) A person who in connection with a war or other international or domestic armed conflict or occupation in violation of the Geneva conventions on the amelioration of the condition of the wounded and sick in armed forces in the field, the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, the treatment of prisoners of war or the protection of civilian persons in time of war (Treaties of Finland 8/1955, Geneva conventions) or the additional amendment protocols done in 1949 to the Geneva Conventions, on the protection of victims of international armed conflicts and the protection of victims of non-international armed conflicts (Treaties of Finland 82/1980, I and II protocols) or other rules and customs of international law on war, armed conflict of occupation,
(2) rapes another, subjects him or her to sexual slavery, forces him or her into prostitution, pregnancy or sterilization or commits other corresponding aggravated sexual violence against him or her. shall be sentenced for a war crime to imprisonment for at least one year or for life.
(3) An attempt is punishable.

Chapter 25 - Offences against personal liberty (578/1995)

Section 1 - Deprivation of personal liberty (578/1995)

A person who by confinement, bondage, transportation or otherwise unlawfully prevents another from moving or isolates him or her shall be sentenced for deprivation of personal liberty to a fine or to imprisonment for at most two years.

Section 2 - Aggravated deprivation of personal liberty (578/1995)

If in the deprivation of personal liberty (1) the loss of personal liberty lasts for longer than 72 hours, (2) a serious danger is caused to the life or health of another, or (3) exceptional cruelty or the threat of severe violence is used and the deprivation of personal liberty is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated deprivation of personal liberty to imprisonment for at least four months and at most four years.

Section 3 - Trafficking in human beings (650/2004)

(1) A person who
(1) by abusing the dependent status or vulnerable state of another person,
(2) by deceiving another person or by abusing a mistake made by that person,
(3) by paying remuneration to a person who has control over another person, or
(4) by accepting such remuneration

takes control over another person, recruits, transfers, transports, receives or harbours another person for purposes of sexual abuse referred to in chapter 20, section 9, sub section 1(1) or comparable sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues for financial benefit shall be sentenced for trafficking in human beings to imprisonment for at least four months and at most six years.

(2) Also a person who takes control over another person under 18 years of age or recruits, transfers, transports, receives or harbours that person for the purposes mentioned in sub section 1 shall be sentenced for trafficking in human beings even if none of the means referred to in sub section 1(1) – (4) have been used.

(3) An attempt is punishable.

Section 3a - Aggravated trafficking in human beings (650/2004)

(1) If, in trafficking in human beings, (1) violence, threats or deceitfulness is used instead of or in addition to the means referred to in section 3.

(2) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is intentionally or through gross negligence inflicted on another person,

(3) the offence has been committed against a child younger than 18 years of age or against a person whose capacity to defend himself or herself has been substantially diminished, or

(4) the offence has been committed within the framework of a criminal organisation referred to in chapter 17, section 1a, sub section 4 and the offence is aggravated also when considered as whole, the offender shall be sentenced for aggravated trafficking in human beings to imprisonment for at least two years and at most ten years. (2)

Also, a person who enslaves or keeps another person in servitude, transports or trades in slaves shall be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as whole. (3) An attempt is punishable.

Section 3(b) – Unlawful obtaining of consent to adoption (28/2012)

A person who by

(1) promising or providing compensation or

(2) misleading or utilization of an error

gets another to give the consent referred to in section 10, subsection 1, section 11, subsection 1 or section 13, subsection 3 of the Adoption Act to adoption of a child under the age of eighteen, shall be sentenced for unlawful obtaining of consent to adoption to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 3(c) – Unlawful arrangement of adoption (28/2012)

(1) If a person other than the one with care and custody of the child or a person other than the provider of adoption advice referred to in section 22 of the Adoption Act or the service provider referred to in section 32 of the Adoption Act places a child under the age of eighteen years with the intent of adoption in a private home to be raised or in another manner arranges for the possibility than someone else adopts the child, he or she shall be sentenced for unlawful arrangement of adoption to a fine or to imprisonment for at most one year.

(2) Also a person who publicly or otherwise among the public circulates an offer to place a child for adoption or takes a child in his or her care with intent of adoption shall also be sentenced for unlawful arrangement of adoption.

Section 8 - Coercion (578/1995)

A person who unlawfully by violence or threat forces another to do, endure or omit to do something shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for coercion to a fine or to imprisonment for at most two years.

Section 10 – Corporate criminal liability (650/2005)

The provisions laid down on corporate criminal liability apply to trafficking in human beings and aggravated trafficking in human beings.

France

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Penal Code at article 224-1A which criminalises enslavement and article 224-1B which criminalises the exploitation of an enslaved person.
- ii) **Provisions** related to **servitude** are found in the Penal Code at Article 225-14-2 although servitude is defined as an act of making someone suffer regularly the offense provided in Article 225-4-1 (trafficking in persons) through that person's vulnerability or a state of dependence, visible or known to a perpetrator.
- iii) **Provisions** related to **forced labour** are found in the Penal Code which prohibits forced labour at article 225-14-1.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code at articles 225-4-1 to 225-4-9.

2) International Obligations: France consents to:

1926 Slavery Convention: (28 March 1931, ratification)
 1930 Forced Labour Convention: (24 June 1937, ratification)
 1953 Protocol to the 1926 Slavery Convention: (14 February 1963, definitive signature)
 1956 Slavery Convention: (26 May 1964, ratification)
 1957 Abolition of Forced Labour Convention: (18 December 1969, ratification)
 1966 ICCPR: (4 November 1980, accession)
 1998 Rome Statute of the ICC: (9 June 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (29 October 2002, ratification)
 2014 Protocol to the Forced Labour Convention: (7 June 2016, ratification)

3) Outcome: France appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude; and
- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 161

As early as the beginning of the fourteenth century, royal edicts proclaimed that “there shall be no slaves in France”. (Edicts of 1315, 1318 and 1553).

Paragraph 162

Later, slavery was expressly declared to be abolished in the French colonies and possessions by the Decree of 27 April 1848, the substance of which was incorporated into the Constitution of the same year.

Paragraph 163

Under article 8 of that Decree, French nationals were forbidden to own, buy or sell slaves, even abroad.

Paragraph 164

Later, article I of the *Sénatus-Consulte* of 3 May 1854 provided that slavery could never be re-established in the territories under French rule.

Paragraph 167

An examination of the judicial precedents reveals that the above-mentioned principle, according to which the soil of France frees the slave who touches it, was declared applicable to aliens...

Paragraph 168

It was also held that the kidnapping of a person with intent to reduce him to slavery constituted an unlawful arrest or arbitrary imprisonment punishable by the criminal penalties laid down in article 341 *et seq.* of the above-mentioned Criminal Code (Order of the Court of Cassation).

Paragraph 175

Imprisonment for civil or commercial debts or to compel aliens to fulfil their obligations was abolished by the Act of 22 July 1867.

DECLARATION OF HUMAN AND CIVIC RIGHTS 1789

Article 1

Men are born and remain free and equal in rights. Social distinctions may be based only on considerations of the common good.

Article 4

Liberty consists in being able to do anything that does not harm others: thus, the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights. These bounds may be determined only by Law.

CONSTITUTION 1946

Preamble

In the morrow of the victory achieved by the free peoples over the regimes that had sought to enslave and degrade humanity, the people of France proclaim anew that each human being, without distinction of race, religion or creed, possesses sacred and inalienable rights. They solemnly reaffirm the rights and freedoms of man and the citizen enshrined in the Declaration of Rights of 1789 and the fundamental principles acknowledged in the laws of the Republic. They further proclaim, as being especially necessary to our times, the political, economic and social principles enumerated below:

...

Each person has the duty to work and the right to employment. No person may suffer prejudice in his work or employment by virtue of his origins, opinions or beliefs.

PENAL CODE

Chapter II: Other Crimes against Humanity

Article 212-1

It also constitutes a crime against humanity and is punishable by life imprisonment for one of the following acts committed in pursuance of a concerted plan against a group of the civilian population within the framework of a Generalized or systematic attack:

- (3) Reduction to slavery;
- (5) Imprisonment or any other form of serious deprivation of physical liberty contrary to fundamental provisions of international law;
- (7) Rape, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable gravity;
- (11) Other inhumane acts of a similar character intentionally causing large suffering or serious injury to physical or mental integrity.

The first two paragraphs of Article 132-23 relating to the period of security shall apply under this article.

Chapter IV: Violations of personal liberties

Section 1: From the enslavement and exploitation of enslaved persons

Article 224-1A

The enslavement is the exercise of a control over another person as one's property.

The enslavement of another person is punished by 20 years in prison.

Article 224-1 B

The exploitation of a person who is enslaved is the act of committing a sexual assault against a person whose enslavement is apparent or known to the perpetrator, or of sequestering or subjecting him to forced work or service.

The exploitation of a person enslaved is punishable by twenty years' imprisonment.

Article 224-1C

The crime of enslavement defined in article 224-1 A and the crime of exploitation of a person enslaved as defined in article 224-1 B are punishable by thirty years of imprisonment when they are committed :

- (1) In respect of a minor;
- (2) In respect of a person whose vulnerability due to age, disease, infirmity, physical or mental disability or pregnancy is apparent or known to the perpetrator;
- (3) by a legitimate, natural or adoptive ascendant, or by a person who has authority over the victim, or abuses the authority conferred on him by his functions;
- (4) by a person called upon to take part in the struggle against slavery or the maintenance of public order by his functions;
- (5) When the crime is preceded or accompanied by torture or acts of barbarism.

Chapter V: Offenses against the Dignity of the Person

Section 1 bis: Trafficking in Human Beings

Article 225-4-1

I. Trafficking in persons is the act of recruiting, transporting, transferring, harboring or accommodating a person for the purpose of exploitation in any of the following circumstances:

(1) either with the use of threats, coercion, violence or fraudulent acts directed against the victim, his family or a person in habitual contact with the victim;

(2) Either by a legitimate, natural or adoptive ascendant of that person or by a person who has authority over or abuses the authority conferred on him by his functions;

(3) by abuse of a situation of vulnerability due to his age, illness, infirmity, physical or mental disability or pregnancy, apparent or known to his perpetrator;

(4) Either in exchange or by the granting of a remuneration or any other advantage or a promise of remuneration or advantage.

The exploitation referred to in the first subparagraph of this I is to place the victim at his disposal or at the disposal of a third party, even unidentified, in order either to allow the commission against the victim of offenses of procuring, Sexual abuse, enslavement, subjection to forced labor or services, reduction in servitude, harvesting of one of its organs, exploitation of begging, working conditions or Dignity, or to compel the victim to commit any crime or offense.

Trafficking in human beings is punishable by seven years' imprisonment and a fine of € 150,000.

II. - Trafficking in human beings with regard to a minor is constituted even if it is not committed in any of the circumstances provided for in 1° to 4° of I.

It is punishable by ten years' imprisonment and a fine of € 1,500,000. ;

Article 225-4-2

Article 225-4-2

I. The offense provided for in section I of section 225-4-1 is punishable by ten years' imprisonment and a fine of € 1,500,000 when committed in two of the circumstances mentioned in 1 to 4° of the same I or with any of the following additional circumstances:

(1) In respect of several persons;

(2) In respect of a person who was outside the territory of the Republic or on his arrival in the territory of the Republic;

(3) When the person has been put in contact with the perpetrator of the facts through the use of an electronic communication network for the transmission of messages to an unspecified public;

(4) In circumstances directly exposing the person in respect of whom the offense is committed to an immediate risk of death or injury likely to result in permanent dismemberment or disability;

(5) With the use of violence which caused the victim a total incapacity for work of more than eight days;

(6) By a person called upon to take part in the fight against trafficking or the maintenance of public order by his or her duties;

(7) Where the offense has placed the victim in a material or psychological situation.

II.-The offense provided for in II of Article 225-4-1 shall be punishable by fifteen years' imprisonment and a fine of € 1,500,000 when committed in one of the circumstances mentioned in (1) at

(4) I of the same article 225-4-1 or in one of the circumstances mentioned in (1) to (7) of I of this article.

Article 225-4-3

The offense provided for in article 225-4-1 is punishable by twenty years of criminal imprisonment and a fine of € 3,000,000 when committed in organized gangs.

Article 225-4-4

The offense provided for in article 225-4-1 committed by torture or barbaric acts is punishable by life imprisonment and by a fine of € 4,500,000.

Article 225-4-5

Where the crime or offense committed or to be committed against the person who is the victim of the offense of trafficking in human beings is punishable by deprivation of liberty for a period longer than that of imprisonment incurred in The offense of trafficking in persons shall be punished with penalties for the crimes or offenses of which the perpetrator has knowledge and, if the offense is accompanied by circumstances Aggravating penalties, punishment for the aggravating circumstances of which he became aware.

Article 225-4-6

Legal entities declared criminally liable under the conditions laid down in Article 121-2 of the offenses defined in this Section shall incur, in addition to the fine in accordance with the procedure laid down in Article 131-38, Article 131-39.

Article 225-4-7

Attempts to commit offenses under this section shall be punishable by the same penalties.

Article 225-4-8

Where the offenses provided for in Articles 225-4-1 and 225-4-2 are committed outside the territory of the French Republic, French law is applicable by way of derogation from the second paragraph of Article 113-6 and the second sentence Of Article 113-8 shall not apply.

Article 225-4-9

Any person who has attempted to commit the offenses provided for in this section shall be exempt from punishment if, having notified the administrative or judicial authority, it has prevented the commission of the offense and, where appropriate, The other authors or accomplices. The penalty of deprivation of liberty incurred by the perpetrator or accomplice of one of the offenses set forth in this section shall be reduced by half if, having notified the administrative or judicial authority, the offense has been stopped, To prevent the offense from causing the death of a man or permanent infirmity and to identify, as the case may be, the other perpetrators or accomplices. When the penalty incurred is life imprisonment, it is reduced to twenty years' imprisonment.

Section 2: Procuring and the resulting offenses.

Article 225-5

Pimping is the act, by anyone, in any way whatsoever:

- (1) To assist, assist or protect the prostitution of others;
 - (2) to take advantage of the prostitution of others, to share the produce thereof, or to receive subsidies from a person habitually engaged in prostitution;
 - (3) To hire, train or divert a person for the purpose of prostitution or to exert pressure on him to prostitute himself or to continue to do so.
- Pimping is punishable by seven years' imprisonment and a fine of € 150,000.

Article 225-6

A person shall be deemed to be procuring and punishable by the penalties provided for in section 225-5 by any person in any manner whatsoever,

- (1) To act as an intermediary between two persons, one of whom engages in prostitution and the other exploits or pays for the prostitution of others;
- (2) To facilitate the justification of fictitious resources for a procurer;
- (3) not be able to justify resources corresponding to his or her lifestyle while living with a person who habitually engages in prostitution or while being in habitual relations with one or more persons engaged in prostitution;
- (4) To impede the prevention, control, assistance or rehabilitation activities undertaken by qualified organizations in respect of persons at risk of prostitution or engaged in prostitution.

Article 225-7

Pimping is punishable by ten years' imprisonment and a fine of € 1,500,000 when committed:

- (1) In respect of a minor;
- (2) In respect of a person whose particular vulnerability, due to his age, disease, infirmity, physical or mental disability or pregnancy, is apparent or known to his perpetrator;
- (3) In respect of several persons;
- (4) In respect of a person who has been induced to engage in prostitution either outside the territory of the Republic or on his arrival in the territory of the Republic;
- (5) By a legitimate, natural or adoptive ascendancy of the person who prostitutes himself or by a person who has authority over him or abuses the authority conferred on him by his functions;
- (6) by a person called upon to participate in the fight against prostitution, the protection of health or the maintenance of law and order;
- (7) by a person carrying a weapon;
- (8) With the use of coercion, violence or deceitful maneuvers;
- (9) By several persons acting as author or accomplice, without constituting an organized band;
- (10) Through the use of an electronic communication network for the transmission of messages to an undisclosed audience.

The first two paragraphs of article 132-23 relating to the period of security shall apply to the offenses provided for in this article.

Article 225-7-1

Pimping is punishable by fifteen years of criminal imprisonment and a fine of € 3,000,000 when committed with respect to a minor of fifteen years of age.

Article 225-8

Pimping provided for in article 225-7 is punishable by twenty years of criminal imprisonment and a fine of € 3,000,000 when committed in organized gangs.

The first two paragraphs of Article 132-23 relating to the period of security shall apply to the offense provided for in this Article.

Article 225-9

Pimping by torture or barbaric acts is punishable by life imprisonment and a fine of € 4500000.

The first two paragraphs of article 132-23 relating to the period of security shall apply to the offense provided for in this article.

Article 225-10

The following is punishable by ten years' imprisonment and a fine of € 750,000 by any person acting directly or through an intermediary:

- (1) To hold, manage, operate, direct, operate, finance or contribute to the financing of a prostitution establishment;
- (2) A licensee, manager, operator, officer, operating, financing or contributing to the financing of any establishment that is open to the public or used by the public, to accept or tolerate usually one or more persons engaged in prostitution Within the institution or its annexes or are looking for clients for prostitution;
- (3) To sell or keep at the disposal of one or more persons premises or places not used by the public, knowing that they will engage in prostitution;
- (4) To sell, lease or hold at any one of a person's disposal vehicles of any kind knowing that they will engage in prostitution.

The first two paragraphs of Article 132-23 relating to the period of security shall apply to infringements

Article 225-10-1

The use by any means, including even a passive attitude, of proceeding publicly to solicit others in order to incite him to sexual relations in exchange for remuneration or a promise of remuneration is punished by two Month imprisonment and a fine of 3,750 Euros.

Article 225-11

Attempts to commit offenses under this section shall be punishable by the same penalties.

Section 2 bis: Recourse to the prostitution of minors or particularly vulnerable persons.

Article 225-12-1

The soliciting, accepting or obtaining, in exchange for remuneration or a promise of remuneration, sexual relations on the part of a minor engaged in prostitution, including is punishable by three years' imprisonment and a fine of 45,000 euros.

The same penalties apply to soliciting, accepting or obtaining, in exchange for remuneration or promise of remuneration, sexual relations

by a person engaged in prostitution, including Occasionally, when that person has a particular vulnerability, apparent or known to the perpetrator, due to illness, infirmity, physical or mental disability or pregnancy.

Article 225-12-2

The penalties are increased to five years' imprisonment and a fine of 75,000 euros:

- (1) Where the offense is committed habitually or in relation to several persons;
- (2) Where the person has been brought into contact with the perpetrator by means of the use of a communication network for the transmission of messages to an unspecified public;
- (3) Where the acts are committed by a person who abuses the authority conferred on him by his duties;
- (4) When the perpetrator deliberately or recklessly put the life of the person in danger or committed violence against him.

The penalties are increased to seven years imprisonment and a fine of € 100,000 for a minor of fifteen.

Section 2b: Exploitation of begging

Article 225-12-5

The exploitation of begging is done by anyone in any way whatsoever:

1. To organize the begging of others in order to profit from them;
- (2) to take advantage of the begging of others, to share in the benefits of it, or to receive subsidies from a person habitually engaged in begging;
- (3) To hire, train or divert a person for the purpose of begging, or to exert pressure on him to beg or continue to do so;
- (4) To hire, train or divert a person for the purpose of personal enrichment with a view to delivering it to a service by means of a gift on the public highway.

It is equated with the exploitation of begging that one can not justify resources corresponding to one's lifestyle while exercising a de facto influence, permanent or not, on one or more persons engaged in begging or being in relation Usual with this or these.

The exploitation of begging is punishable by three years of imprisonment and a fine of 45,000 Euros.

Article 225-12-6

The exploitation of begging is punishable by five years' imprisonment and a fine of 75 000 Euros when it is committed:

- 1 ° In respect of a minor;
- (2) In respect of a person whose particular vulnerability, due to his age, disease, infirmity, physical or mental disability or pregnancy, is apparent or known to his person;
3. In respect of several persons;
- 4 ° In respect of a person who has been induced to engage in begging either outside the territory of the Republic or on his arrival in the territory of the Republic;
- (5) By a legitimate, natural or adoptive ascendancy of the person who begs or by a person who has authority over it or abuses the authority conferred on him by his functions;

(6) With the use of coercion, violence or fraudulent acts on the person engaging in begging, on his family or on a person in habitual contact with him;

(7) By several persons acting as authors or accomplices, without constituting an organized gang.

Article 225-12-7

The exploitation of the begging of others is punishable by 10 years imprisonment and 1 500 000 Euros of fine when it is committed in organized gang.

Section 3: Conditions of work and accommodation contrary to the dignity of the person, forced labor and reduction in servitude.

Article 225-13

Obtaining from a person whose vulnerability or state of dependency is apparent or known to the perpetrator the provision of unpaid services or in return for a remuneration manifestly unrelated to the importance of the work Shall be punished by five years' imprisonment and a fine of € 150,000.

Individuals or legal entities guilty of the offense provided for in this section shall also incur the following additional penalty: prohibition of continuing vocational training provider activity within the meaning of Article L. 6313-1 of the Labor Code for a period of five years.

Article 225-14

The submission of a person whose vulnerability or state of dependence is apparent or known to the author to conditions of work or accommodation incompatible with human dignity shall be punished by five years' imprisonment and 150 000 Euros of fine.

Article 225-14-1:

Forced labour is an act through violence or threat of forcing someone to carry out labour without remuneration or exchange of payment regardless of the importance of the work. It is punishable by 7 years in prison and 200 00 € fine.

Article 225-14-2:

Servitude is an act of making someone suffer regularly the offense provided in Article 225-4-1 through that person's vulnerability or a state of dependence, visible or known to a perpetrator. The crime is punishable by 10 years of imprisonment and 300 000 € fine.

Article 225-15:

I.-When committed in respect of several persons:

1. The offenses defined in Articles 225-13 and 225-14 are punishable by seven years imprisonment and a fine of € 200,000;
2. The offense defined in article 225-14-1 is punishable by ten years imprisonment and a fine of € 300,000;
3. The offense defined in article 225-14-2 is punishable by fifteen years imprisonment and a fine of € 400,000.

II.-When committed in respect of a minor:

1. The offenses defined in Articles 225-13 and 225-14 are punishable by seven years imprisonment and a fine of € 200,000;

2. The offense defined in article 225-14-1 is punishable by ten years imprisonment and a fine of € 300,000;
 3. The offense defined in article 225-14-2 is punishable by fifteen years imprisonment and a fine of € 400,000.
- III.-When committed in respect of several persons, including one or more minors:
1. The offenses defined in articles 225-13 and 225-14 are punishable by ten years imprisonment and a fine of € 300,000;
 2. The offense defined in article 225-14-1 is punishable by fifteen years imprisonment and a fine of € 400,000;
 3. The offense defined in article 225-14-2 is punishable by twenty years of criminal imprisonment and a € 500,000 fine.

Article 225-15-1

For the purposes of sections 225-13 to 225-14-2, minors or persons who have been victims of the acts described in these sections upon arrival in French territory are considered vulnerable persons or dependent persons.

Article 225-16

Legal entities found criminally liable, in accordance with the conditions laid down in Article 121-2, of the offenses defined in Articles 225-13 to 225-15 shall incur, in addition to the fine in accordance with the procedures laid down in Article 131-38:

- (1) (Repealed);
- (2) The penalties mentioned in article 131-39;
- (3) The confiscation of goodwill intended for the lodging of persons and used to commit the offense provided for in Article 225-14.

Section 3. - working and living conditions violating the dignity of persons

Article 225-13

Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002

Obtaining the performance of unpaid services or of services against which a payment is made which clearly bears no relation to the importance of the work performed by abusing a person's vulnerability or situation of dependence is punished by two years' imprisonment and a fine of € 75,000.

Article 225-14

Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002

Subjecting a person to working or living conditions incompatible with human dignity, by abusing a person's vulnerability or situation of dependence, is punished by two years' imprisonment and a fine of € 75,000.

Article 225-15

The offences defined under articles 225-13 and 225-14 are punished by five years' imprisonment and a fine of € 150,000 when they are committed in respect of several persons.

Article 225-16

Act no. 1998-657 of 29 July 1998 Article 124 Official Journal of 31 July 98
Legal persons may be convicted of the offences defined by articles 225-13 to 225-15, pursuant to the conditions set out under article 121-2. The penalties incurred by legal persons are: 1° a fine, pursuant to the conditions set out under article 131-38; 2° the penalties set out under article 131-39.

Gabon

1) Domestic Law in Place

- i) There appears to be **no** legislation in place in Gabon which prohibits **slavery**.
- ii) There appears to be **no legislation** in place in Gabon which prohibits **servitude**, although article 264 of the Civil Code prohibits forced marriage.
- iii) **Provisions** related to **forced labour** are found in the Labour Code which prohibits forced or compulsory labour at article 4, although no penalties are prescribed.
- iv) There appears to be **no legislation** in place in Gabon which prohibits **trafficking in persons**, although Act No 09/2004 on the Prevention and Fight against Child Trafficking criminalises child trafficking as defined in the Act.

2) International Obligations: Gabon consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (14 October 1960, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: (29 May 1961, ratification)
1966 ICCPR: (21 January 1983, accession)
1998 Rome Statute of the ICC: (20 September 2000, ratification)
2000 Palermo Protocol (Trafficking in Persons): (22 September 2010, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Gabon appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION REPUBLIC OF GABON

Article 1:

The Gabonese Republic recognizes and guarantees the inviolable and inalienable Rights, which are binding on government:

- 1) Every citizen has the right to free development of his personality, in respect of rights of others and public order. No one shall be humiliated, abused or tortured, even when it is under arrest or imprisonment;
- 3) The freedom to come and go within the territory of the Gabonese Republic, to leave and return, is guaranteed to all citizens of Gabon, subject to compliance with the order;
- 7) Each citizen has the duty to work and the right to obtain employment. No one shall be injured at work on grounds of origin, sex, race, political opinion;
- 17) The protection of youth against exploitation and against moral neglect, intellectual and physical is a duty for the state and local governments;

PENAL CODE

Article 260:

(supplemented by Law No 18/84 of 29 December 1984). Shall be considered as a pimp and, as such, shall be punished by imprisonment from six months to two years and by a fine of 50,000 to 1,000,000 francs:

- (1) who in any way assists, knowingly assists or protects the prostitution of others or solicits for the purpose of prostitution;
- (2) who, in any form, shares the proceeds of the prostitution of others or receives subsidies from a person habitually engaged in prostitution;
- (3) who knowingly lives with a person habitually engaging in prostitution, can not justify sufficient resources to enable him to support his own existence;
- (4) to hire, train or maintain, even with his consent, a person, even a person of full age, for prostitution or for prostitution or debauchery;
- (5) acting as an intermediary in any capacity between persons engaging in prostitution or debauchery and individuals who exploit or pay for the prostitution or debauchery of others.

Will be punished with imprisonment of 3 months to 1 year and with a fine of 25.000 to 240.000 francs the one or that:

- 1- whose attitude on the public highway is likely to provoke debauchery;
- (2) who, by gestures, words, writings or by any other means, proceeds publicly to solicit persons of one or the other sex, with a view to provoking debauchery.

In all the cases provided for in the present article, the guilty persons shall be sentenced to the additional penalty of the prohibition of residence.

Article 261:

The penalty shall be imprisonment of two to five years and a fine of 100,000 to 2,000,000 francs, in the case where:

- 1- the offense was committed in respect of an 18-year-old minor;
- (2) the offense was accompanied by coercion, abuse of authority or fraud;
- 3- the perpetrator is the spouse, father, mother or guardian of the victim.

Article 264:

Whomever will give in customary marriage or customary wedding, a non-consenting daughter or a daughter below the age of 15 will be punished by imprisonment for 1-5 years.

Article 314:

Shall be punished by imprisonment of one month to three years and may be punished by a fine of up to 500,000 francs, who, by means of violence, Fraudulent threats or maneuvers, shall have caused or sustained, attempted to bring about or maintain a concerted cessation of labor.

LABOUR CODE

Article 4

Forced or compulsory labor is prohibited. The expression "forced or compulsory labor" means any work or service exacted from an individual under the threat of any penalty and for which the individual has not voluntarily offered himself.

However, the provisions of the above paragraph shall not apply to:

(a) work or service required under the military service laws, consisting of the performance of tasks of a purely military character or, in the case of conscientious objectors, tasks proposed as a substitute for military service;

(b) work or service exacted from an individual as a result of a conviction imposed by a court order, provided that such work or service is carried out under the supervision and control of the public authorities and that the said person is not granted or made available to private individuals, companies or legal entities;

(c) work or service required in the case of force majeure, including wars, floods, famines, epidemics, epizootics, invasions of animals, insects or parasites

Harmful and, in general, any circumstances which endanger or may endanger the life or normal conditions of life of the whole or part of the population;

(d) minor communal, departmental or village works as defined and voted by the municipal, departmental or village council and which may be considered as normal civic obligations of the members of the said localities, To a maximum of six days per year.

CIVIL CODE

Article 198: requires the mutual acceptance of marriage vows.

Article 202: states that no action may be taken to force the fiancé or fiancée into marriage against his or her will.

Article 211: provides that each spouse must personally consent to the marriage during the marriage ceremony itself. Such consent shall not be considered valid if tainted by illegal actions. However, an exception is made in the case of the mentally unsound (article 204) and persons under 21 years of age. In such cases the legally responsible adult in question must either give or refuse consent for the marriage.

Article 264: any attempt to force either spouse into marriage is formally prohibited. Anyone who, in a traditional ceremony, gives away or marries a girl against her will, or who gives away or marries a girl under 15 years of age, shall be sentenced to between one and five years' imprisonment.

Under Article 265: of the Code, whoever attempts to consummate such a forced marriage with a child under 15 years of age shall be sentenced to between one and 10 years in prison. Formerly, all marriages effectively

represented the official confirmation of a prior family arrangement. The consent of the young woman was thus sometimes tainted by the influence of the parents, who would oblige her to marry, for their own personal reasons. Minimum age for marriage.
Article 203 of the Civil Code establishes the minimum age for marriage at 15 for young women and 18 for young men. However, Article 492 of the Civil Code establishes the age of majority at 21 for men and women.

ACT NO. 20 OF 31
MAY 1963

Dowry is officially prohibited.

ACT NO. 009/2004
ON THE PREVENTION
AND FIGHT AGAINST
CHILD TRAFFICKING
IN THE GABONESE
REPUBLIC

Chapter I: Definitions

Article 2:

For the purposes of this Act, the term "child" applies to all persons under the age of 18.

Article 3:

For the purposes of this Act, the "child trafficking" includes:

- a) All forms of forced displacement, bargaining, exchange such as the sale, trafficking and bonded child debts;
- b) The recruitment, supply and charge for payment or placement of children for domestic or business purposes within families.

Chapter IV: Prohibited Acts

Article 11:

It is forbidden for any natural or legal person to introduce or attempt to introduce the national territory a child in order to alienate, or without charge, his freedom.

Article 12:

It is prohibited for any person or company to conclude an agreement whose purpose is to alienate, or without payment, the freedom of a child.

Article 13:

It is prohibited for any person or company to avoid or oppose by any means whatsoever to controls, investigations and searches under the provisions of this Act.

Chapter VIII: The Final Provisions

Article 20:

Whoever organized, facilitated child trafficking or have participated, including transportation, introduction on the national territory, reception, accommodation, sale, unlawful use or have derived any benefit shall be punished by imprisonment in time and a fine of ten (10) million to twenty (20) million CFA francs.

Accomplices and instigators will be punished the same as the main perpetrators in accordance with Articles 6, 48 and 49 of the penal code and excluded from the stay.

The attempt is punishable by the same penalties.

Article 23:

Those guilty of offenses under this Act also incur the following additional penalties:

- 1) the confiscation of property used in the commission of the offense and the resultant traffic in favor of the State;
- 2) the posting or publication of the decision in the conditions provided by laws and regulations.

Gambia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 20(1) which prohibits slavery and articles 230A, 230B, 237, 240 and 241 of the Criminal Code

ii) **Provisions** related to **servitude** are found in the Constitution at article 20(1) which prohibits servitude and article 230A of the Criminal Code although this provision only criminalises servitude in certain circumstances.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 20(2) and article 242 of the Criminal Code which makes unlawfully compelling another to labour against their will a misdemeanour.

iv) **Provisions** related to **trafficking in persons** are found in the 2007 Trafficking in Persons Act which criminalises trafficking at article 28.

2) International Obligations: Gambia consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (4 September 2000, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (4 September 2000, ratification)

1966 ICCPR: (22 March 1979, accession)

1998 Rome Statute of the ICC: (28 June 2002, ratification)

2000 Palermo Protocol (Trafficking in Persons): (5 May 2003, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Gambia appears to be:

- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 176

All acts listed constitute criminal offences and are punishable as follows:
(a) to (d) 7 years' imprisonment; [owning a slave or a person of servile status; enslaving another person or placing him in servile status; inducing another person to place himself, or a person dependent upon him, in slavery; inducing another person to place himself, or a person dependent upon him, in servile status]

(e) 5 years' imprisonment; [mutilating, branding or otherwise marking a slave or a person of servile status in order to indicate his status, or as punishment, or for any other reason]

(f) to (g) 2 years' imprisonment; [attempting any of the above acts; being accessory to any such act]

(h) 7 years' imprisonment; [being a party to a conspiracy to accomplish any such acts]

(2) to (6) do not arise as slavery no longer exists.

THE CONSTITUTION OF THE REPUBLIC OF THE GAMBIA

Article 17:

(1) The fundamental human rights and freedoms enshrined in Rights and this Chapter shall be respected and upheld by all organs of Freedoms the Executive and its agencies, the Legislature and, where applicable to them, by all natural and legal persons in The Gambia, and shall be enforceable by the Courts in accordance with this Constitution.

(2) Every person in the Gambia, whatever his or her race, colour, gender, Language, religion, political or other opinion, National or social origin, property, birth or other status, shall be entitled to the fundamental human rights and freedoms of the individual contained in this chapter, but subject to respect for the rights and freedoms of others and for the public interest.

Article 19: Protection right to Personal liberty:

(1) Every person shall have the right to liberty and security of right to person. No one shall be subjected to arbitrary, arrest or Personal liberty detention. No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.

(2) Any person who is arrested or detained shall be informed as soon as is reasonably practicable and in any case within three hours, in a language that he or she can understand, of the reasons for his or her arrest or detention and of his or her right to consult a legal practitioner

(3) Any person who is arrested or detained-

(a) for the purpose of bringing him or her before a court in execution of the order of a court, or

(b) upon reasonable suspicion of his or her having committed, or being about to commit, a criminal offence under the Laws of The Gambia, and who is not released, shall be brought without undue delay before a court and, in any event, within seventy-two hours

(4) Where any person is brought before a court in execution of the order of a court in any proceedings or upon suspicions of his or her having committed or being about to commit an offence, he or she shall not thereafter be further held in custody in connection with those proceedings or that offence save upon the order of a court.

(5) If any person arrested or detained as mentioned in subsection (3)(b) is not tried within a reasonable time, then without prejudice to any further

proceedings which may be brought against him or her, he or she shall be released either unconditionally or upon reasonable conditions, including, in particular, such conditions as are reasonably necessary to ensure that he or she appears at a later date for trial or proceedings preliminary to trial.

(6) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation from that other person or from any other person or authority on whose behalf that other person was acting.

Article 20: Protection from slavery and forced labour

(1) No person shall be held in slavery or servitude

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression “forced labour” does not include-

(a) any labour required in consequence of a sentence or order of court;

(b) labour required of any person while he or she is lawfully detained that, though not required in consequence of the sentence or order of the court, is reasonable necessary in the interests of hygiene or for the maintenance of the place in which he or she is detained;

(c) any labour required of a member of a defence force in pursuance of his or her duties as such or, in the case of a person who has conscientious objections to service as a member of any naval, military or air force, any labour which that person is required by law to perform in place of such service;

(d) any labour required during a period of public emergency or in the event of any other emergency or calamity which threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity for the purposes of dealing with that situation; or

(e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

Article 21: Protection from inhuman treatment

No person shall be subject to torture or inhuman degrading punishment or other treatment

Article 25: Freedom Association and movement

(2) Every person lawfully within The Gambia shall have right to move freely throughout The Gambia, to choose his or her own place of residence within The Gambia, and to leave The Gambia.

(3) Every citizen of The Gambia shall have the right to return to The Gambia.

(4) The freedoms referred to in subsections (1) and (2) shall be exercised subject to the law of The Gambia in so far as that law imposes reasonable restriction on the exercise of the rights and freedoms thereby conferred, which are necessary in a democratic society and are required in the interests of the sovereignty and integrity of The Gambia, national security, public order, decency or morality, or in relation to contempt of court.

Article 29: Rights of children

(2) Children under the age of sixteen years are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or be harmful to their health of physical, mental, spiritual, moral or social development.

CRIMINAL CODE CAP
10 VOL. III 1990 LAWS
OF THE GAMBIA

Section 34

When in this Code no punishment is specially provided for any misdemeanour, it shall be punishable with imprisonment for a term not exceeding two years or with a fine or with both imprisonment and such fine.

Chapter 15 – Offences against Morality

Section 129

Any person who –

- (2) procures or attempts to procure any woman or girl to become either in The Gambia or elsewhere, a common prostitute; or
 - (3) procures or attempts to procure any woman or girl to leave The Gambia, with intent that she may become an inmate of or frequent a brothel elsewhere; or
 - (4) procures or attempts to procure any woman or girl to leave her usual place of abode in The Gambia, with intent that she may for the purposes of prostitution become an inmate of or frequent a brothel either in The Gambia or elsewhere,
- Is guilty of a misdemeanour.

Section 130

Any person who –

- (1) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either in The Gambia or elsewhere; or
 - (2) by false pretences or false representations procures any woman or girl to have any unlawful carnal connection, either in The Gambia or elsewhere; or
 - (3) applies, administers to, or causes to be taken by any woman or girl any drug, matter or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,
- Is guilty of a misdemeanour.

Section 133

Any person who detains any woman or girl against her will –

- (1) in or upon any premises with intent that she may be unlawfully carnally known by any man, whether any particular man or generally; or
 - (2) in any brothel,
- Is guilty of a misdemeanour.

Chapter 24 - Assaults

Section 230A:

Whosoever –

- (a) sells, purchases, gives or takes in barter, transfers or receives any slave or other person, in order that such slave or other person may be held or treated as a slave; or

(b) places or receives any person in servitude as a pledge or security for debt, whether then due or owing, or to be incurred or contingent, whether under the name of pawn or by whatever other name such person may be called or known; or

(c) conveys any person, or induces any person to come into The Gambia in order that such person may be bought or sold, given or taken in barter, transferred, or may be held or treated as a slave, or be placed in servitude as a pledge or security for debt; or

(d) conveys or sends any person, or induces any person to go outside The Gambia in order that such person may be bought, sold, given or taken in barter, transferred, or held or treated as a slave, or be placed in servitude as a pledge or security for debt; or

(e) enters into any contract or agreement, with or without consideration, for doing or procuring to be done any of such acts or accomplishing any of such purposes; or

(f) ships, tranships, embarks, receives, detains or confines on board, or contracts for, or authorises the shipping, transshipping, embarking, receiving, detaining or confining on board of any ship, vessel, boat or canoe, slaves or other persons for the purpose of their being carried away or removed from any place whatsoever, or imported or brought into any place whatsoever, as or in order to their being bought, sold, bartered, transferred or held or treated as slaves; or

(g) by any species of coercion or restraint unlawfully compels or attempts to compel the service of any person;

Shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding seven years.

Section 230B

Any person bringing any slave into The Gambia, or purchasing, selling, or giving or taking in barter, any slave or other person, shall be presumed to have bought, sold, or otherwise dealt with such person in order that such person may be held or treated as a slave, unless the contrary be shown.

Section 237

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it will be likely that such person will be so subjected or disposed of, is guilty of a felony, and is liable to imprisonment for ten years.

Section 240:

Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

Section 241:

Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years.

Section 242:

Any person who unlawfully compels another person to labour against the will of that person is guilty of a misdemeanour.

2007 TRAFFICKING IN
PERSONS ACT (AS
AMENDED IN 2010)

Article 2.

In this Act, unless the context otherwise requires-

"coercion" means force or some form of non-violent psychological force and includes -

- (a) restraint against a person;
- (b) a threat of serious injury to, or physical restraint against, a person;
- (c) a scheme, plan or pattern intended to cause a person to believe that failure to perform an act will result in serious injury to, or physical restraint of, a person; and
- (d) the abuse or threatened abuse of the legal process;

"exploitation" includes -

- (a) keeping a person in a state of slavery;
- (b) subjecting a person to practices similar to slavery;
- (c) compelling or causing a person to provide forced labour or services;
- (d) keeping a person in a state of servitude, including sexual servitude;
- (e) the prostitution of a person or engaging in any other form of commercial sexual exploitation, including, but not limited to, pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, child prostitution and child pornography;
- (f) illicit removal of human organs; and
- (g) exploitation during armed conflicts;

"forced labour" means labour or services obtained or maintained through force or other means of coercion or physical restraint

"servitude" means a condition of dependence in which the labour or services of a person are provided or obtained-

- (a) by threats of serious harm to that person or another person
- (b) through a scheme, plan or pattern intended to cause the person to believe that if the person did not perform the labour or services, the person or another person would suffer serious harm;

"slavery" means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised.

Article 28.

(1) It is an offence for a person to engage in the trafficking in persons as defined in subsections (2) and (3).

(2) Trafficking in persons means-

- (a) the recruitment of, provision of, transportation of, transfer of, harbouring of, receipt of, or trading in, persons;
 - (b) the use of threat, force or other forms of coercion, abduction, kidnapping, fraud, deception, the abuse of power, or a position of vulnerability; or
 - (c) the giving or receipt of payments or benefits to achieve the consent of a person having control over another person,
- For the purpose of exploitation within or across national borders.
for the purpose of exploitation within or across national borders.

(3) Trafficking in persons also includes -

- (a) placement of sale, bonded placement, temporary placement, placement for service, where exploitation by another person is the motivating factor; and

(b) transportation of another person within and across an international border for the purpose of exploiting that person's prostitution.

(4) A person who commits an offence under subsection (1) is liable on conviction to a fine of not less than fifty thousand dalasis and not exceeding five hundred thousand dalasis in addition to imprisonment for a minimum term of fifteen years and maximum term of life imprisonment.

(5) Notwithstanding the provisions of subsection (4), where trafficking includes rape or death of a victim of trafficking, or the victim of trafficking is a child, the offender is liable to the fine specified in subsection (4) in addition to sentence of death.

THE CHILDREN'S ACT, 2005

The Act aims to protect children through several important provisions or articles which the public should know about:

- Prohibits the engagement of a child in exploitative labour and hazardous work, or labour that deprives the child of his or her health, education or holistic development

- A company, organisation, any corporate bodies, or its members of staff can be punished for aiding or abetting the sexual abuse and exploitation of children in any form

Georgia

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Georgia which prohibits **slavery**, although slavery may form an element of the offences of trafficking (articles 1431 and 1432) and crimes against humanity (article 408) under the Criminal Code.
- ii) There appears to be **no legislation** in place in Georgia which prohibits **servitude**, although article 36 of the Constitution affirms that marriage must be based upon the free will of spouses and forced marriage is criminalised under article 1501 of the Criminal Code. Practices similar to slavery may also form an element of the offence of trafficking under articles 1431 and 1432 of the Criminal Code.
- iii) There appears to be **no legislation** in place in Georgia which prohibits **forced labour**, although encroachment upon freedom to work is criminalised under article 168 of the Criminal Code and article 2 of the Labour Code affirms that labour relations must result from the free will of parties.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code under articles 1431-1432 which deal with trafficking in persons, trafficking in minors and use of the services of a trafficked person.

2) International Obligations: Georgia consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (22 June 1993, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (23 Sep 1996, ratification)
 1966 ICCPR: (3 May 1994, accession)
 1998 Rome Statute of the ICC: (5 September 2003, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (5 September 2006, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Georgia appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF GEORGIA 1995
(REV. 2013)

Article 14

Everyone is born free and is equal before the law regardless of race, colour of skin, language, sex, religion, political or other opinions, national, ethnic and social affiliation, origin, property or social status, place of residence.

Article 17

1. Human honor and dignity shall be inviolable.
2. No one shall be subjected to torture, cruel, inhuman, or degrading treatment or punishment.
3. Physical or mental coercion of a detainee or a person whose liberty has been otherwise restricted shall be inadmissible.

Article 18

1. Human liberty shall be inviolable.
2. Imprisonment or other restrictions of personal liberty shall be inadmissible without a court decision.

Article 22

1. Everyone lawfully within the territory of Georgia shall have the right to liberty of movement and freedom to choose his/her residence within that territory.
2. Everyone lawfully within the territory of Georgia shall be free to leave the country.
3. The above rights shall not be subject to any restrictions, except the restrictions provided for by law are necessary to protect national security, public safety, public health, or to prevent crime or to administer justice insofar as is necessary to maintain a democratic society.
4. A citizen of Georgia shall be free to enter Georgia.

Article 36

1. Marriage shall be based on the equality of rights and free will of spouses.
2. The State shall promote family welfare.
3. The rights of mothers and children shall be safeguarded by law.

Article 39

The Constitution of Georgia shall not deny other universally recognised rights, freedoms, and guarantees of an individual and a citizen that are not expressly referred to herein but stem inherently from the principles of the Constitution.

Article 44

1. Everyone who lives in Georgia shall be obliged to observe the Constitution and legislation of Georgia.
2. The exercise of human rights and freedoms shall not infringe on the rights and freedoms of others.

CRIMINAL CODE OF
GEORGIA

Article 143. Illegal Imprisonment

1. Illegal imprisonment, - shall be punishable by prison sentences ranging from four to eight years in length.
3. The same action:
 - a) by a group's prior consent;
 - b) repeatedly;

- c) against two or more persons;
- d) by taking a victim abroad;
- e) against a pregnant woman, a minor or the one being in a helpless condition;
- f) against an official foreign representative or the one subject to international legal protection;
- g) in order to cover up other crime or facilitate its perpetration;
- h) under violence or threat of violence dangerous for life or health,
- shall be punishable by imprisonment ranging from five to twelve years in length.

4. The action stipulated in Paragraphs 1 or 2 of this Article:

- a) by an organized group;
- b) that through negligence has claimed the life of the victim or has given rise to any other grave consequence,
- shall be punishable by prison sentences ranging from eight to fifteen years in prison.

Note: If, within 72 hours upon the illegal imprisonment of a person, the offender voluntarily sets him/her free, the offender shall be released from criminal liability if his/her action does not bear signs of any other crime and there is no complaint on the part of the victim.

Article 1431. Trafficking

1. Buying or selling or serious violations of human rights by means of the threat, force, coercion, abduction, fraud, deceit, abuse of authority, power or of a position of vulnerability, or giving and receiving of payments or benefits to achieve the consent of a person having control over another person, recruitment, transportation, transfer, harboring or subsequent reception of a persons for the purpose of exploitation – shall be punishable with deprivation of liberty from seven to twelve years or temporary disqualification from an official position or practice of commercial activities for one year.

2. The same action committed against:

- a) a pregnant woman, who the offender knew was pregnant;
- b) a vulnerable person or financially or otherwise dependant on the offender;
- c) abuse of power / position
– shall be punishable by terms of imprisonment from nine to twelve years, or temporary disqualification from an official position or practice of commercial activities for two years.

3. The same action performed:

- a) repeatedly;
- b) against two or more persons;
- c) by taking a victim abroad;
- d) using violence harmful for life and health, or the threat of such violence
– shall be punishable by terms of imprisonment from twelve to fifteen years, or temporary disqualification from an official position or practice of commercial activities for three years.

4. The actions as foreseen by Paragraphs 2 and 3 of this article:

- a) committed by an organized group;
- b) or resulting in the death of a victim or followed by other grave results
– shall be punishable by terms of imprisonment from fifteen to twenty years, or temporary disqualification from an official position or practice of commercial activities for three years.

Note: 1. For the purposes of this article and Article 1432 of the code, the following shall constitute exploitation for the purpose of gaining material or other benefit:

- a) inducing a person to perform labour or other services;
- b) inducing a person to provide sexual services;
- c) engaging a person in criminal activities, prostitution, pornographic or other anti-social activities;
- d) removing, transplanting or otherwise using an organ, part of an organ or tissue of the human body by force or deception;
- e) subjecting a human being to practices similar to slavery or to modern-day slavery.

Subjecting a human being to modern-day slavery shall mean creation of such conditions when the person performs certain work or renders services in favour of another person in return for payment, inadequate payment or without payment, and he/she is not able to change these circumstances because of his/her dependence on that person.

Dependence on a person may be caused by, among other things:

- e.a) confiscation, control or intentional unlawful handling of personal identification documents
- e.b) restriction of the right to free movement or control of free movement;
- e.c) restriction or control of communication (including correspondence and phone calls) with family members or other persons;
- e.d) creation of coercive or threatening environment.

2. For the purposes of this article and Article 1432, it does not matter whether a person consents to his/her pre-determined exploitation.

3. For the acts provided for by this article, a legal person shall be punished by deprivation of the right to carry out activities or with liquidation and a fine.

Article 1432. Trafficking in Minors

(25.07.2006 N 3530)

1. Buying or selling or making other illicit transactions in relation to a minor as well as his or her recruitment, transfer, harboring or receipt for the purpose of exploitation – shall be punishable by terms of imprisonment from eight to twelve years, or deprivation of an official position or practice of commercial activities for one year. 2. The same action committed:

- a) in abuse of official powers;
- b) in relation to a person who the offender knew as helpless or materially or otherwise dependant on the offender
– shall be punishable by terms of imprisonment from eleven to fifteen years or temporary disqualification from an official position or practice of commercial activities for two years.

3. The same action committed:

- a) repeatedly;
- b) through coercion, blackmail or deceit;
- c) against two or more minors;
- d) by taking a victim abroad;
- e) by using violence dangerous for life and health or by the threat of such violence

– shall be punishable by terms of imprisonment from fourteen to seventeen years or temporary disqualification from an official position or practice of commercial activities for three years.

4. The actions as foreseen by Paragraphs 2 and 3 of this article:

- a) committed by an organized group;
- b) or resulted in death of the minor or brought about other grave results – shall be punishable by terms of imprisonment from seventeen to twenty years or temporary disqualification from the practice of commercial activities for three years or life-term imprisonment.

Note: A legal person shall be punished in the form of disqualification from the practice of commercial activities or liquidation or a fine for committing same action.

Article 1433 . Use of services of a victim of trafficking in persons (8.05.2007 N4706)

1. Knowingly using such a service of a victim of the crime envisaged by Articles 143¹ and 143² of this Code, which is considered as exploitation within the meaning of Article 143¹ of this code shall be punishable by terms of restriction of freedom for four years and imprisonment from three to five years.

2. The same crime committed:

- a) repeatedly;
- b) against a pregnant woman, who the offender knew was pregnant;
- c) against a victim who was particularly vulnerable or financially or otherwise dependant on the offender;
- d) in abuse of official powers – shall be punishable in terms of imprisonment from five to seven years or deprivation of an official position or temporary disqualification from the practice of commercial activities for two years.

3. The same crime committed:

- a) against two or more people;
- b) by use of violence which causes particularly serious harm to the victim or by the threat of such harm – shall be punishable in terms of imprisonment from seven to twelve years or deprivation of the post or temporary disqualification from practice of commercial activities for three years.

4. The actions as foreseen by Paragraphs 2 and 3 of this article committed by an organized group shall be punishable in terms of imprisonment from twelve to fifteen years or deprivation of an official position or temporary disqualification from practice of commercial activities for three years.

Article 150. Coercion

Illegal restriction of a person's freedom of action, i.e. his/her physical or mental coercion to perform or not to perform a particular action the performance or abstinence therefrom is his/her right, or coercion to experience pressure upon oneself against one's own will, - shall be punishable by fine or corrective labour for up to one year in length or by imprisonment similar in length.

Article 1501 - Forced marriage

1. Forced marriage (including an unregistered marriage), - shall be punished by community service for two hundred to four hundred hours or with imprisonment for up to two years.

2. The same act committed knowingly against a minor, - shall be punished by imprisonment for up to four years.

Law of Georgia No 2704 of 17 October 2014 – web-site, 31.10.2014

Article 168. Encroachment upon Freedom of Work

Encroachment upon freedom of work, i.e. interference under violence or threat of violence into any legitimate labour activity, - shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for the term not in excess of two years.

Article 169. Violation of Labour Legislation

Illegal dismissal from work, non-fulfillment of the court decisions on the reinstatement to one's work or other substantial violation of the labour legislation, - shall be punishable by fine or by imprisonment for up to two years in length or by deprivation of the right to pursue a particular activity for up to three years in length or without it.

Article 170. Breach of Labour Protection Rule

1. Breach of safety standards or other norms of labor protection by the person responsible for the observance of this norm that through negligence has caused less grave or grave health injury, - shall be punishable by fine or by corrective labour for up to one year in length or by imprisonment for the term not in excess of two years.
2. The same action that through negligence has caused the death of a person, - shall be punishable by prison sentences up to five years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years or without it.
3. The action referred to in Paragraph 1 of this Article that through negligence has caused the death of two or more persons, - shall be punishable by prison sentences for up to seven years in length, by deprivation of the right to occupy a position or pursue a particular activity for the term up to three years.

Article 171. Involving Minor into Anti-Public Activity

1. Involving a minor into prostitution or other sexual perversion or persuading thereof into any other anti-public action, - shall be punishable by socially useful labour for the term of one hundred and seventy to two hundred and forty hours or by corrective labour for the term not in excess of two years or by detention for three-month term or by imprisonment for up to two years in length.
2. Involving a minor into abuse of intoxicant or any other medical substance, - shall be punishable by restriction of freedom for up to three years in length or by detention for the term not in excess of four months or by imprisonment for up to three years in length.

Article 408. Crimes against Humanity

Crime against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, expressed in murder, massive extermination, serious injury to body or health, deportation, forced confinement, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, persecution against any identifiable group on political, racial, national, ethnic, cultural, religious, gender or other grounds, the crime of apartheid, other inhumane acts of a similar

character intentionally causing great suffering, or serious injury to body or to mental or physical health,
Shall be punishable by imprisonment for the period from eight to twenty years or life imprisonment.

LABOUR CODE OF GEORGIA

Article 2. Labor Relations

1. Labor relations represent fulfillment of work by an employee for an employer in exchange for remuneration in conditions of organization labor regulation.
2. Labor relations shall emerge by the agreement reached as a result of expression of free will of the parties, based on parties' equality principles.
3. Discrimination of any kind is forbidden during the labor relations, such as: discrimination by race, color of a skin, language, ethnic and social belong, origin, property, class, working place, age, sex, sexual orientation, limited abilities, religion or membership of other unifications, family status, political and other beliefs.
4. Direct or indirect oppression of a person that aims to or causes the creation of a frightening, hostile, disgraceful, dishonorable and insulting environment is considered to be discrimination. Creation of conditions that directly or indirectly worsens a person's condition in comparison to other person in the same conditions is also considered to be discrimination.
5. The need in persons' differentiation due to a job's peculiarity that is conditioned by the essence and the specificity of a job or by the conditions of fulfillment of a job that aims at a legal achievement of a goal and is a commensurate and inevitable mean for its Achievement is not considered to be discrimination.
6. The Parties engaged in labor relations shall protect fundamental human rights and freedoms envisaged by the Georgian legislation.

Article 4. Minimum Employment Age and Origin of Capability

1. Labor capacity of a physical person shall arise from the age of 16.
2. Labor capacity of an underage below 16 shall arise in case of consent from his/her legal representative, tutor and guardianship bodies, if it is not against his/her interests, does not damage his/her moral, physical or mental development and does not limit him/her right and ability to obtain elementary, compulsory and basic education. Consent from legal representative, tutor and guardianship bodies is valid for further similar labor relations as well.
3. Labor contract can be concluded with an underage below 14 only on performance of a work related to sport, art and cultural sphere, as well as to advertising activities.
4. It is prohibited to conclude a contract with an underage on performance of work related to gambling business, night entertainment institutions, pornography production, and production of pharmaceutical and toxic substances, conveyance and realization.
5. It is prohibited to conclude a contract with an underage, a pregnant woman or a nursing mother, on performance of hard, unhealthy and hazardous work.

Article 35 - Right to safe and healthy working environment

1. Employers shall be obliged to provide employees with a working environment that is maximally safe for the life and health of the employees.
2. Employers shall be obliged to provide employees, within reasonable timeframe, with available full, objective, and clear information on all factors affecting employees' life and health or the safety of the natural environment.
3. Employees may refuse to perform the work, assignment, or instruction that contradicts law or, due to the lack of occupational safety standards, obviously and substantially endangers their or third person's life, health, property, or the safety of the natural environment. Employees shall be obliged to immediately inform the employer of a circumstance being the reason for refusing to fulfil their obligations under a labour agreement.
4. Employers shall be obliged to introduce a preventive system ensuring labour safety and timely provide employees with relevant information about labour safety-related risks and measures for preventing the risks. Additionally, employers shall inform employees about the rules for handling the riskbearing equipment and, if necessary, provide employees with personal protective equipment. Along with technological progress, employers shall timely replace hazardous equipment with safe or less hazardous equipment, as well as shall take all other reasonable steps for employees' safety and for protecting their health.
5. An employer shall be obliged to take every reasonable step for timely localizing and eliminating an industrial accident, for administering first aid and evacuating.
6. Employers shall be obliged to fully compensate employees for work-related injury caused by deteriorating employees' health and for necessary costs of treatment.
7. Employers shall be obliged to prevent pregnant women from performing work endangering their or their fetus' welfare, physical, or mental health.
8. The legislation of Georgia shall provide a list of hard, harmful, and hazardous jobs, labour safety regulations, including the cases and the procedure for employees' mandatory periodic medical check-ups at the expense of an employer.

**LAW OF GEORGIA ON
COMBATING HUMAN
TRAFFICKING 2006**

Article 3. Definition of the Terms

The terms used in this Law shall have the following meaning:

- a) Human trafficking – crime defined by Articles 1431 and 1432 of the Criminal Code of Georgia; Consent of the victim of human trafficking to his/her deliberate exploitation shall have no importance.
- d) Exploitation – use of a person for forced labor or service, involvement of a person in criminal or other anti-societal conduct, putting a person in slavery-like conditions or conditions of contemporary slavery, sexual exploitation or coercion to provide other type of services, as well as use of a person for transplantation of his/her organ, part of organ or tissue, or use of a person for other purposes;
- e) Forced labor – any work or service received by means of physical or mental coercion of a person by use of threat or blackmail against him/her or by use of his/her vulnerable situation;
- g) Slavery-like conditions – the status or condition of a person as defined in the United Nations Supplementary Convention on the Abolition of

Slavery, Slave Trade, and Institutions and Practices Similar to Slavery
dated 7 September 1956;

h) Putting a person in contemporary conditions of slavery – deprivation of a person of his/her identity documents, limitation to the person of his/her right to free movement, prohibition to the person of communication with his family, including written correspondence and telephone contacts, cultural isolation of a person, coercion of a person to work in degrading conditions and/or without any compensation or with inadequate compensation;

Germany

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Germany which prohibits **slavery**, although the Criminal Code makes subjecting a person under twenty-one years of age to slavery an offence under section 233.
- ii) There appears to be **no legislation** in place in Germany which prohibits **servitude**, although the Criminal Code makes subjecting a person under twenty-one years of age to servitude or bonded labour an offence under section 233. Forced marriage is also criminalised under section 237.
- iii) **Provisions** related to **forced labour** are found in the Constitution which, under article 12, allows forced labour only when imposed by the judgement of a court or within the framework of a traditional duty of community service applying generally and equally.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking for the purpose of sexual exploitation (section 232) and labour exploitation (section 233), assisting in human trafficking (section 233A), and child trafficking (section 236). Section 233, however, only apply in situations where the victim is 'in a foreign country' or under the age of twenty-one.

2) International Obligations: Germany consents to:

1926 Slavery Convention: (12 March 1929, ratification)
 1930 Forced Labour Convention: (13 June 1956, ratification)
 1953 Protocol to the 1926 Slavery Convention: (29 May 1973, acceptance)
 1956 Slavery Convention: (14 January 1959, ratification)
 1957 Abolition of Forced Labour Convention: (22 June 1959, ratification)
 1966 ICCPR: (17 December 1973, ratification)
 1998 Rome Statute of the ICC: (11 December 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (14 June 2006, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Germany appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

BASIC LAW FOR THE
FEDERAL REPUBLIC
OF GERMANY 1949
(AMENDMENTS
THROUGH 2014)

Article 1: Human dignity - Human rights - Legally binding force of basic rights

- (1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.
- (2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.
- (3) The following basic rights shall bind the legislature, the executive and the judiciary as directly applicable law.

Article 2: Personal freedoms

- (1) Every person shall have the right to free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral law.
- (2) Every person shall have the right to life and physical integrity. Freedom of the person shall be inviolable. These rights may be interfered with only pursuant to a law.

Article 11: Freedom of movement

- (1) All Germans shall have the right to move freely throughout the federal territory.
- (2) This right may be restricted only by or pursuant to a law, and only in cases in which the absence of adequate means of support would result in a particular burden for the community, or in which such restriction is necessary to avert an imminent danger to the existence or the free democratic basic order of the Federation or of a Land, to combat the danger of an epidemic, to respond to a grave accident or natural disaster, to protect young persons from serious neglect, or to prevent crime.

Article 12 Occupational freedom

- (1) All Germans shall have the right freely to choose their occupation or profession, their place of work and their place of training. The practice of an occupation or profession may be regulated by or pursuant to a law.
- (2) No person may be required to perform work of a particular kind except within the framework of a traditional duty of community service that applies generally and equally to all.
- (3) Forced labour may be imposed only on persons deprived of their liberty by the judgment of a court.

Article 12a. Compulsory military and alternative civilian service

- (1) Men who have attained the age of eighteen may be required to serve in the Armed Forces, in the Federal Border Police, or in a civil defence organisation.
- (2) Any person who, on grounds of conscience, refuses to render military service involving the use of arms may be required to perform alternative service. The duration of alternative service shall not exceed that of military service. Details shall be regulated by a law, which shall not interfere with the freedom to make a decision in accordance with the dictates of conscience, and which shall also provide for the possibility of alternative service not connected with units of the Armed Forces or of the Federal Border Police.
- (3) Persons liable to compulsory military service who are not called upon to render service pursuant to paragraph (1) or (2) of this Article may,

when a state of defence is in effect, be assigned by or pursuant to a law to employment involving civilian services for defence purposes, including the protection of the civilian population; they may be assigned to public employment only for the purpose of discharging police functions or such other sovereign functions of public administration as can be discharged only by persons employed in the public service. The employment contemplated by the first sentence of this paragraph may include services within the Armed Forces, in the provision of military supplies, or with public administrative authorities; assignments to employment connected with supplying and servicing the civilian population shall be permissible only to meet their basic requirements or to guarantee their safety.

(4) If, during a state of defence, the need for civilian services in the civilian health system or in stationary military hospitals cannot be met on a voluntary basis, women between the age of eighteen and fifty-five may be called upon to render such services by or pursuant to a law. Under no circumstances may they be required to render service involving the use of arms.

(5) Prior to the existence of a state of defence, assignments under paragraph (3) of this Article may be made only if the requirements of paragraph (1) of Article 80a are met. In preparation for the provision of services under paragraph (3) of this Article that demand special knowledge or skills, participation in training courses may be required by or pursuant to a law. In this case the first sentence of this paragraph shall not apply.

(6) If, during a state of defence, the need for workers in the areas specified in the second sentence of paragraph (3) of this Article cannot be met on a voluntary basis, the right of German citizens to abandon their occupation or place of employment may be restricted by or pursuant to a law in order to meet this need. Prior to the existence of a state of defence, the first sentence of paragraph (5) of this Article shall apply *mutatis mutandis*.

CRIMINAL CODE

Section 232 Human trafficking for the purpose of sexual exploitation

(1) Whosoever exploits another person's predicament or helplessness arising from being in a foreign country in order to induce them to engage in or continue to engage in prostitution, to engage in exploitative sexual activity with or in the presence of the offender or a third person or to suffer sexual acts on his own person by the offender or a third person shall be liable to imprisonment from six months to ten years. Whosoever induces a person under twenty-one years of age to engage in or continue to engage in prostitution or any of the sexual activity mentioned in the 1st sentence above shall incur the same penalty.

(2) The attempt shall be punishable.

(3) The penalty shall be imprisonment from one to ten years if

1. the victim is a child (section 176(1));
2. the offender through the act seriously physically abuses the victim or places the victim in danger of death; or
3. the offender commits the offence on a commercial basis or as a member of a gang whose purpose is the continued commission of such offences.

(4) The penalty under subsection (3) above shall be imposed on any person who

1. induces another person by force, threat of serious harm or by deception to engage in or continue to engage in prostitution or any of the sexual activity mentioned in subsection (1) 1st sentence above or
2. gains physical control of another person by force, threat of serious harm or deception to induce them to engage in or continue to engage in prostitution or any of the sexual activity mentioned in subsection (1) 1st sentence above.
- (5) In less serious cases under subsection (1) above the penalty shall be imprisonment from three months to five years, in less serious cases under subsections (3) and (4) above imprisonment from six months to five years.

Section 233 Human trafficking for the purpose of work exploitation

- (1) Whosoever exploits another person's predicament or helplessness arising from being in a foreign country to subject them to slavery, servitude or bonded labour, or makes him work for him or a third person under working conditions that are in clear discrepancy to those of other workers performing the same or a similar activity, shall be liable to imprisonment from six months to ten years. Whosoever subjects a person under twenty-one years of age to slavery, servitude or bonded labour or makes him work as mentioned in the 1st sentence above shall incur the same penalty.
- (2) The attempt shall be punishable.
- (3) Section 232(3) to (5) shall apply mutatis mutandis.

Section 233a Assisting in human trafficking

- (1) Whosoever assists in human trafficking under section 232 or section 233 by recruiting, transporting, referring, harbouring or sheltering another person shall be liable to imprisonment from three months to five years.
- (2) The penalty shall be imprisonment from six months to ten years if
 1. the victim is a child (section 176(1));
 2. the offender through the act seriously physically abuses the victim or places the victim in danger of death; or
 3. the offender commits the offence on a commercial basis or as a member of a gang whose purpose is the continued commission of such offences.

Section 234 Abduction for the purpose of abandonment or facilitating service in foreign military or para-military forces

- (1) Whosoever gains physical control of another person by force, threat of serious harm, or deception in order to abandon them in a helpless situation or to introduce them into military or para-military service abroad shall be liable to imprisonment from one to ten years.
- (2) In less serious cases the penalty shall be imprisonment from six months to five years.

Section 236 Child trafficking

- (1) Whosoever in gross neglect of his duties of care and education leaves his child, ward or foster child under eighteen years of age with another for an indefinite period for material gain or with the intent of enriching himself or a third person shall be liable to imprisonment not exceeding five years or a fine. Whosoever in cases under the 1st sentence above

takes the child, ward or foster child into his home for an indefinite period and awards compensation for it shall incur the same penalty.

(2) Whosoever unlawfully

1. procures the adoption of a person under eighteen years of age; or
2. engages in procurement activity with the aim of a third person taking a person under eighteen years of age into his home for an indefinite period,

and acts for consideration or with the intent of enriching himself or a third person shall be liable to imprisonment not exceeding three years or a fine. Whosoever, as an agent for the adoption of a person under eighteen years of age, grants a financial reward to a person in exchange for the required consent to the adoption shall incur the same penalty. If the offender in cases under the 1st sentence above causes the procured person to be brought into Germany or abroad the penalty shall be imprisonment not exceeding five years or a fine.

(3) The attempt shall be punishable.

(4) The penalty shall be imprisonment from six months to ten years if the offender

1. seeks profit or acts on a commercial basis or as a member of a gang whose purpose is the continued commission of child trafficking or
2. by the act places the child or the procured person in danger of a substantial impairment of his physical or mental development.

(5) The court may in its discretion mitigate the sentence (section 49(2)) for accomplices in cases under subsections (1) and (3) above and for secondary participants in cases under subsections (2) and (3) above, or order a discharge under subsections (1) to (3), if their guilt, taking into consideration the physical or mental welfare of the child or the procured person, is of a minor nature.

Section 237 Forced marriage

(1) Whosoever unlawfully with force or threat of serious harm causes a person to enter into a marriage shall be liable to imprisonment from six months to five years. The act shall be unlawful if the use of force or the threat of harm is deemed inappropriate for the purpose of achieving the desired outcome.

(2) The same penalty shall apply to a person who, for the purposes of committing an offence under subsection (1) above, with force or threat of serious harm or through deception, transports that person, or causes that person to travel, to a territory outside the Federal Republic of Germany, or prevents that person from returning from there.

(3) The attempt shall be punishable.

(4) In less serious cases the penalty shall be imprisonment not exceeding three years or a fine.

Section 239: Unlawful imprisonment

(1) Whosoever imprisons a person or otherwise deprives him of his freedom shall be liable to imprisonment not exceeding five years or a fine.

(2) The attempt shall be punishable.

(3) The penalty shall be imprisonment from one to ten years if the offender

1. deprives the victim of his freedom for more than a week; or
2. by the offence or an act committed during the offence causes serious injury to the victim.

(4) If by the offence or an act committed during the offence the offender causes the death of the victim the penalty shall be imprisonment of not less than three years.

(5) In less serious cases under subsection (3) above the penalty shall be imprisonment from six months to five years, in less serious cases under subsection (4) above imprisonment from one to ten years.

Section 240: Using threats or force to cause a person to do, suffer or omit an act

(1) Whosoever unlawfully with force or threat of serious harm causes a person to commit, suffer or omit an act shall be liable to imprisonment not exceeding three years or a fine.

(2) The act shall be unlawful if the use of force or the threat of harm is deemed inappropriate for the purpose of achieving the desired outcome.

(3) The attempt shall be punishable.

(4) In especially serious cases the penalty shall be imprisonment from six months to five

years. An especially serious case typically occurs if the offender

1. causes another person to engage in sexual activity or to enter into marriage;

2. causes a pregnant woman to terminate the pregnancy; or

3. abuses his powers or position as a public official.

ACT TO INTRODUCE THE CODE OF CRIMES AGAINST INTERNATIONAL LAW (2002)

Part 2: Crimes against International Law

Chapter 1: Genocide and crimes against humanity

Section 7: Crimes against humanity

(1) Whoever, as part of a widespread or systematic attack directed against any civilian population,

3. traffics in persons, particularly in women or children, or whoever enslaves a person in another way and in doing so arrogates to himself a right of ownership over that person,

shall be punished with imprisonment for not less than five years.

Section 8: War crimes against persons

(1) Whoever in connection with an international armed conflict or with an armed conflict not of an international character,

(4) sexually coerces, rapes, forces into prostitution or deprives a person who is to be protected under international humanitarian law of his or her reproductive capacity, or confines a woman forcibly made pregnant with the intent of affecting the ethnic composition of any population, shall be punished with imprisonment for not less than three years.

Ghana

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 16(1) which declares that no person shall be held in slavery and the Criminal Code which criminalises slave dealing under section 314. This provision does not cover acts beyond dealing.

ii) **Provisions** related to **servitude** are found in the Constitution at article 16(1) which declares that no person shall be held in servitude and the Criminal Code which prohibits customary servitude under section 314A. Section 109 of the Criminal Code also prohibits compulsion to marriage.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 16(2) which declares that no person shall be required to perform forced labour and the Criminal Code which criminalises compelling the service of any person using any species of coercion or restraint under section 314.

iv) **Provisions** related to **trafficking in persons** are found in the 2005 Human Trafficking Act which prohibits trafficking (section 2), providing a trafficked person (section 3), and use of a trafficked person (section 4).

2) International Obligations: Ghana consents to:

1926 Slavery Convention: (3 May 1963, succession)
 1930 Forced Labour Convention: (20 May 1957, ratification)
 1953 Protocol to the 1926 Slavery Convention: (3 May, 1963, succession)
 1956 Slavery Convention: (3 May 1963, accession)
 1957 Abolition of Forced Labour Convention: (15 December 1958, ratification)
 1966 ICCPR: (7 September 2000, ratification)
 1998 Rome Statute of the ICC: (20 December 1999, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (21 August 2012, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Ghana appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 177

As far back as 1874, the Legislature passed the Slaves' Emancipation Ordinance (Cap. 108) and Slave-Dealing Abolition Ordinance (Cap. 109).

Paragraph 178

Section 2 of the Slave-Dealing Abolition Ordinance provided that every person who as a slave was brought in or induced to come to this country to be dealt with or traded in, sold, purchased, bartered, transferred or taken or to become or became a slave, or placed in servitude or transferred as a pledge or security for debt should become and was declared to be a free person.

Paragraph 180

Section 2 of the Slaves' Emancipation Ordinance provided that any person who after the fifth day of November 1874 would have been or would be born within the Gold Coast Colony who under native customary law would have been liable to become a slave or to be held in slavery should be and was declared a free person to all intents and purposes.

Paragraph 181

By section 1 of the Re-affirmation of the Abolition of Slavery Ordinance, the provisions of these two legislations were extended to apply to the Gold Coast, now Ghana, and slavery as such as by section 2 of that Ordinance unequivocally declared unlawful and the legal status of slavery non-existent.

Paragraph 182

The provisions of these legislations have been re-enacted in section 314 of the Ghana Criminal Code 1960 (Act 29)...

THE CONSTITUTION OF THE REPUBLIC OF GHANA 1992 (AMENDMENTS THROUGH 1996)

Article 12: Protection of fundamental human rights and freedoms

(1) The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, Legislature and Judiciary and all other organs of government and its agencies and, where applicable to them, by all natural and legal persons in Ghana, and shall be enforceable by the courts as provided for in this Constitution.

Article 14: Protection of personal liberty

(1) Every person shall be entitled to his personal liberty and no person shall be deprived of his personal liberty except in the following cases and in accordance with procedure permitted by law

- (a) in execution of a sentence or order of a court in respect of a criminal offence of which he has been convicted; or
- (b) in execution of an order of a court punishing him for contempt of court; or
- (c) for the purpose of bringing him before a court in execution of an order of a court; or
- (d) in the case of a person suffering from an infectious or contagious disease, a person of unsound mind, a person addicted to drugs or alcohol or a vagrant, for the purpose of his care or treatment or the protection of the community; or

- (e) for the purpose of the education or welfare of a person who has not attained the age of eighteen years; or
- (f) for the purpose of preventing the unlawful entry of that person into Ghana, or of effecting the expulsion, extradition or other lawful removal of that person from Ghana or for the purpose of restricting that person while he is being lawfully conveyed through Ghana in the course of his extradition or removal from one country to another; or
- (g) upon reasonable suspicion of his having committed or being about to commit a criminal offence under the laws of Ghana.

Article 15: Respect for human dignity

- (1) The dignity of all persons shall be inviolable.
- (2) No person shall, whether or not he is arrested, restricted or retained, be subjected to
 - (a) torture or other cruel, inhuman or degrading treatment or punishment;
 - (b) any other condition that detracts or is likely to detract from his dignity and worth as a human being.
- (3) A person who has not been convicted of a criminal offence shall not be treated as a convicted person and shall be kept separately from convicted persons.
- (4) A juvenile offender who is kept in lawful custody or detention shall be kept separately from an adult offender.

Article 16: Protection from slavery and forced labour

- (1) No person shall be held in slavery or servitude.
- (2) No person shall be required to perform forced labour.
- (3) For the purposes of this article, "forced labour" does not include-
 - a. any labour required as a result of a sentence or order of a court; or
 - b. any labour required of a member of a disciplined force or service as his duties or, in the case of a person who has conscientious objections to a service as a member of the Armed Forces of Ghana, any labour which that person is required by law to perform in place of such service; or
 - c. any labour required during any period when Ghana is at war or in the event of an emergency or calamity that threatens the life and well-being of the community, to the extent that the requirement of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period for the purposes of dealing with the situation; or
 - d. any labour reasonably, required as part of normal communal or other civic obligations.

Article 21: General fundamental freedoms

- (1) All persons shall have the right to –
 - (g) freedom of movement which means the right to move freely in Ghana, the right to leave and to enter Ghana and immunity from expulsion from Ghana.
- (2) A restriction on a person's freedom of movement by his lawful detention shall not be held to be inconsistent with or in contravention of this article.
- (4) Nothing in, or done under the authority of, a law shall be held to be inconsistent with, or in contravention of, this article to the extent that the law in question makes provision-

- (a) for the imposition of restrictions by order of a court, that are required in the interest of defence, public safety or public order, on the movement or residence within Ghana of any person; or
- (b) for the imposition of restrictions, by order of a court, on the movement or residence within Ghana of any person either as a result of his having been found guilty of a criminal offence under the laws of Ghana or for the purposes of ensuring that he appears before a court at a later date for trial for a criminal offence or for proceedings relating to his extradition or lawful removal from Ghana

Article 24: Economic rights

- (1) Every person has the right to work under satisfactory, safe and healthy conditions, and shall receive equal pay for equal work without distinction of any kind.
- (2) Every worker shall be assured of rest, leisure and reasonable limitation of working hours and periods of holidays with pay, as well as remuneration for public holidays.
- (3) Every worker has a right to form or join a trade union of his choice for the promotion and protection of his economic and social interests.
- (4) Restrictions shall not be placed on the exercise of the right conferred by clause (3) of this article except restrictions prescribed by law and reasonably necessary in the interest of national security or public order or for the protection of the rights and freedoms of others

THE CRIMINAL CODE, 1960

Section 107—Procuration.

- (1) Whoever—
 - (a) procures any person under twenty-one years of age, not being a prostitute or of known immoral character to have carnal or an unnatural carnal connexion in Ghana or elsewhere with any other person; or
 - (b) procures any person to become a prostitute in Ghana or elsewhere; or
 - (c) procures any person to leave Ghana with the intention that the person becomes an inmate of a brothel elsewhere; or
 - (d) procures any person to leave his usual place of abode (not being a brothel) in Ghana with the intention that the person becomes an inmate of a brothel in Ghana or elsewhere for prostitution; or
 - (e) by threats or intimidation procures or attempts to procure any person to have any carnal or unnatural carnal connexion in Ghana or elsewhere; or
 - (f) by false pretences or false representations procures any person not being a prostitute or of known immoral character to have any carnal or unnatural carnal connexion in Ghana or elsewhere; or
 - (g) applies, administers to, or causes to be taken by any person, any drug, matter or thing, with intent to stupefy or overpower the person as to enable any person to have a carnal or unnatural connexion with the person
 shall be guilty of a misdemeanour.
- (2) A person shall not be convicted of any offence under this section on the evidence of one witness, unless the witness is corroborated in some material particular by evidence implicating the accused person.

Section 108—Causing or Encouraging the Seduction or Prostitution of a Child Under Sixteen.

(1) Whoever having the custody, charge or care of a child under the age of sixteen years causes or encourages the seduction, carnal knowledge or unnatural carnal knowledge, prostitution or commission of indecent assault upon the child shall be guilty of a misdemeanour.

(2) For the purpose of this section, a person shall be deemed to have caused or encouraged the seduction, carnal knowledge or unnatural carnal knowledge, prostitution or commission of indecent assault upon a person if he knowingly allowed the person to consort with, enter or continue in the employment of a prostitute or person of known immoral character.

Section 109—Compulsion of Marriage.

Whoever by duress causes a person to marry against his or her will, shall be guilty of a misdemeanour

Section 314- Slave-Dealing

(1) Whoever—

(a) deals or trades in, buys, sells, barter, transfers, or takes any slave; or

(b) deals or trades in, buys, sells, barter, transfers, or takes any person in order that that person may be held or treated as a slave; or (c) places or receives any person in servitude as a pledge or security for debt, whether then due and owing or to be incurred or contingent, whether under the name of a pawn or by whatever other name that person may be called; or

(d) conveys any person, or induces any person to come, to Ghana in order that such person may be dealt or traded in, bought, sold, bartered, or become a slave, or be placed in servitude as a pledge or security for debt; or

(e) conveys or sends any person, or induces any person to go out of Ghana in order that that person may be dealt or traded in, bought, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt; or

(f) enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the aforementioned purposes; or

(g) by any species of coercion or restraint otherwise than in accordance with the Labour Decree, compels or attempts to compel the service of any person,

shall be guilty of second degree felony.

(2) This section does not apply to any such coercion as may lawfully be exercised by virtue of contracts of service between free persons, or by virtue of the rights of parents and other rights, not being contrary to law, arising out of the family relations customarily used and observed in Ghana.

Section 314A—Prohibition of Customary Servitude.

(1) Whoever—

(a) sends to or receives at any place any person; or

(b) participates in or is concerned in any ritual or customary activity in respect of any person with the purpose of subjecting that person to any form of ritual or customary servitude or any form of forced labour related to a customary ritual commits an offence and shall be liable on conviction to imprisonment for a term not less than three years.

(2) In this section "to be concerned in" means—

- (a) to send to, take to, consent to the taking to or receive at any place any person for the performance of the customary ritual; or
- (b) to enter into any agreement whether written or oral to subject any of the parties to the agreement or any other person to the performance of the customary ritual; or
- (c) to be present at any activity connected with or related to the performance of the customary ritual.

CRIMINAL PROCEDURE CODE

Section 296—General Rules for Punishment.

- (2) Where a crime, not being a crime mentioned in sub-section (5), is declared by any enactment to be a second degree felony and the punishment for the crime is not specified, a person convicted thereof shall be liable to imprisonment for a term not exceeding ten years.
- (4) Where a crime, not being a crime mentioned in sub-section (5), is declared by any enactment to be a misdemeanour and the punishment for the crime is not specified, a person convicted thereof shall be liable to imprisonment for a term not exceeding three years.

THE CHILDREN'S ACT, 1998 (ACT 560)

The law regulates rules regarding child labour and apprenticeship

HUMAN TRAFFICKING ACT, 2005 ACT 694

Section 1: Meaning of trafficking

- (1) Human trafficking means the recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders by
 - (a) the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or
 - (b) Giving or receiving payments and benefits to achieve consent.
- 2) Exploitation shall include at the minimum, induced prostitution and other forms of sexual exploitation, forced labour or services, salary or practices similar to slavery, servitude or the removal of organs.
- 3) Placement for sale, bonded placement, temporary placement, placement as service where exploitation by someone else is the motivating factor shall also constitute trafficking.
- 4) Where children are trafficked, the consent of the child, parents or guardian of the child cannot be used as a defence in prosecution under this Act, regardless of whether or not there is evidence of abuse of power, fraud or deception on the part of the trafficker or whether the vulnerability of the child was taken advantage of.

Section 2: Prohibition of trafficking

- (1) A person shall not traffic another person within the meaning of section 1 or act as an intermediary for the trafficking of a person. (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to imprisonment for a term of not less than five years.
- (3) For purposes of this section, an intermediary is someone who participates in or is concerned with any aspect of trafficking under this Act who may or may not be known to the family of the trafficked person.
- (4) To be concerned with an aspect of trafficking in this Act means (a) to send to, take to, consent to the taking to or to receive at any place any person for the purposes of trafficking, or

(b) to enter into an agreement whether written or oral, to subject any party to the agreement or subject any other person to trafficking.
Provision of trafficked person prohibited

Section 3: Provision of a trafficked person prohibited

(1) A person who provides another person for purposes of trafficking commits an offence even where the person is a parent. (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years.

Section 4: Use of trafficked persons prohibited

A person who uses a trafficked person commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years.

Section 42: Interpretation

In this Act unless the context otherwise requires

“bonded placement” includes placement by a trafficker of a person for exploitative purposes with a promise of subsequent payment to the trafficker for the placement of the trafficked person by the user of the trafficked person and the placement of a trafficked person to offset a debt already owed by the trafficker or another person;

“coercion” means a threat of serious injury to or physical restraint against a person, a scheme, plan or pattern intended to cause a person to believe that failure to perform an act will result in serious injury to or physical restraint of a person;

“placement as service” means the placement of a person by a trafficker for exploitative purposes where the service of that person is not remunerated;

Greece

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Penal Code which prohibits the slave trade at article 323.
- ii) There appears to be **no legislation** in place in Greece which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits all forms of compulsory work at article 22(4).
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises trafficking for the purpose of sexual exploitation (article 351) and trafficking for the purpose of labour exploitation or the removal of organs (article 323A).

2) International Obligations: Greece consents to:

1926 Slavery Convention: (4 July 1930, ratification)
1930 Forced Labour Convention: (13 June 1952, ratification)
1953 Protocol to the 1926 Slavery Convention: (12 December 1955, acceptance)
1956 Slavery Convention: (13 December 1972, ratification)
1957 Abolition of Forced Labour Convention: 30 March 1962, ratification)
1966 ICCPR: (5 May 1997, accession)
1998 Rome Statute of the ICC: (15 May 2002, ratification)
2000 Palermo Protocol (Trafficking in Persons): (11 January 2011, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Greece appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

CONSTITUTION OF GREECE 1975 (REV. 2008)

Paragraph 192

All acts contributing to the trade of slaves are prosecuted according to the Greek criminal legislation (article 323 of the Greek Penal Code).

Article 5

1. All persons shall have the right to develop freely their personality and to participate in the social, economic and political life of the country, insofar as they do not infringe the rights of others or violate the Constitution and the good usages.
2. All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs. Exceptions shall be permitted only in cases provided by international law.
The extradition of aliens prosecuted for their action as freedom-fighters shall be prohibited.
3. Personal liberty is inviolable. No one shall be prosecuted, arrested, imprisoned or otherwise confined except when and as the law provides.
4. Individual administrative measures restrictive of the free movement or establishment in the country, and of the free exit and entrance therein of any Greek are prohibited. Restrictive measures of such content may only be imposed as an attendant penalty by a criminal court ruling, in exceptional cases of emergency and only in order to prevent the commitment of criminal acts, as specified by law.
5. All persons have the right to the protection of their health and of their genetic identity. Matters relating to the protection of every person against biomedical interventions shall be specified by law.

Article 7

2. Torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity are prohibited and punished as provided by law.

Article 22

1. Work constitutes a right and shall enjoy the protection of the State, which shall care for the creation of conditions of employment for all citizens and shall pursue the moral and material advancement of the rural and urban working population.
All workers, irrespective of sex or other distinctions, shall be entitled to equal pay for work of equal value.
2. General working conditions shall be determined by law, supplemented by collective labour agreements concluded through free negotiations and, in case of the failure of such, by rules determined by arbitration.
3. The matters relating to the conclusion of collective labour agreements by civil servants and the servants of local government agencies or of other public law legal persons, shall be specified by law.
4. Any form of compulsory work is prohibited.
Special laws shall determine the requisition of personal services in case of war or mobilization or to face defence needs of the country or urgent social emergencies resulting from disasters or liable to endanger public health, as well as the contribution of personal work to local government agencies to satisfy local needs.
5. The State shall care for the social security of the working people, as specified by law.

Article 25

1. The rights of the human being as an individual and as a member of the society and the principle of the welfare state rule of law are guaranteed by the State. All agents of the State shall be obliged to ensure the unhindered and effective exercise thereof. These rights also apply to the relations between individuals to which they are appropriate. Restrictions of any kind which, according to the Constitution, may be imposed upon these rights, should be provided either directly by the Constitution or by statute, should a reservation exist in the latter's favour, and should respect the principle of proportionality.
2. The recognition and protection of the fundamental and inalienable rights of man by the State aims at the achievement of social progress in freedom and justice.
3. The abusive exercise of rights is not permitted.
4. The State has the right to claim of all citizens to fulfil the duty of social and national solidarity.

GREEK PENAL CODE
(AS AMENDED BY
LAW NO 4198 OF 2013)

Article 323 Slave trade

1. Whoever acted slave trade shall be punished with imprisonment.
2. The slave trade includes all acts of conception, acquisition and disposal of a person seeking to do slave each act slave acquisition for resale or exchange of the Act of the concession by sale or exchange actual slave and generally every act of trade or transport of slaves.
3. Whoever takes any service on a ship, knowing that the ship is intended to conduct slave trade or not already used for this purpose, and whoever remains voluntarily in service knowingly above destination of the ship or its use for such purpose, shall be punished with imprisonment of at least six months.
4. Anyone who contributed directly or indirectly to ship chartering aware that the charter is to undertake trade slaves shall be punished with imprisonment of at least six months.
5. Anyone who transfers from one place to other slaves, without purpose to market them, but without the transfer be made in order for their release, punishable by imprisonment.
6. The same penalty shall be imposed by the owner and the master of the ship, which knowingly would transfer such slaves.

Article 323A Human trafficking

1. Whoever by use of force, threat or other coercive means or the imposition or abuse of authority hires, transports, promotes inside or outside the territory, abets, delivers with or without consideration to another or receives from another person in order to remove "body" tissue cells or organs or to avail himself or other work or begging shall be punished with imprisonment up to ten years and a fine of 10000-50000 euro.
2. sentence of the preceding paragraph shall be punished if the perpetrator to achieve the same purpose, elicits the consent of using fraudulent means or drift, taking advantage of the vulnerability, promises, gifts, payments or other benefits.
3. Whoever knowingly accepts the person work, which is under the conditions described in paragraphs 1 and 2, or the proceeds

from the begging of that person, shall be punished with imprisonment of at least six months.

4. imprisonment of at least ten years and a fine 50000-100000 euros punished the perpetrator under the preceding paragraphs if the operation:

- a) against a minor or a person physically or mentally disabled,
- b) committed kat` art,
- c) committed by a staff member who in the performance of duty or by taking advantage of its status as such commits or participates in any way in practice or
- d) has resulted in serious injury to the victim.

5. Anyone who uses the means of paragraphs 1 and 2 to recruit minors for the purpose of use in armed conflicts shall be punished with imprisonment of at least ten years and a fine 50000-100000 euros.

6. life imprisonment the perpetrator is punished under the preceding paragraphs if the act resulted in death.

Article 349 Pimping

1. Whoever, to serve other debauchery, promotes or incites a minor to prostitution or pandering or forces or facilitates or participates in child prostitution shall be punished with imprisonment up to ten years and a fine of 10000-50000 euro.

2. With imprisonment and a fine 50000-100000 euros punished the perpetrator, if the crime was committed:

- a) against a person younger than fifteen years,
- b) by fraudulent means,
- c) the anions relative by blood or marriage or adoptive parent, spouse, guardian or other person to whom the minor was entrusted for upbringing, teaching, supervision or custody, even temporarily,
- d) by an official who in the performance of the service or benefiting from its status as such commits or participates in any way in practice.
- e) the use of electronic media,
- f) to offer money or promise of payment or any other consideration.

3. Anyone kat` profession or speculation promotes women in prostitution is punishable by imprisonment of not less than eighteen months, and a fine. The commission of the act by an official who in the performance of the service or benefiting from its status as such commits or participates in any way in practice, constitutes an aggravating circumstance.

Article 351 Trafficking

1. Whoever by use of force, threat or other coercive means or the imposition or abuse of authority hires, transports, promotes inside or outside the territory, abets, delivers with or without consideration to another or receives from another person in order to proceed himself or another to sexual exploitation is punishable with imprisonment up to ten years and a fine of 10000-50000 euro.

2. sentence of the preceding paragraph shall be punished if the perpetrator to achieve the same purpose, elicits the consent of using fraudulent means or drift, taking advantage of the vulnerability of promises, gifts, payments or other benefits.

3. Whoever knowingly performs lewd acts with a person who is under the conditions described in paragraphs 1 and 2 shall be punished with imprisonment of at least six months.

4. imprisonment of at least ten years and a fine 50000-100000 euros punished the perpetrator under the preceding paragraphs if the operation:
 - a) against a minor or connected with spiritual weakness or frivolity of the victim,
 - b) committed by one of the persons referred to in subparagraph c of paragraph 2 of Article 349,
 - c) linked to illegal entry, stay or exit of the victim from the country,
 - d) performed kat` art,
 - e) committed by a staff member who in the performance of the service or benefiting from its status as such commits or participates in any way in practice or
 - f) resulted in serious injury to the victim.
5. If any of the actions of the first and second paragraph resulted in the death of the victim imposed life imprisonment.
6. in the preceding paragraphs sexual exploitation is to run from speculation of any lewd act or the use of speculation body, voice or facial image for the real or feigned such an act, or perform work or services aimed at sexual stimulation..

LAW NO 3948/2011
ON THE ADAPTATION
OF INTERNAL LAW TO
THE PROVISIONS OF
THE ICC STATUTE

Part a Provisions of substantive criminal law

2. Special part

Article 8 Crimes against humanity

1. Anyone who, in the context of a widespread or systematic attack directed against any civilian population, which is directed or encouraged by a state or an organization which exercises de facto authority in a certain territory:
 - c) Commits slave trade (art. 323 Cr.C.), trafficking of human beings (art. 323A Cr. C.) or white slavery (art. 351 Cr. C.),

Art. 9 War crimes against persons

1. Anyone who, in connection with an international or non-international armed conflict:
 - d) Commits rape (art. 336 Cr. C.) or enforced prostitution (art. 349 Cr. C.) or enforced sterilization against a person protected according to the provisions of international humanitarian law, or unlawfully confines a woman made pregnant forcibly or with the use of threat of force, with the intent of affecting the ethnic composition of any population.

Grenada

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution at article 4(1) which declares that no person shall be held in slavery.
- ii) **Provisions** related to **servitude** are found in the Constitution at article 4(1) which declares that no person shall be held in servitude. Article 191 of the Criminal Code also prohibits **forced marriage** and article 12 of the 2014 Prevention of Trafficking in Persons Act criminalises **debt bondage**.
- iii) **Provisions** related to **forced labour** are found in the Constitution which declares that no person shall be required to perform forced labour at article 4(2).
- iv) **Provisions** related to **trafficking in persons** are found in the 2014 Prevention of Trafficking in Persons Act which criminalises trafficking at article 9, although the offence relates only to transnational crimes.

2) International Obligations: Grenada consents to:

1926 Slavery Convention: *N/A*
1930 Forced Labour Convention: (9 July 1979, ratification)
1953 Protocol to the 1926 Slavery Convention: *N/A*
1956 Slavery Convention: *N/A*
1957 Abolition of Forced Labour Convention: (9 July 1979, ratification)
1966 ICCPR: (6 September 1991, accession)
1998 Rome Statute of the ICC: (19 May 2011, accession)
2000 Palermo Protocol (Trafficking in Persons): (21 May 2004, accession)
2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Grenada appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE GRENADA
CONSTITUTION
ORDER 1973
(REINST. 1991, REV.
1992)

Whereas the people of Grenada-

(c) firmly believe in the dignity of human values and that all men are endowed by the Creator with equal and inalienable rights, reason, and conscience ; that rights and duties are correlatives in every social and political activity of man ; and that while rights exalt individual freedom, duties express the dignity of that freedom;

(e) reiterate that the ideal of free men enjoying freedom from fear and want can be best achieved if conditions are created whereby everyone may enjoy his economic, social and political, civil and cultural rights ;

Article 1. Fundamental rights and freedoms

Whereas every person in Grenada is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

- a. life, liberty, security of the person and the protection of the law;
- d. the right to work,

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in these provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

Article 3. Protection of right to personal liberty

1. No person shall be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say:-

Article 4. Protection from slavery and forced labour

- 1. No person shall be held in slavery or servitude.
- 2. No person shall be required to perform forced labour.
- 3. For the purposes of this section, the expression "forced labour" does not include-
 - a. any labour required in consequence of the sentence or order of court;
 - b. labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
 - c. any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;
 - d. any labour required during any period of public emergency or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.

Article 5. Protection from inhuman treatment

1. No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

2. Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the infliction of any description of punishment that was lawful in Grenada immediately before the coming into operation of this Constitution.

Article 12. Protection of freedom of movement

1. No person shall be deprived of his freedom of movement, that is to say, the right to move freely throughout Grenada, the right to reside in any part of Grenada, the right to enter Grenada, the right to leave Grenada and immunity from expulsion from Grenada.

CRIMINAL CODE

Article 188. Procuration

Whoever -

- (a) procures any female under twenty-one years of age to have unlawful carnal connection, either within or without Her Majesty's Dominions, with any other person;
 - (b) procures any female to become, either within or without Her Majesty's Dominions, a common prostitute;
 - (c) Procures any female to leave this State, with intent that she may become an inmate of a brothel elsewhere;
 - (d) Procures any female to leave her usual place of abode in this State with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either within or without Her Majesty's Dominions,
- Shall be liable to imprisonment for two years.

Article 189. Forcible taking or detaining of a female with intent

Whoever by force takes away or detains against her will any female of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be liable to imprisonment for ten years.

Article 191. Compulsion of marriage

Whoever by duress causes any person to marry against his or her will, shall be liable to imprisonment for two years.

Guatemala

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Criminal Code at article 202 which makes reducing a person to slavery or maintaining such an offence.
- ii) **Provisions** related to servitude are found in the Constitution which declares that no person can be subject to servitude under article 4 and the Criminal Code at article 202 which makes reducing a person to a condition similar to slavery or maintaining such an offence.
- iii) There appears to be **no legislation** in place in Guatemala which prohibits **forced labour**, although articles 43 and 102 of the Constitution recognise the right to freedom of work.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code at article 202ter although this provision does not include the means for trafficking as defined in the Palermo Protocol.

2) International Obligations: Guatemala consents to:

1926 Slavery Convention: (11 November 1983, accession)
1930 Forced Labour Convention: (13 June, 1989, ratification)
1953 Protocol to the 1926 Slavery Convention: (11 November 1983, accession)
1956 Slavery Convention: (11 November 1983, ratification)
1957 Abolition of Forced Labour Convention: (9 December 1959, ratification)
1966 ICCPR: (5 May 1992, accession)
1998 Rome Statute of the ICC: (2 April 2012, accession)
2000 Palermo Protocol (Trafficking in Persons): (1 May 2004, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Guatemala appears to be:

- in breach of its obligations under the ICCPR in regards to forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 193

Slavery as defined in the Slavery Convention of 1926 and the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to slavery, was abolished by the Government of the United Provinces of Central America at the dawn of the Provinces' independence, by a Decree of the National Constituent Assembly of 24 April 1824.

Paragraph 198

The present Constitution of the Republic, which was promulgated on 15 September 1965... no person may be subjected to slavery or servitude or to any other condition which impairs his dignity or standing (article 43).

Paragraph 199

The Law on Alienage develops the foregoing principles which, as we have pointed out, have remained unchanged throughout Guatemalan constitutional history. Article 99 of this law provides that "Piracy, white slave traffic, blackbirding and the slave trades... and other offences of the same nature against international law, committed on the high seas, in the air, or in territories not yet organized in States, shall be punished by the authorities of the Republic in accordance with its criminal laws."

CONSTITUTION OF THE REPUBLIC OF GUATEMALA 1985 (REV. 1993)

Article 1: Protection of the Person:

The State of Guatemala is organized to protect the person and the family; its supreme objective is the realization of the common good.

Article 2: Duties of the State:

It is the duty of the State to guarantee to the inhabitants of the Republic the life, the freedom, the justice, the security, the peace, and the integral development of the person.

Article 4: Freedom and equality:

In Guatemala[,] all [of the] human beings are free and equal in dignity and rights. The man and the woman, whatever their civil status may be, have equal opportunities and responsibilities. No person can be subject to servitude or to another condition that diminishes his or her dignity. The human beings must exercise [guardar] brotherly behaviour among them.

Article 43. Freedom of industry, trade, and work

The freedom of industry, trade, and work is recognized, except for the limitations that due to social motives or the national interest are imposed by the law.

Article 101. Right to work

To work is a right and a social obligation of the person. The labor regime of the country must be organized in accordance with the principles of social justice.

Article 102. Minimum social rights of labor legislation

The minimum social rights that form the basis of the labor legislation and the activity of the tribunals and [the] authorities [are]:

- a. The right to the free choice [elección] of work and the satisfactory economic conditions that guarantee a dignified existence for the worker and his [or her] family;
- b. That all work be equitably remunerated, except with what the law determines in that regard;
- d. The obligation to pay the worker in currency of legal tender. However, the field worker [trabajador de campo] can receive, by choice [a su voluntad], food products until up to thirty percent of his [or her] salary. In this case the employer will provide those products at a price no superior than their cost;
- e. The freedom from lien [inembargabilidad] of the salary in the cases determined by the law. The personal work implements may not be subject to a lien for any reason. Nevertheless, for the protection of the family of the worker and by judicial order, part of the salary can be retained and delivered to the corresponding [party];
- f. The periodic establishment [fijación] of the minimum salary in accordance with the law;
- g. The ordinary effective workday [jornada] can neither exceed eight hours of work per day, nor forty-four hours per week, equivalent to forty-eight hours for the exclusive purpose of the payment of the salary. The ordinary effective workday on the night shift can neither exceed six hours per day, nor thirty-six hours per week. The mixed ordinary effective workday can neither exceed seven hours per day, nor forty-two hours per week. All work effectively performed outside [of the] ordinary working hours, constitutes an extraordinary workday and must be remunerated as such. The law will determine the very qualified situations of exception where the provisions relative to the workdays are not applicable.
Those that by provision of the law, by custom or by agreement with the employers work less than forty-four hours per week during the day, thirty-six hours during the night, or forty-two hours in mixed-schedule workdays, will have the right to receive the weekly salary in its entirety. It is understood that effective work means the entire time that the worker remains under the orders or at the disposal of the employer;
- l. Minors under fourteen years of age may not be employed in any type of work, except for the exceptions established by the law. It is forbidden to employ [ocupar] minors in works that are incompatible with their physical capacity or that endanger their moral formation.
The workers older than sixty years of age will be the object of a treatment [that is] adequate to their age;
- t. The State will participate in international or regional agreements and treaties relating to labor matters and which grant better protection of conditions to [the] workers.
In such cases, what is established in said agreements and treaties will be considered as part of the minimum rights enjoyed by the workers of the Republic of Guatemala.

Article 106. Irrenouncability of the labor rights

The rights consigned in this section are irrenounceable for the workers, susceptible of being exceeded [superado] through individual or collective contracting, and in the form established by the law. For this objective the State will encourage and protect collective negotiation. The stipulations that call for the renunciation, reduction, distortion [tergiversación], or limitation of the rights recognized for the workers in

the Constitution, in the law, in the international treaties ratified by Guatemala, in the regulations or in [any] other provisions with regards to work, will be void ipso jure and will not obligate the workers, even if they are expressed in a collective or individual labor contract, in an agreement or in another document.

In case of doubt in the interpretation or scope of [the] legal provisions, regulations, or contractual [provisions] within the labor matters, they will be interpreted in the most favorable sense for the workers.

DECREE NO. 17-73
CRIMINAL CODE AND
ITS AMENDMENTS

Article 107

5. For the double time period of the maximum penalty indicated for offenses Referred to in Chapters I and II of Title III of Book II of the Penal Code.

Article 150 bis: Abuse against minors.

Anyone who, through any action or omission, causes a person who is a minor or with a volitional or cognitive disability, physical, psychological or illness damage or places the child at serious risk of

suffering, shall be punished with imprisonment of two to five years, Penalties applicable for other offenses. " . The limitation period shall begin to run from the time the victim reaches his majority " Article 23 Article 150 bis of the Penal Code, Decree 17-73 of the Congress of the Republic, which is thus added: " Article 150 Bis. Abuse against minors. Anyone who, through any action or omission, causes a person who is a minor or with a volitional or cognitive disability, physical, psychological or illness damage or places the child at serious risk of suffering, shall be punished with imprisonment of two to five years, Penalties applicable for other offenses. " . The limitation period shall begin to run from the time the victim reaches his majority " Article 23 Article 150 bis of the Penal Code, Decree 17-73 of the Congress of the Republic, which is thus added: " Article 150 Bis. Abuse against minors. Anyone who, through any action or omission, causes a person who is a minor or with a volitional or cognitive disability, physical, psychological or illness damage or places the child at serious risk of suffering, shall be punished with imprisonment of two to five years, Penalties applicable for other offenses.

Article 191: Promotion, facilitation or prostitution

The exploitation of an adult person, through the promotion, facilitation Or favoring their prostitution, shall be punished with imprisonment of five to ten years, and with a fine of fifty thousand to one hundred thousand Quetzales.

Article 192. Promotion, facilitation or favor of aggravated prostitution

The penalties indicated in the previous article shall be increased by one third, in the following cases:

- a) If during sexual exploitation the person has been pregnant.
- b) When the perpetrator is a relative of the victim, or responsible for his or her education, custody, custody, care, or guardianship,

ie the spouse, ex-spouse, cohabiting or ex-partner of the victim, or a parent when there will be violence or abuse of authority.

Article 193. Paid sexual activities with minors.

Whoever for himself or for third persons, in exchange for any sexual act with a minor, provides or promises to this or a third person an economic or any other benefit, regardless of the achievement of the purpose, shall be punished with imprisonment of five to eight years, without prejudice to the penalties that may apply for the commission of other crimes.

Article 193 Bis. Remuneration for the promotion, facilitation or favor of prostitution.

Who for himself or for third person, in exchange for any sexual act with a person of legal age,
Gives or promises to a third party an economic or other benefit, regardless of whether it achieves its purpose, shall be punished by imprisonment of three to five years.

Article 202: Submission to slavery:

It shall be repressed with imprisonment of two to ten years, who reduces a person to slavery or to another analogous condition and to those who maintain it in her.

Article 202 Ter. Trafficking.

It is a crime of trafficking in persons to capture, transport, amply, retain, receive or receive one or more persons for the purpose of exploitation. Whoever commits this crime will be punished with imprisonment from eight to eighteen years and a fine of three hundred thousand to five hundred thousand Quetzales.
In no case shall the consent given by the victim of trafficking in persons or by his legal representative be taken into account.
For the purposes of the offense of trafficking in persons, exploitation shall be understood as: The prostitution of others, any form of sexual exploitation, forced labor or services, any type of labor exploitation, begging, any form of slavery, servitude, sales persons, extraction and trafficking in human organs and tissues, recruitment of underage persons for organized criminal groups, illegal adoption, irregular adoption process, pornography, forced pregnancy or forced or servile marriage.

Article 202 Quater. Remuneration for trafficking in persons.

Who for himself or for third parties, in exchange for the exploitation activities to which the crime of trafficking refers, provides or promises to a person or third parties an economic benefit or of any other nature, shall be punished with imprisonment from six to eight years. The penalty established in the preceding paragraph shall be increased by two thirds if the remuneration is provided or promised in exchange for the exploitation of a person under the age of fourteen; And shall increase double if it is a person under ten years of age.

Article 204. Aggravating Circumstances.

The penalties indicated in the previous articles will be increased by one third, If any of the following circumstances concur:

1. If the abduction or plagiarism, confinement or detention, lasts a month of three days.
2. If, in the execution of the crime, there is a threat of death, cruel or infamous treatment for the offended person,
3. If the offense is committed by more than two persons.
4. If the will of the victim is weakened or annulled, on purpose or by any means.
5. If the victim as a result of the fact, is affected mentally, temporarily or permanently.

If the penalties refer to the crimes referred to in articles 191, 192, 193, 193 Bis, 194, 195, 195 Bis, 195 Ter, 195 Quater, 202 Ter and 202 Quater, the penalty shall be increased by one third if Any of the following circumstances: a

- A. Resorting to violence.
- B. Servitude marriage, substitution of one child for another, supposition of childbirth or suppression or alteration of marital status.
- C. The victim was a person with a volitional, cognitive or resistance disability or an adult.
- D. The author was a relative of the victim or responsible for their education, custody, custody, care, guardianship, ie the spouse, ex-spouse, cohabiting or ex-cohabiting partner of the victim or one of their parents.
- E. The author will act with the use of weapons, alcoholic substances, narcotics, narcotics, other instruments or substances that seriously injure the health of the offended person.
- F. The victim will be in a state of pregnancy.
- G. The perpetrator of the crime of trafficking in persons is an official, Public employee or professional in the exercise of their functions.

The penalty to be imposed shall be increased by two thirds if in the cases covered by articles 201 and 203, the action was executed with simulation of authority or if the victim is a person under eighteen and over fourteen years of age; In three quarters if he is less than fourteen and greater than ten years of age; And double if the victim is a person under the age of ten.

Article 214: Enforcement:

Who, without being lawfully authorized by violent procedure, intimidating or in any other way to compel, force this to do or not do what the law does not forbid, make or consent which does not tolerate or have someone else do it, fair or not, shall be punished with imprisonment from six months to two years.

Article 215: Threats:

Whoever threatens another to cause the same or their relatives within law degree, his person, honor or property, an evil that constitutes or not a crime, shall be punished imprisonment for six months to three years.

Article 301 Bis Illegal Disposal of Human Organs or Tissues

Whoever participates in any illegal act involving extraction Conservation, supply, trade and use of organs or tissues of living persons or corpses shall be punishable by imprisonment of five to ten years.

LAW AGAINST
SEXUAL VIOLENCE,
EXPLOITATION AND
TRAFFICKING IN
PERSONS 2009

Article 58 Allowances

Those convicted of human trafficking offenses are obligated to compensate the victims for the damages caused, including all costs of care necessary for their complete physical, psychological and economic recovery, even if the victim has not made a private accusation Or has not expressly claimed compensation, or has abandoned the private accusation. Such items will be determined in the conviction. The compensation will be paid to the heirs, if the victim has died.

Guinea

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Guinea which prohibits **slavery**, although entering into an agreement to alienate the freedom of a third person is criminalised under article 337 of the Penal Code
- ii) There appears to be **no legislation** in place in Guinea which prohibits **servitude**, although the Penal Code prohibits pledging of persons (article 338) and criminalises placing or receiving a person in pledge (article 339).
- iii) **Provisions** related to **forced labour** are found in the Labour Code which absolutely prohibits forced labour at article 2, although no penalties are prescribed.
- iv) There appears to be **no legislation** in place in Guinea which prohibits **trafficking in persons**, although trafficking in children is criminalised under the Child Code.

2) International Obligations: Guinea consents to:

1926 Slavery Convention: (30 March 1962, succession)
 1930 Forced Labour Convention: (21 January 1959, ratification)
 1953 Protocol to the 1926 Slavery Convention: (12 July 1962, acceptance)
 1956 Slavery Convention: (14 March 1977, accession)
 1957 Abolition of Forced Labour Convention: (11 July 1961, ratification)
 1966 ICCPR: (24 January 1978, ratification)
 1998 Rome Statute of the ICC: (14 July 2003, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (9 November 2004, accession)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Guinea appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION GUINEA 2010

Article 5

The human person and their dignity are sacred. The State has the duty to respect them and to protect them. The rights and freedoms enumerated hereafter are inviolable, inalienable and imprescriptible. They found all human society and guarantee peace and justice in the world.

Article 6

The human being has [the] right to the free development of his personality. He has [the] right to life and to physical and moral integrity; no one may be subjected to torture, to pain [peines] or to cruel, inhuman or degrading treatments.

No one is required to execute a manifestly illegal order.

The law determines the order manifestly illegal.

No one may take advantage [se prévaloir] of a received order or of an instruction to justify acts of torture, abuse [séVICES] or cruel, inhuman or degrading treatments committed in the exercise or on the occasion of the exercise of their functions.

No situation of exception or of emergency should [ne doit] justify the violations of human rights.

Article 20

The right to work is recognized to all. The State creates the conditions necessary for the exercise of this right.

No one may be prejudiced [lésé] in their work by virtue of their gender, of their race, of their ethnicity, of their opinions or of any other cause of discrimination.

Each one has the right to affiliate [adhérer] with the union of their choice and to defend their rights through union action. Each worker has the right to participate, by the intermediate of their delegates, to the determination of the conditions of work

The right to strike is recognized. It is exercised within the framework of the laws that govern [régisents] it. It may not in any case infringe the freedom of work.

The law establishes the conditions for the assistance and the protection to which the workers have right.

Article 24

The law guarantees to all the exercise of the fundamental freedoms and rights. It determines the conditions in which they are exercised.

It may only establish[,] concerning these freedoms and these rights, those limits that are indispensable to maintain the public order and democracy.

The groups whose purpose or activity is contrary to the laws or that manifestly trouble the public order may be dissolved.

PENAL CODE

Article 328:

Procuring is the activity of a person who favors the debauchery of others by acting as an intermediary.

Article 329:

Will be considered pimp and punished by imprisonment from 6 months to 2 years and a fine of 50,000 to 400,000 Guinean francs, without prejudice to more severe penalties if they fail, the person:

- 1) - Who, in any way aids, assists or knowingly protects the prostitution of others or soliciting for prostitution;
- 2) - Who, in any form, sharing the proceeds of the prostitution of others or receiving money from a person who habitually engages in prostitution;
- 3) - Who knowingly living with a person who habitually engages in prostitution and can not justify the resources corresponding to his lifestyle;
- 4) - Who hires, or maintains, even with her consent, a person, even an adult, for prostitution or engaging in prostitution or debauchery;
- 5) - which acts as an intermediary in any capacity between those who engage in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others.

Article 330:

The penalty shall be imprisonment from 2 to 5 years and a fine of 100,000 to 1,000,000 Guinean Francs, where: 1) - The crime was committed against a minor; 2) - The crime was accompanied by coercion, abuse of authority, or fraud; 3) - The perpetrator was carrying a weapon apparent or hidden; 4) - The perpetrator is a husband, ascendant, tutor, teacher, servant to guarantee the victim or servant of the people to pledge above designated official or minister of religion; 5) - The offender is required to participate in its functions to the fight against prostitution, protection of health or the maintenance of public order; 6) - Whoever, by threats, pressure, deception or other means, obstructs the prevention, control, assistance or rehabilitation undertaken by qualified organizations for persons engaged in prostitution or danger of prostitution.

Article 331:

Shall be punished by imprisonment from 1 month to 2 years and a fine of 50,000 to 200,000 Guinean francs, except in pursuance of more severe penalties if any, who will usually attempted sexual offense in the exciting promoting debauchery or corruption of minors 18 years or even occasionally the age of 16. The same penalty will be applied against those who tolerate the exercise of habitual debauchery by persons engaged in prostitution in premises or sites available to him in any capacity whatsoever. The occupant and the person engaging in debauchery are jointly responsible for payment of damages that can be allocated for disturbing neighbors. If usual practice of the facts mentioned above, the termination of the lease and evict the tenant, subtenant or occupant who gives himself or tolerated it is pronounced by the judge as an emergency procedure, the request of the owner, tenant, occupant or adjacent to the building. The attempt of the offense under this section shall be punished the same penalties as the crime itself.

Article 337:

A person who has entered into an agreement for the purpose of alienating, free of charge or for consideration, the liberty of a third person, shall be punished with imprisonment for five to ten years . The confiscation of money, objects or securities received in execution of the said agreement shall always be pronounced. The fact of obtaining from a person by abusing his vulnerability or dependency, the provision of unpaid services, or in return for

compensation manifestly unrelated to the importance of the work done will be punished by Punishment from 6 months to 5 years and a fine of 50,000 to 300,000 Guinean francs.

Submitting a person by abusing his vulnerability or dependency to working or accommodation conditions incompatible with human dignity shall be punished by a penalty of 1 month to 5 years and a fine of 50,000 to 500,000 Guinean francs.

Article 338:

Whatever the reason, the pledging of a person by a debtor to his creditor is formally prohibited.

Any agreement made in the course of a marriage and involving the fate of the children to be born of the marriage shall be treated as a pledge.

Article 339:

Anyone who has placed or received a person as a pledge for any reason shall be liable to imprisonment from one month to two years and a fine of between 50,000 and 360,000 Guinean francs.

The term of imprisonment may be increased to 5 years if the person pledged or received as a pledge is less than 15 years of age.

The offenders may in any case be deprived of the rights mentioned in article 37 of the present Code for at least 5 years and 10 years at the most.

Article 348:

A person shall be punished with imprisonment from one month to one year and a fine of 50,000 to 200,000 Guinean francs:

- 1) - Has, in a spirit of lucre, induced the parents or one of them to abandon their child,
- 2) - Has caused to be subscribed by the future parents or one of them an act under which They undertake to abandon the unborn child;
- 3) - Has detained and made use of such an act;
- 4) - Will have, in a spirit of lucre, brought his intercession to make collect or adopt a child.

Article 349:

Anyone who, by fraud or violence, has abducted or caused to be abducted a minor under the age of 18 years or has trained, diverted or displaced him or caused him to be dragged, diverted or moved

Where he was placed by those to whose authority or direction he was subject or entrusted, shall be sentenced to imprisonment for five to ten years.

Article 350:

If the minor thus abducted or diverted is under 15 years of age, the penalty shall be that of life imprisonment.

The same punishment shall be applied regardless of the age of the minor if the perpetrator has been paid or has been charged with paying a ransom by the persons under whose authority or supervision the minor was placed. However, in the cases provided for in the two preceding subparagraphs, the penalty shall be that of criminal imprisonment in time of 5 to 10 years if the minor is found alive before the conviction has been

delivered. The abduction will carry the death penalty if followed by the death of the minor.

GUINEAN CIVIL CODE Article 280:

Men under 18, women under 17 years old may marry. Nevertheless, the President of the Republic on the report of the Minister of Justice may, by decree, grant age exemptions for serious reasons. Demand is addressed to the prosecutor or the President of the Tribunal for transmission to Attorney General. A copy of the Decree is annexed to the marriage certificate.

Article 281:

Marriage requires the consent of the spouses.

Article 282:

This consent must be free and unpolluted.

Article 283:

It is expressed at the time of the celebration of marriage and found solemnly through the Registrar of civil status.

Article 284:

Persons who have not reached the age of 21, can not contract marriage without the consent of their father and in default of the father, not that of the person who performs the duties of head of household. This consent is given either orally during the marriage, or advance by act authentic and special. When the age difference between the spouses is more than thirty years, marriage can be celebrated only with the permission of the Minister of Interior.

**LABOUR CODE 1988
ORDER NO. 003 / PRG
/ SGG / 88 OF 28
JANUARY 1988
ESTABLISHING THE
WORKING CODE OF
THE REPUBLIC OF
GUINEA**

Article 2:

Forced or compulsory labor is absolutely prohibited. The term forced or compulsory labor means all work or service which is exacted from any person under the menace of any penalty and for which said person has not offered himself voluntarily.

CHILD CODE

Article 298:

Is considered "economic exploitation" requiring intervention, children's exposure to begging, trafficking, or the instruction of the a work that is likely to deprive him of his education, or be harmful to his health, his development or physical or moral integrity, or employment purposes and / or conditions contrary to this Code.

Article 385:

"Trafficking in persons" means the recruitment, transportation, transfer, harboring or receipt of persons by threat of use or use of force or other forms of coercion , By abduction, fraud, deceit, abuse of authority or vulnerability, or by the offer or acceptance of payments or benefits to obtain the consent of a person having authority over another for the purpose operating.

The exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or Removal of organs.

The recruitment, transportation, transfer, harboring or receipt of a Child for the purpose of exploitation shall be regarded as a trafficking in persons even if they do not use any of the means set out in paragraph 2 Of this Article.

Article 386:

Any perpetrator or accomplice convicted of trafficking in children shall be punished with imprisonment of 3 to 10 years and with a fine of 1,000,000 to 3,500,000 Guinean francs.

The attempt is punished as the offense itself.

Article 387:

The penalty shall be between 5 and 20 years' imprisonment in time and a fine of 5,000,000 to 10,000,000 Guinean francs against any perpetrator or accomplice in child trafficking committed in the following circumstances:

- The victim is under 15 years of age at the time of the commission of the offense;
- The act was committed by violence, acts of torture or barbarism; - The author used narcotics to alter the will of the victim; The author was the bearer of an apparent or hidden weapon;
- The victim has been sequestered or exposed in a public or private place;
- Acts of trafficking have caused the child a physical, moral or mental incapacity or any other medical sequelae;
- Trafficking is the work of an organized group;
- The child was subjected to the worst forms of child labor;
- The purpose of the offense was the removal of one or more organs of the Child;

in case of recidivism.

The court may order the confiscation of all objects and materials used in the child trafficking process.

Life imprisonment shall be imposed when acts of child trafficking have resulted in the disappearance or death of the victim.

Article 388:

Anyone who solicits, receives gifts, promises, advantages of any kind, shall be punished with imprisonment of 1 to 5 years and with a fine of 500,000 to 2,500,000 Guinean francs. To facilitate the trafficking of children.

The attempt is punished as the offense itself.

The penalty shall be doubled if the author is an official of the public administration who has acted in the exercise of his functions.

Article 389:

A penalty of 6 months to 1 year of imprisonment and a fine of 50,000 to 2,500,000 Guinean francs shall be imposed on any parent or guardian who knowingly facilitates the trafficking of his child with a child Which he has custody.

The attempt is punished as the offense itself.

Guinea-Bissau

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Penal Code at article 106 which criminalises slavery.
- ii) There appears to be **no legislation** in place in Guinea-Bissau which prohibits **servitude**, although servitude, practices similar to slavery, and forced marriage may form elements of the offence of human trafficking under the 2011 Law to Prevent and Combat Human Trafficking. Illicit adoption is also criminalised under article 6.
- iii) There appears to be **no legislation** in place in Guinea-Bissau which prohibits **forced labour**.
- iv) **Provisions** related to **trafficking in persons** are found in the 2011 Law to Prevent and Combat Human Trafficking which criminalises trafficking at article 4.

2) International Obligations: Guinea-Bissau consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (21 February 1977, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: (21 February 1977, ratification)
1966 ICCPR: (1 November 2010, ratification)
1998 Rome Statute of the ICC: (12 September 2000, signature)
2000 Palermo Protocol (Trafficking in Persons): (10 September 2007, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Guinea-Bissau appears to be:

- in breach of its obligations under the ICCPR in regards to servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
GUINEA-BISSAU
ADOPTED IN 1984
(REV. 1991)

Article 11

1. The economic and social organization of the Republic of Guinea-Bissau shall promote its principles of a free market, the subordination of economic power to political power, and the co-existence of public, cooperative, and private property.
2. The goal of the economic and social organization of the Republic of Guinea-Bissau shall be to continually promote the people's welfare and to eliminate all forms of submission of human beings to harmful interests which profit individuals, groups, or classes.

Article 29

1. The exercise of fundamental rights, liberties, and guarantees may only be suspended or limited in the case of martial law or of a state of emergency that is declared according to terms of law.
2. Laws of a general or abstract nature which restrict rights, liberties, or guarantees must be limited to those necessary to safeguard other constitutionally-protected rights or interests; they may neither be retroactive nor neither diminish or essentially damage rights.

Article 36

1. Work shall be the right and duty of each citizen.
2. The State shall gradually create conditions for the full employment of citizens able to work.
3. The State shall recognize and guarantee to each citizen the right to be trained in his profession or generally for work, in accordance with the needs and fundamental imperatives of the National Reconstruction.
4. All workers shall have the right to remuneration for their work, depending on the quantity, quality, and the nature of their work, observing the principle of equal pay for equal work, so as to guarantee a dignified living.

Article 37

1. Workers shall have the right to protection, safety, and hygiene at work.
2. Workers may only be fired according to terms provided for by law.
3. The State shall gradually create a system able to guarantee each worker social security in his old age and in case of illness or becoming incapacitated from working.

PENAL CODE

Article 106. Slavery

1. Whoever, by any means, places another human being in the situation of a slave, avails himself of it in this condition, maintains the said situation, or gives or receives such a person is punished with imprisonment for five to eight years.
serve it in this condition or to maintain that the situation of another person give or receive and punishable with prison from five to fifteen years
2. If the acts referred to in the previous number were practiced:
 - (A) as a means of facilitating the sexual exploitation or use of the victim, by the agent himself or by a third party;
 - (B) the victim being under sixteen years of age, or

(C) If the agent has the office that gives him public or religious authority before a group, region or whole of the country,
The agent and punished with imprisonment from five to twenty years.

LAW 12/2011 LAW TO
PREVENT AND
COMBAT HUMAN
TRAFFICKING 2011

Article 3 General definitions

(A) "trafficking in persons" means the trafficking of persons, the recruitment or reception of persons by means of threats, moral or physical coercion, kidnapping, fraud, deception, forced marriage, abuse of authority or taking advantage of The victim's vulnerability or his or her physical or natural disability or psychic anomaly or the delivery or acceptance of payments or benefits to obtain the consent of the person having authority over the victim for the purpose of sexual exploitation, Forced marriage, extraction of human organs, labor, slavery or similar practices, as well as servitude.

(B) "Forced labor or slavery" For the purpose of forced labor or slavery, and obtaining work or services from or by means of seduction, violence, intimidation or threat, use of force, including deprivation of liberty, abuse of authority or deception.

Article 4. Human Trafficking

(1) Everyone who recruit, be supplied, transport, accommodate a person for prostitution purposes, forced labor, involuntary servitude slavery or servitude for debt and punished with the penalty of prison from 3 to 15 years.

(2) If, as a result of the facts referred to in the preceding paragraph, the victim is injured or killed, the agent is punished with a sentence of 15 to 20 years in prison.

Article 6. Adoption for illicit purposes

(1) Anyone who adopts or facilitates the adoption of persons for the purpose of involvement in prostitution, sexual exploitation and forced labor, slavery, involuntary servitude, shall be punished by imprisonment for 10 to 15 years.

(2) If, as a result of the acts referred to in the preceding paragraph, the victim is injured or killed, the perpetrator shall be punished by imprisonment for 15 to 20 years.

CHILD CODE 2009

Article 20

prohibits all forms of child trafficking and prescribes penalties of three to 10 years' imprisonment and the confiscation of any proceeds from the crime

GENERAL LABOR LAW

Article 146. Minimum age of admission to work

It is forbidden to employ minors under the age of fourteen.

Guyana

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 140 which declares that no person shall be held in slavery under article 140(1). Slavery may also form an element of the offence of trafficking under article 3 of the 2005 Combating of Trafficking in Persons Act.

ii) **Provisions** related to **servitude** are found in the Constitution at article 140 which declares that no person shall be held in servitude under article 140(1). Servitude may also form an element of the offence of trafficking under article 3 of the Combating of Trafficking in Persons Act.

iii) **Provisions** related to **forced labour** are found in the Constitution which declares that no person shall be required to perform forced labour under article 140(2). Forced labour may also form an element of the offence of trafficking under article 3 of the Combating of Trafficking in Persons Act.

iv) **Provisions** related to **trafficking in persons** are found in the Combating of Trafficking in Persons Act which criminalises trafficking in persons under article 3.

2) International Obligations: Guyana consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (8 June 1966, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (8 June 1966, ratification)

1966 ICCPR: (15 February 1977, ratification)

1998 Rome Statute of the ICC: (24 September 2004, ratification)

2000 Palermo Protocol (Trafficking in Persons): (14 September 2004, accession)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Guyana appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Award Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE CO-OPERATIVE
REPUBLIC OF
GUYANA 1980 (REV.
2009)

Article 22. The right and the duty to work

1. Every citizen has the right to be rewarded according to the nature, quality and quantity of his or her work, to equal pay for equal work or work of equal value, and to just conditions of work.
2. Every citizen who is able to work has a duty to work.

Article 40. Fundamental rights and freedoms of the individual

1. Every person in Guyana is entitled to the basic right to a happy, creative and productive life, free from hunger, ignorance and want. That right includes the fundamental rights and freedoms of the individual.
2. The provisions of Title 1 of Part 2 shall have effect for the purpose of affording protection to the aforesaid fundamental rights and freedoms of the individual subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

Article 139. Protection of right to personal liberty

1. No person shall be deprived of his or her personal liberty save as may be authorised by law in any of the following cases, that is to say-

Article 140. Protection from slavery and forced labour

1. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced labour.
3. For the purposes of this article, the expression "forced labour" does not include-
 - a. any labour required in consequence of the sentence or order of a court;
 - b. any labour required of any person while he or she is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he or she is detained;
 - c. any labour required of a member of a disciplined force in pursuance of his or her duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service; or
 - d. any labour required during any period when Guyana is at war or in the event of any hurricane, earthquake, flood, fire or other like calamity that threatens the life or well-being of the community to the extent that the requiring of such labour is reasonably justifiable, in the circumstances of any situation arising or existing during that period or as a result of that calamity, for the purpose of dealing with that situation.

Article 148. Protection of freedom of movement

1. No person shall be deprived of his or her freedom of movement, that is to say, the right to move freely throughout Guyana, the right to reside in any part of Guyana, the right to enter Guyana, the right to leave Guyana and immunity from expulsion from Guyana.

Article 148. Protection of freedom of movement

1. No person shall be deprived of his or her freedom of movement, that is to say, the right to move freely throughout Guyana, the right to reside in

any part of Guyana, the right to enter Guyana, the right to leave Guyana and immunity from expulsion from Guyana.

Article 154a. Human rights of the individual

1. Subject to paragraphs (3) and (6), every person, as contemplated by the respective international treaties set out in the Fourth Schedule to which Guyana has acceded is entitled to the human rights enshrined in the said international treaties, and such rights shall be respected and upheld by the executive, legislature, judiciary and all organs and agencies of Government and, where applicable to them, by all natural and legal persons and shall be enforceable in the manner hereinafter prescribed.
2. The rights referred to in paragraph (1) do not include any fundamental right under this Constitution.
3. The State shall, having regard to the socio-cultural level of development of the society, take reasonable legislative and other measures within its available resources to achieve the progressive realisation of the rights provided for in paragraph (1).
4. If any person alleges that any of the rights referred to in paragraph (1), has been, is being or is about to be contravened in relation to him or her, then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the Human Rights Commission in such manner as the Commission may prescribe, for redress.
5. Nothing contained in this article shall be construed so as to abrogate any human right, not enumerated herein, which a person had at the time of the commencement of this Article.
6. The State may divest itself or otherwise limit the extent of its obligation under any of the treaties listed in the Fourth Schedule, provided that two-thirds of the elected members of the National Assembly have voted in favour of such divestment or limitation.

CRIMINAL LAW (OFFENCES) ACT

Article 72. Procuring defilement of female by threat or fraud or administration of drug

Everyone who –

- (a) by any threat or intimidation, procures or attempts to procure any female to have any unlawful carnal connection, either within or without Guyana; or
- (b) by any false pretence, false representation, or other fraudulent means, procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal connection either within or without Guyana; or
- (c) applies, administers, or causes to be administered to or taken by, any female, any drug, matter, or thing with intent to stupefy or overpower, so as thereby to engage any person to have unlawful carnal connection with her,

Shall be guilty of a misdemeanour and liable to imprisonment for ten years.

Article 73. Procurement

Everyone who –

- (a) procures or attempts to procure any female under twenty-one years of age to have any unlawful carnal connection, either within or without Guyana, with any other person; or

(b) procures or attempts to procure any female to become, either within or without Guyana, a common prostitute; or
 (c) procures or attempts to procure any female to leave Guyana with intent that she may become an inmate of a brothel elsewhere;
 (d) procures or attempts to procure any female to leave her usual place of abode in Guyana with intent that she may, for the purposes of prostitution, become an inmate of a brothel either within or without Guyana,
 Shall be guilty of a misdemeanour and liable to imprisonment for ten years.

Article 85. Forcible abduction of female for marriage or carnal knowledge

Everyone who, by force, takes away or detains any female against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be guilty of felony and liable to imprisonment for fourteen years.

COMBATING OF TRAFFICKING IN PERSONS ACT 2005

Article 2. Interpretation

In this Act –

- (c) "coercion" includes violent as well as some forms of non-violent or psychological coercion, including -
 - (i) threats of serious harm to or physical restraint against any person;
 - (ii) 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; or
 - (iii) the abuse or threatened abuse of the legal process;
- (d) "debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his personal services or those of a person under his 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;
- (e) "exploitation" means-
 - (i) keeping a person in a state of slavery;
 - (ii) subjecting a person to practices similar to slavery;
 - (iii) compelling or causing a person to provide forced labour or services;
 - (iv) keeping a person in a state of servitude, including sexual servitude;
 - (v) exploitation of prostitution of another;
 - (vi) engaging in any form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, child pornography;
 - (vii) illicit removal of human organs;
- (f) "force labour" means labour or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint;
- (h) "practices similar to slavery" includes, in general, debt bondage, serfdom, forced or servile marriages and delivery of children for exploitation;
- (i) "servitude" means a condition of dependency in which the labour or services of a person are provided or obtained by threats of 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 labour or services, that person or another person would suffer serious harm;

(j) "slavery" means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;

(k) "trafficking in persons" means the recruitment, transportation, transfer, harbouring 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 purposes of exploitation.

Article 3. Trafficking in persons

(1) Whoever engages in or conspires to engage in, or attempts to engage in, or assist another person to engage in or organises or directs other persons to engage in "trafficking in persons" shall -

(i) on summary conviction

(a) be sentenced to not less than three years nor more than five years imprisonment;

(b) be subject to forfeiture of property under section 7; and

(c) be ordered to pay full restitution to the trafficked person or persons under section 6.

(ii) on conviction on indictment -

(a) be sentenced to not less than five years or to life imprisonment;

(b) be subject to forfeiture of property under section 7; and

(c) be ordered to pay full restitution to the trafficked person or persons under section 6.

(2) The recruitment, transportation, transfer, harbouring, or receipt of any child, or the giving of payments or benefits to obtain the consent of a person having control of a child, for the purpose of exploitation shall constitute trafficking in persons irrespective of whether any of the means described in section 2(k) have been established.

Article 5. Transporting a person for the purpose of exploiting such person's prostitution

(1) Whoever knowingly transports or conspires to transport, or attempts to transport or assists another person engaged in transporting any person in Guyana or across an international border for the purpose of exploiting that person's prostitution commits an offence and shall be liable on summary conviction to be punished in accordance with subsection (2).

(2) Persons convicted of the crime of transporting a person for the purpose of exploiting that person's prostitution shall be liable to a fine of not less than five hundred thousand dollars and not more than one million dollars and shall be imprisoned for not more than three years, but the presence of any one of the following aggravating factors resulting from acts of the defendant can permit a longer sentence up to a maximum of five years together with forfeiture of the conveyance, used for transporting the victim -

(a) transporting two or more persons at the same time;

(b) permanent or life-threatening bodily injury to a person transported;

(c) transportation of one or more children; or

(d) transporting as part of the activity of an organised criminal group.

Haiti

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Haiti which prohibits **slavery**, although individual liberty is guaranteed by article 24 of the Constitution.
- ii) There appears to be **no legislation** in place in Haiti which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the Labour Code which criminalises forced labour at article 4. Freedom to work is also guaranteed by article 35 of the Constitution.
- iv) **Provisions** related to **trafficking in persons** are found in the Law on Combating Trafficking in Persons which criminalises trafficking at article 11.

2) International Obligations: Haiti consents to:

1926 Slavery Convention: (3 September 1927, accession)
 1930 Forced Labour Convention: (4 March 1958, ratification)
 1953 Protocol to the 1926 Slavery Convention: (3 September 1927, accession)
 1956 Slavery Convention: (12 February 1958, ratification)
 1957 Abolition of Forced Labour Convention: (4 March 1958, ratification)
 1966 ICCPR: (6 February 1991, accession)
 1998 Rome Statute of the ICC: (26 February 1999, signature)
 2000 Palermo Protocol (Trafficking in Persons): (19 April 2011, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Haiti appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
HAITI 1987 (REV. 2012)

Article 24

Individual liberty is guaranteed and protected by the State.

Article 35

Freedom to work is guaranteed; every citizen has the obligation to engage in work of his choice to meet his own and his family's needs, and to cooperate with the State in the establishment of a social security system.

Article 35-1

Every employee of a private or public institution is entitled to a fair wage, to rest, to a paid annual vacation and to a bonus.

Article 35-6

The minimum age for gainful employment is set by law. Special laws govern the work of minors and servants.

PENAL CODE

Article 282.

Anyone who has attempted to engage in morals, by exciting, usually favoring or facilitating the debauchery or corruption of youth, of either sex under the age of twenty-one, Shall be punished with imprisonment from six months to two years. 309.- C. pen. 9-1 °, 26 et seq., 36, 283. If prostitution or corruption has been excited, favored or facilitated by their father, mother, guardian or other persons in charge of their supervision, the penalty shall be from one year to three years' imprisonment. 257, 281, 283.

LABOUR CODE

Section 4

No citizen may be compelled to perform forced or compulsory labor except in the case of a conviction by a court which is lawfully seized. Forced labor is defined as any work carried out by an individual under the threat of punishment without payment of wages and without his consent.

Any person who has compelled an individual to be compelled to perform forced labor shall be liable to imprisonment for six months to three years or a fine of five thousand gourdes to ten thousand gourdes to be pronounced by the Correctional Court.

In the event of a second offense, the above penalties shall be doubled. The proceeds of the fine shall be paid into the Public Treasury.

LAW ON COMBATING
TRAFFICKING IN
PERSONS 2014

Article 1.1 Definitions

For the purposes of this Act:

1.1.1 "Trafficking in persons" means the recruitment, transport, harboring or receipt of persons, through the threat of use or use of force or other forms of coercion, by removal Fraud, fraud by abuse of authority or a situation of vulnerability, or by the offer or acceptance of payments or benefits to obtain the consent of a person having authority over another to Purposes.

Exploitation shall include, as a minimum, forced labor or servitude, exploitation of the prostitution of others or procuring, pornography or other forms of sexual exploitation, forced marriage or exploitation,

Forced begging, removal of organs or tissues and adoption for purposes of exploitation as defined in this Act.

Any consent given by a person under the conditions listed above, resulting in the abovementioned exploitations, shall never be valid when any of the means set out in the first paragraph has been used.

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation is considered a "trafficking in persons" even though None of the means set out in the first subparagraph.

1.1.5 The term "serious forms of trafficking in persons" refers to trafficking in persons for the purpose of sexual exploitation, where this involves the performance of a sexual act for commercial purposes by the Use of force, fraud, or coercion, or when the person performing it has not reached the age of majority.

1.1.11 The term "forced labor" means any work or service required of a person under threat of reprisals whatsoever and for which the person has not consented voluntarily.

Forced labor may involve the supply and conclusion of an employment contract which can be used for the purpose of trafficking and is designed to generate illicit gains for traffickers.

1.1.12 The term "coercion" is understood as a threat to cause serious harm to another person or to physical or psychological constraint; Or any maneuver or plan intended to cause a person to believe that it or any other person would be seriously prejudiced or exposed to physical compulsion in the event of failure to perform an act.

1.1.13 The term "servitude" is the state of submission or condition of dependence of a person unlawfully forced or coerced by a person to provide a service to the person or to another person and who has no other Alternative to providing said service. The servitude may also include domestic services.

1.1.14 The term "debt bondage" shall be deemed to be the condition or condition arising from the fact that a debtor has undertaken to provide his or her personal services without delay, as a security for a debt, Of someone on whom he has authority.

Article 11

Everyone convicted of trafficking in persons as defined in Article 1.1 commits a crime and is liable to imprisonment for seven (7) to fifteen (15) years and a fine of two hundred thousand (200,000) Gourdes to one million five hundred thousand (1,500,000) gourdes.

Article 12

Any person who obtains or attempts to obtain the sexual services of others, knowing that the latter is a victim of trafficking commits a crime punishable by imprisonment and the payment of a fine of fifty thousand (50,000) to one hundred thousand (100,000) Gourds.

Article 13

Any person who, acting or claiming to act as an employer of another person, director, contractor or employment agent, intentionally detains the identification document or passport of a person for the purposes of Offenses related to trafficking in persons commits a crime punishable by imprisonment of seven (7) to fifteen (15) years and a fine of two hundred

thousand (200,000) gourdes to one million five hundred thousand
(1,500,000) Gourds.

Honduras

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Honduras which prohibits **slavery**, although article 69 of the Constitution declares that personal freedom is inviolable, article 193 of the Penal Code criminalises deprivation of liberty, and slavery may form an element of the offence of trafficking under article 52 of the 2012 Law against Trafficking in Persons.

ii) There appears to be **no legislation** in place in Honduras which prohibits **servitude**, although practices similar to slavery, bondage, and forced or servile marriage may form an element of the offence of trafficking under article 52 of the Law against Trafficking in Persons.

iii) There appears to be **no legislation** in place in Honduras which prohibits **forced labour**, although forced labour may form an element of the offence of trafficking under article 52 of the Law against Trafficking in Persons.

iv) **Provisions** related to **trafficking in persons** are found in the Law against Trafficking in Persons which criminalises trafficking at article 52.

2) International Obligations: Honduras consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (21 February 1958, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (4 August 1958, ratification)

1966 ICCPR: (25 August 1997, ratification)

1998 Rome Statute of the ICC: (1 July 2002, ratification)

2000 Palermo Protocol (Trafficking in Persons): (1 April 2008, accession)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Honduras appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF THE REPUBLIC OF HONDURAS

Article 69

Personal freedom is inviolable and only in accordance with the laws could be restricted or suspended.

Article 124

Every child must be protected against every form of abandonment, cruelty and exploitation. No child shall be the object of any type of bondage.

No child shall work before reaching an adequate minimum age, nor shall he be permitted to dedicate himself to any occupation or employment that may be prejudicial to his health, education, or serve as an impediment to his physical, mental, or moral development.

The use of minors by their parents or other persons for the purpose of begging is prohibited.

The law shall establish the applicable penalties for those who violate this provision.

Article 127

Every person has the right to work under equitable and satisfactory working conditions, to choose his occupation freely and to give it up, and to protection against unemployment.

Article 128

Laws governing the relations between employers and workers are matters of public order. All acts, stipulations or agreements that involve the waiver, diminution or restriction or evasion of the following guarantees shall be void:

1. Regular day work shall not exceed eight hours a day, nor forty-four hours a week.

Regular night work shall not exceed six hours a day or thirty-six hours a week.

Regular combined work shall not exceed seven hours a day or forty-two hours a week.

All work shall be paid for at a salary equivalent to forty-eight hours a week. Overtime work shall be paid for in the manner specified by law.

These provisions shall not apply in those well-defined exceptional cases indicated by law.

2. No worker shall be required to perform work that covers more than twelve hours in any period of twenty-four consecutive hours, except in those cases specified by law.

Wages must be paid in legal tender.

5. Every worker is entitled to earn a minimum wage fixed periodically by participation of the State, employers and workers, sufficient to meet the normal needs of his home, in both material and cultural matters, in accordance with the standards of each kind of work, the conditions peculiar to each region and type of work, the cost of living, the relative skill of workers, and the pay systems of the enterprises.

A minimum occupational wage shall also be fixed for those activities not wage-regulated by a collective contract or agreement.

The minimum wage shall be exempt from attachment, compensation or discount, except as prescribed by law governing family and trade union obligations of the worker.

6. In the facilities of his establishments, the employer must observe and enforce the legal provisions concerning hygiene and health and adopt

adequate safety measures in work, which help to prevent occupational hazards and ensure the physical and mental integrity of workers. Employers in agricultural enterprises are also subject to the same security system. Special protection shall be given to women and minors.

7. Minors under sixteen years of age and those above that age who are subject to mandatory education by virtue of national legislation may not be employed in any kind of work.

The labor authorities may authorize their employment when they deem it indispensable for their own support or for the support of their parents or brothers and sisters provided that their working does not hinder their compliance with the requirements of mandatory education.

For minors under seventeen years of age the work period, which must be daytime, may not exceed six hours a day or thirty hours a week, for any kind of work.

PENAL CODE

Article 148.

Incurring in the crime of pimping, who promotes, induces, facilitates, recruits or subjects others in commercial sexual exploitation activities, and shall be punished with imprisonment from six (6) to ten (10) years and Fine of one hundred (100) to two hundred (200) minimum wages. The above penalties shall be increased by half (1/2) in the following cases:

- 1) When the victims are persons under the age of eighteen (18);
- 2) When the active subject takes advantage of his trade, profession or business;
- 3) When the active subject exercises a relationship of power by reason of trust, kinship or hierarchy on the victim; Y,
- 4) When the victim is subjected to conditions of servitude or other practices similar to slavery.

Article 192.

Shall be punished with imprisonment of twenty (20) years for deprivation of liberty for life, even if it does not achieve its purpose, who with violence, intimidation, deceit or any other form that vitiates consent, subtracts, retains, Conceal or deprive of any other way of their freedom to one or more persons, for any of the following purposes:

- A) Obtain in exchange for the freedom of the person or persons abducted, money, property, title or other utility or benefit;
- B) Forcing someone to do or stop doing something; Y,
- C) Advertisers or politicians.

Should any of the following circumstances occur, the applicable penalty shall be:

- 1) Forty (40) years of imprisonment for life imprisonment if the place of death of the abductee will be caused or given;
- 2) Thirty (30) years of imprisonment for life imprisonment if the abducted person or any other person dies in connection with the rescue process. If the hijackers quit releasing the victim and have not obtained the claimed price, the applicable sentence will be ten (10) to twenty (20) years imprisonment.

If on the occasion of the release of members of security or any other person involved, it will be applied in number 2 of this Article.

With the same penalty set forth in numeral 2, reducing the minimum penalty by one-third (1/3), those responsible will be punished if, due to the rescue process, the victim or any other person is injured. [88]

Article 193.

Whoever outside the cases provided for in the previous article unfairly deprives another of his or her liberty shall be punished with imprisonment of three (3) to six (6) years. [89]

Article 194.

In addition to those indicated in the general part of this Code, the following shall be aggravating circumstances for the offenses established in articles 192, 193 and 195:

- 1) When the offense is committed on a minor person, pregnant, physically or mentally disabled or who is over 60 years of age;
- 2) If the deprivation of liberty lasts for more than twenty four (24) hours;
- 3) When performed by a person who is or has been a member of the armed forces, the national police or state investigative agency;
- 4) When committed by pretending to be an authority;
- 5) When threats or cruel treatment exist for the abducted person; Y,
- 6) When drugs or any substance that nullifies or weakens their will is applied to the abducted person. [90]

Article 195.

Anyone who traffics with Hondurans or persons of any nationality or origin, leading them or driving them through the national territory, to illegally introduce them to another State for any purpose shall be punished with imprisonment of six (6) to nine (9) years .

The penalty will be increased by one-third (1/3) when those responsible for the crime are employees or public officials.

If, as a consequence of the commission of this offense, taxpayers suffer deprivation of liberty abroad, are victims of crimes of any order or die for violent causes, even accidentally, the penalty referred to in the first paragraph shall be increased In two-thirds (2/3).

DECREE NO 59-2012 LAW AGAINST TRAFFICKING IN PERSONS

Article 52 - Trafficking in persons

Trafficking in persons is a crime that facilitates, promotes or executes the training, the reenactment of persons, inside or outside the national territory, to subject them to bondage, slavery or similar practices, work or services Forced or servile marriage, illicit trafficking of organs, human fluids and tissues, sale of persons, commercial sexual exploitation, irregular adoption and recruitment of persons under the age of eighteen for use in criminal activities and will be punished With a penalty of ten to fifteen years of imprisonment, more absolute disqualification or double the timepo that lasts the reclusion and mulla of one hundred fifty to two hundred minimum wages

CODE OF CHILDHOOD AND ADOLESCENCE, HONDURAS, 1996

Article 125

a): Persons between the ages of 14 years and 16 years may not perform a work day that exceeds four hours.

Article 125

b): Persons between the ages of 16 years and 18 years may not perform a work day that exceeds six hours.

Hungary

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code at section 192 which criminalises selling, purchasing, exchanging, transferring or receiving a person as consideration and transporting, harbouring, sheltering or recruiting a person for the purpose of such exchange. Article 4 of the Constitution also affirms the right to liberty, and section 194 of the Criminal Code makes deprivation of personal liberty an offence.

ii) **Provisions** related to **servitude** are found in the Constitution at article 3(1) which declares that no one shall be held in servitude.

iii) **Provisions** related to **forced labour** are found in the Criminal Code which criminalises forced labour at section 193.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution at article 3(1) which prohibits trafficking in human beings and section 192 of the Criminal Code which criminalises trafficking.

2) International Obligations: Hungary consents to:

1926 Slavery Convention: (17 February 1933, accession)
 1930 Forced Labour Convention: (8 June 1956, ratification)
 1953 Protocol to the 1926 Slavery Convention: (26 February 1958, signature)
 1956 Slavery Convention: (26 February 1958, ratification)
 1957 Abolition of Forced Labour Convention: (4 June 1994, ratification)
 1966 ICCPR: (17 January 1974, ratification)
 1998 Rome Statute of the ICC: (30 November 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (22 December 2006, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Hungary appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 202

The Criminal Code of the Hungarian People's Republic declares, among others, any attacks against personal freedom, life, and corporal integrity to be criminal acts.

Paragraph 203

The pertinent provisions of the Criminal Code of the Hungarian People's Republic are the following:

...

Section 262.

(1) Whoever unlawfully deprives another of his personal freedom shall be punished with loss of liberty not exceeding two years.

HUNGARY CONSTITUTION 2011 (REV. 2013)

Article 1

1. The inviolable and inalienable fundamental rights of MAN shall be respected. It shall be the primary obligation of the State to protect these rights.

2. Hungary shall recognise the fundamental individual and collective rights of man.

3. The rules for fundamental rights and obligations shall be laid down in an Act. A fundamental right may only be restricted to allow the effective use of another fundamental right or to protect a constitutional value, to the extent absolutely necessary, proportionate to the objective pursued and with full respect for the essential content of such fundamental right.

4. Fundamental rights and obligations which by their nature apply not only to man shall be guaranteed also for legal entities established by an Act.

Article 2

Human dignity shall be inviolable. Every human being shall have the right to life and human dignity; the life of the foetus shall be protected from the moment of conception.

Article 3

1. No one shall be subject to torture, inhuman or degrading treatment or punishment, or held in servitude. Trafficking in human beings shall be prohibited.

2. It shall be prohibited to perform medical or scientific experiment on human beings without their informed and voluntary consent.

3. Practices aimed at eugenics, the use of the human body or its parts for financial gain, as well as human cloning shall be prohibited.

Article 4

1. Everyone shall have the right to liberty and security of the person.

2. No one shall be deprived of liberty except for reasons specified in an Act and in accordance with the procedure laid down in an Act. Life imprisonment without parole may only be imposed for the commission of intentional and violent criminal offences.

3. Any person suspected of having committed a criminal offence and taken into detention shall, as soon as possible, be released or brought before a court. The court shall be obliged to hear the person brought before it and shall forthwith take a decision with a written reasoning to release or to arrest that person.

4. Everyone shall have the right to compensation, whose liberty has been restricted without a well-founded reason or unlawfully.

HUNGARIAN
CRIMINAL CODE 2012

Section 143. Crimes Against Humanity

- (1) Any persons who - being part of a widespread or systematic practice:
(d) engages in the trafficking in human beings or in exploitation in the form of forced labor;
e) deprives another person of his personal freedom, or unlawfully maintains his abduction;
f) forces another person to commit or tolerate sexual violence, forces others into prostitution or to bear a child, or into illegal abortion;
is guilty of a felony punishable by imprisonment between ten to twenty years or with life imprisonment.
- (2) Any person who engages in preparations for crimes against humanity is guilty of a felony punishable by imprisonment between two to eight years.
- (3) In the application of this Section widespread or systematic assault on the civilian population shall include all conduct which covers the acts defined under Subsection (1) committed systematically against the civilian population aiming to implement or facilitate the policies of a State or organization.

Section 192. Trafficking in Human Beings

- (1) Any person who:
a) sells, purchases, exchanges, or transfers or receives another person as consideration; or
b) transports, harbors, shelters or recruits another person for the purposes referred to in Paragraph a), including transfer of control over such person;
is guilty of a felony punishable by imprisonment not exceeding three years.
- (2) Any person who - for the purpose of exploitation - sells, purchases, exchanges, supplies, receives, recruits, transports, harbors or shelters another person, including transfer of control over such person, is punishable by imprisonment between one to five years.
- (3) The penalty shall be imprisonment between two to eight years if trafficking in human beings is committed:
a) against a person held in captivity;
b) by force or by threat of force;
c) by deception;
d) by tormenting the aggrieved party;
e) against a person who is in the care, custody or supervision of or receives medical treatment from, the perpetrator, or if abuse is made of a recognized position of trust, authority or influence over the victim;
f) for the unlawful use of the human body;
g) by a public official, acting in an official capacity;
h) in criminal association with accomplices; or
i) on a commercial scale.
- (4) The penalty shall be imprisonment between five to ten years, if:
a) the criminal offense provided for in Subsection (2) is committed against a person under the age of eighteen years;

b) the criminal offense provided for in Subsection (2) is committed against a person held in captivity, and either of the aggravating circumstances under Paragraphs b)-i) of Subsection (3) apply; or
c) the criminal offense provided for in Subsection (2) results in particularly great damage or danger to life.

(5) The penalty shall be imprisonment between five to fifteen years if:

a) the criminal offense provided for in Subsection (2) is committed against a person under the age of fourteen years;
b) the criminal offense provided for in Subsection (2) is committed against a person under the age of eighteen years, and either of the aggravating circumstances under Subsection (3) apply;
c) the criminal offense provided for in Subsection (2) is committed against a person under the age of eighteen years, and results in particularly great damage or danger to life; or
d) the criminal offense provided for in Subsection (2) is committed against a person under the age of eighteen years for the purpose of child pornography.

(6) The penalty shall be imprisonment between five to twenty years or life imprisonment if:

a) the criminal offense provided for in Subsection (2) is committed against a person under the age of fourteen years, and either of the aggravating circumstances under Subsection (3) apply;
b) the criminal offense provided for in Subsection (2) is committed against a person under the age of fourteen years, and results in particularly great damage or danger to life; or
c) the criminal offense provided for in Subsection (2) is committed against a person under the age of fourteen years for the purpose of child pornography.

(7) Any person who engages in preparations for trafficking in human beings is guilty of misdemeanor punishable by imprisonment not exceeding two years.

(8) In the application of this Section, 'exploitation' shall mean the abuse of power or of a position of vulnerability for the purpose of taking advantage of the victim forced into or kept in such situation.

Section 193. Forced labour

(1) Any person who forces another person by taking advantage of his vulnerable situation, or by force or by threat of force, to perform work against his will, is guilty of a felony punishable by imprisonment between one to five years.

(2) The penalty shall be imprisonment between two to eight years if the crime of forced labor is committed:

a) by tormenting the victim;
b) by causing a significant injury of interests; or
c) against a person under the age of eighteen years.

Section 194. Violation of Personal Freedom

(1) Any person who deprives another person of his personal freedom is guilty of a felony punishable by imprisonment not exceeding three years.

(2) The penalty shall be imprisonment between one to five years if the violation of personal freedom is committed:

a) against a person under the age of eighteen years;
b) with malice aforethought or with malicious motive;
c) by tormenting the victim;

- d) against a person incapable of self-defense;
 - e) by displaying a deadly weapon;
 - f) by carrying a deadly weapon;
 - g) causing a significant injury of interests; or
 - h) by the unlawful impersonation of an authority.
- (3) The penalty shall be imprisonment between two to eight years if the criminal offense is committed against a person under the age of eighteen years, and either of the aggravating circumstances under Paragraph b) or c) of Subsection (3) apply.

Section 201. Procuring for prostitution or sexual act

- (1) Any person who:
- a) persuades another person to engage in prostitution;
 - b) makes available a building or another place for another person to engage in prostitution;
 - c) provides assistance for the prostitution of a person under the age of eighteen years;
- is guilty of a felony punishable by imprisonment not exceeding three years.
- (2) The penalty shall be imprisonment between one to five years for persuading a person under the age of eighteen years to engage in prostitution.
- (3) Any person who maintains or operates a brothel, or provides material assistance for the operation of a brothel is punishable by imprisonment between one to five years.

Section 203. Exploitation of Child Prostitution

- (1) Any person who endeavors to profit from the exploitation of the prostitution of a person under the age of eighteen years is guilty of a felony punishable by imprisonment not exceeding three years.
- (2) Any person who gives money or any other form of remuneration for sexual activities with a person under the age of eighteen years is punishable in accordance with Subsection (1).
- (3) Any person who is supported partly or wholly by profiting from the exploitation of the prostitution of a person under the age of eighteen years is punishable by imprisonment between one to five years.
- (4) Any person who maintains or operates a brothel, or provides material assistance for the operation of a brothel where the exploitation of the prostitution of a person under the age of eighteen years takes place is punishable by imprisonment between two to eight years.

Section 209. Child Labor

- Any person who:
- a) violates the statutory provisions on the employment of persons under the age of eighteen years; or
 - b) employs a third-country national under the age of eighteen years without authorization to undertake gainful employment;
- is guilty of a felony punishable by imprisonment not exceeding three years.

Iceland

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Iceland which prohibits **slavery**, although article 67 of the Constitution declares that no one may be deprived of liberty and article 226 of the Penal Code criminalises deprivation of liberty.

ii) There appears to be **no legislation** in place in Iceland which prohibits **servitude**.

iii) **Provisions** related to **forced labour** are found in the Constitution which declares that no one shall be required to perform compulsory labour at article 68. Article 225 of the Penal Code also criminalises forcing a person to do anything by threat or use of violence, deprivation of freedom or making false allegations.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code at article 227a which criminalises trafficking although does not cover all the means included in the Palermo Protocol.

2) International Obligations: Iceland consents to:

1926 Slavery Convention: N/A

1930 Forced Labour Convention: (17 February 1958, ratification)

1953 Protocol to the 1926 Slavery Convention: N/A

1956 Slavery Convention: (17 November 1965, accession)

1957 Abolition of Forced Labour Convention: (20 November 1960, ratification)

1966 ICCPR: (30 December 1968, ratification)

1998 Rome Statute of the ICC: (25 May 2000, ratification)

2000 Palermo Protocol (Trafficking in Persons): (22 June 2010, ratification)

2014 Protocol to the Forced Labour Convention: (17 June 2017, ratification, to enter into protocol on 14 June 2018)

3) Outcome: Iceland appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
ICELAND 1944
(AMENDMENTS
THROUGH 2013)

Article 21

The President of the Republic concludes treaties with other States. Unless approved by Althingi, he may not make such treaties if they entail renunciation of, or servitude on, territory or territorial waters, or if they require changes in the State system.

Article 66

Every person lawfully residing in Iceland shall be free to choose his residence and shall enjoy freedom of travel subject to any limitations laid down by law.

Article 67

No one may be deprived of his liberty except as permitted by law. Any person deprived of his liberty without valid reason shall have a right to compensation.

Article 68

No one may be subjected to torture or any other inhuman or degrading treatment or punishment.
No one shall be required to perform compulsory labour.

Article 75

Everyone is free to pursue the occupation of his choosing. This right may however be restricted by law, if such restriction is required with regard to the public interest.
The right of people to negotiate terms of employment and other labour-related matters shall be regulated by law.

GENERAL PENAL
CODE NO. 19,
FEBRUARY 12, 1940. 1
MARCH 2004.

Art. 225

In case a person force another one to do, suffer or omit something by exerting physical violence or threatening to expose himself/herself or his/her next-of-kin to physical violence or the deprivation of freedom or by presenting a false accusation of him/her or his/her next-of-kin having committed punishable or dishonourable conduct or another such accusation, although this be true and if the compulsion is insufficiently justified on account of the matter at which the threat is aimed or finally by threatening him/her to cause considerable damage or destruction to his/her property, this is subject to fines or imprisonment for up to 2 years.

Art. 226

Anyone depriving another person of his/her freedom shall be subject to imprisonment for up to 4 years.
In case the deprivation of freedom has been committed for the purpose of gain or been of extended duration and also if a person has without authority been admitted to a lunatic asylum, removed to other countries or handed over to people who are not entitled thereto, penalty of imprisonment shall be applied for no less than 1 year and up to 16 years or for life.

Art. 227 a.

Anyone convicted of the following acts, one or more, for the

purpose of sexually using a person or for forced labour or to remove his/her organs shall be punished for human trafficking by up to 12 years' imprisonment:

1. Procuring, transporting, handing over, housing or accepting someone who has been subjected to unlawful compulsion under Article 225 or deprived of freedom as covered by the first paragraph of Article 226, or threatened as defined in Article 233 or subjected to unlawful deception by awakening, strengthening or utilizing the lack of understanding concerning circumstances or by exploiting the position of vulnerability of the person concerned.

2. Procuring, transporting, handing over, housing or accepting an individual younger than 18 years of age.

3. Rendering payment or other gain in order to acquire approval from a person who has control of another person's actions for the exploitation of that person.

The same penalty shall be applied to a person accepting payment or other gain under indent 3 of the first paragraph.

If a violation under the first paragraph is committed against a child, this shall be considered as an aggravating factor when deciding the severity of the punishment.

The same penalty shall be applied to anyone convicted of the following acts, one or more, for the purpose of facilitating human trafficking:

1. Forging a travel or identity document.
2. Acting as an intermediary in obtaining, or providing, such documents.
3. Retaining, removing, damaging or destroying the travel or identity documents of another individual.

LAW NO 31 OF 1993 LAW IN RESPECT OF MARRIAGE

Article 7

A man and a woman may marry when they have both attained the age of 18 years. The Ministry of Justice may permit the marriage of younger persons.

Article 28

Either spouse may claim annulment of his or her marriage:

1. If the claimant was not in command of his or her reason at the time the union was proclaimed, or if his or her condition was in other respects such that the marriage could not be validly covenanted under law;
2. if the claimant was married to a person other than he or she had engaged to marry, or if the claimant had married without his or her intention;
3. if the other spouse had induced the claimant to marry by misrepresentation, or by keeping silent about facts of his or her life that would have deterred the claimant from the marriage had they been known;
4. if the claimant was married under duress.

Action for annulment cannot be brought after six months have passed since the condition described under (1) above abated, since the claimant obtained knowledge of the cause for annulment under (2) or (3) above, or since duress under (4) above ceased. In any case such action cannot be brought when three years have elapsed from the celebration of marriage.

India

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1860 Penal Code at section 371 which prohibits habitual dealing in slaves and section 367 which makes it an offence to kidnap or abduct in order to subject a person to slavery. Slavery may also form an element of the offence of trafficking in persons under section 370.

ii) There appears to be **no legislation** in place in India which prohibits **servitude**, although the Penal Code makes it an offence to kidnap or abduct a woman to compel her marriage. Practices similar to slavery and servitude may also form elements of an offence of trafficking in persons under section 370. The Bonded Labour System (Abolition) Act abolishes the system of bonded labour and makes it an offence to compel a person to render bonded labour and the Prohibition of Child Marriage Act of 2006 prohibits child marriage.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 23 which prohibits begar and other similar forms of forced labour and declares that contravention of this provision shall be an offence punishable in accordance with law. Section 374 of the Penal Code also criminalises unlawful compulsory labour. Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act makes it an offence to make a member of a Scheduled Caste or Tribe to do 'begar' or other similar forms of forced or bonded labour, or to perform specific acts.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code at section 370 which criminalises trafficking.

2) International Obligations: India consents to:

1926 Slavery Convention: (18 June 1927, ratification, reservation in respect of Article 3)
 1930 Forced Labour Convention: (30 November 1954, ratification)
 1953 Protocol to the 1926 Slavery Convention: (12 March 1954, succession)
 1956 Slavery Convention: (23 June 1960, ratification)
 1957 Abolition of Forced Labour Convention: (18 May 2000, ratification)
 1966 ICCPR: (10 April 1979, accession)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (5 May 2011, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: India appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 205

Article 23 of the Constitution of India prohibits traffic in human beings and all forms of forced labour... In addition, adequate provisions exist under the Indian criminal laws.

Sections 370 and 371 of the Indian Penal Code penalize the importation, exportation, removal, buying, selling or disposing of any person as a slave or accepting, receiving or detaining against his will any person as a slave.

ENGEN REPORT

Reference to laws targeting serfdom, quasi-serfdom, and servile systems of land tenure but not by title, reference to Constitution 1949 abolishing legal disabilities on the grounds of religion, caste, or place of birth, Bihar and Orissa Kamiauti Agreements Act 1920 providing no agreement for rendering labour (Kamiauti debt bondage) could be made for a period exceeding one year, required a registered instrument and wages at a fair and reasonable rate with debt and interest cancelled after one year. Agricultural Debt Relief Acts

CONSTITUTION OF INDIA 1949 (REV. 2015)

Article 21. Protection of life and personal liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 23. Prohibition of traffic in human beings and forced labour

1. Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

2. Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Article 24. Prohibition of employment of children in factories, etc

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 42. Provision for just and humane conditions of work and maternity relief

The State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 43. Living wage, etc., for workers

The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

PENAL CODE (AS AMENDED BY THE CRIMINAL LAW

Section 363A. Kidnapping or maiming a minor for purposes of begging.—

(1) Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such minor may be

(AMENDMENT) ACT
2013)

employed or used for the purposes of begging shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever maims any minor in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment for life, and shall also be liable to fine.

(3) Where any person, not being the lawful guardian of a minor, employs or uses such minor for the purposes of begging, it shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of that minor in order that the minor might be employed or used for the purposes of begging.

(4) In this section,-

(a) "begging" means-

(i) soliciting or receiving alms in a public place, whether under the pretence of singing, dancing, fortunetelling, performing tricks or selling articles or otherwise;

(ii) entering on any private premises for the purpose of soliciting or receiving alms;

(iii) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(iv) using a minor as an exhibit for the purpose of soliciting or receiving alms;

(b) "minor" means-

(i) in the case of a male, a person under sixteen years of age; and

(ii) in the case of a female, a person under eighteen years of age.]

Section 366. Kidnapping, abducting or inducing woman to compel her marriage, etc.—

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; 3*[and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid].

Section 366B. Importation of girl from foreign country.—

Whoever imports into India from any country outside India or from the State of Jammu and Kashmir any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

Section 367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.—

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being

subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section 370. Trafficking in persons

(1) whoever, for the purpose of exploitation,

(a) recruits,

(b) transports,

(c) harbours, or

(e) receives, a person or person by –

First – using threats, or

Secondly – using force, or any other form of coercion, or

Thirdly – by abduction, or

Fourthly – by practising fraud, or deception, or

Fifthly – by abuse of power, or

Sixthly – by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received,

Commits the offence of trafficking.

Explanation 1 — The expression "exploitation" shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.

Explanation 2 — The consent of the victim is immaterial in determination of the offence of trafficking.

(2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

(3) Where the offence involves the trafficking of more than one person, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(4) Where the offence involves the trafficking of a minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(5) Where the offence involves the trafficking of more than one minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.

(6) If a person is convicted of the offence of trafficking of minor on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

(7) When a public servant or a police officer is involved in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Section 370A. Exploiting trafficked minor

(1) Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not

be less than five years, but which may extend to seven years, and shall also be liable to fine.

(2) Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished With rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine.'

Exploitation is not defined but is said to include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude

Section 371. Habitual dealing in slaves.—

Whoever habitually imports, exports, removes, buys, sells traffics or deals in slaves, shall be punished with 1*[imprisonment for life], or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Section 372. Selling minor for purposes of prostitution, etc.—

Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation I.-When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

Explanation II.-For the purposes of this section "illicit intercourse" means sexual intercourse between persons not united by marriage, or by any union or tie which though not amounting to a marriage, is recognised by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.]

Section 373. Buying minor for purposes of prostitution, etc.—

Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation I.-Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution. Explanation II.-

"Illicit intercourse" has the same meaning as in section 372.

Section 374 Unlawful Compulsory Labour. –

whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both,

SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989 (AS AMENDED IN 2016)

3. Punishments for offences of atrocities-

- (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, -
 - (h) makes a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labor other than any compulsory service for public purposes imposed by Government;
 - (i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;
 - (j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;
 - (k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a devadasi or any other similar practice or permits aforementioned acts;
 - (r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;
 - (s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;
 - (w)(i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;
 - (z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village, or other place of residence;
- shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with a fine.

BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

Section 2:

- (d) "bonded debt" means an advance obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of the bonded labour system;
- (e) "bonded labour" means any labour or service rendered under the bonded labour system;
- (f) "bonded labourer" means a labourer who incurs, or has, or is presumed to have, incurred a bonded debt;

Section 4. Abolition of bonded labour system. –

- (1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render, any bonded labour.
- (2) After the commencement of this Act, no person shall-
 - (a) make any advance under, or in pursuance of, the bonded labour system, or

(b) compel any person to render any bonded labour or other form of forced labour.”

Section 16. Punishment for enforcement of bonded labour. –

“Whoever, after the commencement of this Act, compels any person to render any bonded labour shall be punishable with imprisonment for a term which may extend to 3 years and also with fine which may extend to 2 000 rupees.”

Section 17. Punishment for advancement of bonded debt. –

Whoever advances, after the commencement of this Act, any bonded debt shall be punishable with imprisonment for a term which may extend to 3 years and also with fine which may extend to 2 000 rupees”.

Section 18. Punishment for extracting bonded labour under the bonded labour system. –

“Whoever enforces, after the commencement of this Act, any custom, tradition, contract, agreement or other instrument, by virtue of which any person or any member of the family of such person or any dependent of such person is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which may extend to 3 years and also with fine which may extend to 2 000 rupees; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day for which the bonded labour was extracted from him.

THE PROHIBITION OF
CHILD MARRIAGE
ACT 2006

Section 2

In this Act, unless the context otherwise requires,--

- (a) ‘child’ means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age;
- (b) ‘child marriage’ means a marriage to which either of the contracting parties is a child;

Section 3

(1) Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage;

Section 9

Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with a fine which may extend to one lakh rupees (1000 INR) unless he proves that he had reason to believe that the marriage was not a child marriage.

Section 10

Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees (1000 INR) or with both.

Indonesia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution article 28I which recognises freedom from enslavement as a right which cannot be limited in any circumstances, and the Penal Code which prohibits dealing in slaves, or committing any act dealing in slaves, at section 324. Slavery may also form an element of an offence of trafficking under Law 21 of 2007 on combating trafficking.

ii) There appears to be **no legislation** in place in Country which prohibits **servitude**, although debt bondage for the purpose of exploitation, practices similar to slavery and servitude may form elements of an offence of trafficking under Law 21. Adoption through the promise of consideration for the purpose of exploitation is also criminalised under article 5 of Law 21.

iii) There appears to be **no legislation** in place in Indonesia which prohibits **forced labour** although Article 27(2) of the Constitution recognises the right to work and to 'earn a humane livelihood' and forced labour or services may form an element of the offence of trafficking under Law 21 of 2007.

iv) **Provisions** related to **trafficking in persons** are found in Law 21 of 2007 which criminalises trafficking under article 2.

2) International Obligations: Indonesia consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (12 June 1950, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (7 June 1999, ratification)
 1966 ICCPR: (23 February 2006, accession)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (28 September 2009, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Indonesia appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
INDONESIA 1945
(REINST. 1959,
AMENDMENTS
THROUGH 2002)

Article 27

- (1) All citizens shall be equal before the law and the government and shall be required to respect the law and the government, with no exceptions.
- (2) Every citizen shall have the right to work and to earn a humane livelihood.
- (3) Each citizen shall have the right and duty to participate in the effort of defending the state.

Article 28G

- (1) Every person shall have the right to protection of his/herself, family, honour, dignity, and property, and shall have the right to feel secure against and receive protection from the threat of fear to do or not do something that is a human right.
- (2) Every person shall have the right to be free from torture or inhumane and degrading treatment, and shall have the right to obtain political asylum from another country.

Article 28I

- (1) The rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances.
- (2) Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment.
- (3) The cultural identities and rights of traditional communities shall be respected in accordance with the development of times and civilisations.
- (4) The protection, advancement, upholding and fulfilment of human rights are the responsibility of the state, especially the government.
- (5) For the purpose of upholding and protecting human rights in accordance with the principle of a democratic and law-based state, the implementation of human rights shall be guaranteed, regulated and set forth in laws and regulations.

PENAL CODE

Article 297.

Trade in women and minors of the male sex shall be punished by a maximum imprisonment of six years.

Article 301.

The person who surrenders or leaves a child under the age of twelve years who is under his legal authority to another person, knowing that it will be used for begging or carrying out begging, for performing dangerous feats or dangerous labour or labour detrimental to the health, shall be punished by a maximum imprisonment of four years.

Article 324

Any person who for his own account or for another's account deals in slaves or commits and act dealing in slaves, or intentionally participates indirectly or directly in any of such acts shall be punished by a maximum imprisonment of twelve years.

Article 325

(1) Any person who goes into service or serves as a captain on a vessel knowing that the vessel is destined for dealing in slaves, or using the vessel for dealing in slaves, shall be punished by a maximum imprisonment of twelve years.

(2) If the transport causes the death of one or more slaves, the captain shall be punished by maximum imprisonment of fifteen years.

Article 326

Any person who goes into service as a shipmate on a vessel, knowing that the vessel is destined or used for dealing in slaves, or if he voluntarily remains in service, after having known that the vessel is destined or used for dealing in slaves, shall be punished by a maximum imprisonment of nine years.

Article 327

Any person who for his own account or for another's account, either indirectly or directly, assists in hiring, loading, or insuring a vessel, knowing that the vessel is destined or used for dealing in slaves, shall be punished by a maximum imprisonment of eight years.

Article 328

Any person who carries off someone from the place of his residence or his temporary stay with intent to bring him unlawfully under his or someone else's power or to place him in a hapless state, shall, being guilty of kidnapping, be punished by a maximum imprisonment of twelve years.

Article 333

(1) Any person who with deliberate intent and unlawfully deprives someone or keeps someone deprived of his liberty, shall be punished by a maximum imprisonment of eight years.

(4) The sentence laid down in this article shall also be applicable to any person who with deliberate intent provides a place for the unlawful deprivation of liberty.

Article 334

(1) Any person by whose negligence someone is deprived or kept deprived of his liberty, shall be punished by a maximum light imprisonment of three months or a maximum fine of three hundred rupiahs.

Article 335

(1) By a maximum imprisonment of one year or a fine of three hundred rupiahs shall be punished:

1st any person who unlawfully forces another by force, by any other battery or by an offensive treatment or by threat of force, of any other battery, or also of an offensive treatment, aimed either against the other person or against a third party, to do, to omit or to tolerate something;

2nd-ly any person who forces another by threat of slander or libel to do, to omit or to tolerate something.

(2) In the case described under 2nd-ly the crime shall not be prosecuted except under complaint by the person against whom it has been committed.

LAW NO 21 OF 2007

Article 1

In this Act referred to as:

1. Trafficking is the act of recruitment, transportation, shelter, transportation, transfer, or receipt of a person with the threat of violence, the use of violence, abduction, confinement, forgery, fraud, abuse of power or position of vulnerability, debt bondage, or provide payment or benefit, so as to obtain approval from the person having control over another person, whether committed in the country and among state, for the purpose of exploitation or the cause of the exploited.
2. Crime of Trafficking in Persons is any action or series of actions that meet the elements of the offenses specified in this Act.
7. Exploitation is the act with or without the consent of the victim, including but not limited to prostitution, forced labor or services, slavery or practices similar to slavery, oppression, extortion, use of physical, sexual, reproductive organs, or unlawfully removing or transplanting organs and / or body tissues or take advantage of someone by force or the ability of other parties to benefit both material and immaterial.
8. Sexual exploitation is any use of sexual organs or other organs of the victim to make a profit, including but not limited to all activities of prostitution and fornication.
15. Debt bondage is the act of placing persons in a state or a state pledge or forced to pledge his or her family or those which it is responsible, or his personal services as a form of debt repayment.

Article 2

(1) Any person who did the recruitment, transportation, shelter, transportation, transfer, or receipt of a person by threats of violence, the use of violence, abduction, confinement, forgery, fraud, abuse of power or position of vulnerability, debt bondage, or provide pay or benefits even if obtained consent of the person having control over another person, for the purpose of exploiting that person in the region Republic of Indonesia, shall be punished with imprisonment for 3 (three) years and a maximum of 15 (fifteen) years and fined at least Rp120.000.000, 00 (one hundred twenty million rupiah) and maximum Rp600.000.000, 00 (six hundred million rupiah). (2) If the acts referred to in paragraph (1) lead to the exploitation, the offender shall be punished by the same as referred to in paragraph (1).

Article 3

Every person who enters people into the territory of the Republic of Indonesia with a view to exploitation in the territory of the Republic of Indonesia or exploited in any other country shall be punished with imprisonment for 3 (three) years and a maximum of 15 (fifteen) years and a criminal fine of at least Rp120 .000.000,00 (one hundred twenty million rupiah) and maximum Rp600.000.000, 00 (six hundred million rupiah).

Article 4

Every person who brings an Indonesian citizen outside the territory of the Republic of Indonesia with a view to exploit outside the territory of the Republic of Indonesia shall be punished with imprisonment for 3 (three) years and a maximum of 15 (fifteen) years and a criminal fine of at

least Rp120. 000,000.00 (one hundred twenty million rupiah) and maximum Rp600.000.000, 00 (six hundred million rupiah).

Article 5

Any person committing adoption by promising something or give something in order to be exploited is liable to imprisonment for 3 (three) years and a maximum of 15 (fifteen) years and fined at least Rp120.000.000, 00 (one hundred and twenty million rupiah) and maximum Rp600.000.000, 00 (six hundred million rupiah).

Article 6

Any person sending the child into or out of the country in any manner that resulted in the exploitation of children shall be punished with imprisonment for 3 (three) years and a maximum of 15 (fifteen) years and fined at least Rp120.000.000, 00 (one hundred twenty million rupiah) and maximum Rp600.000.000, 00 (six hundred million rupiah).

Article 7

(1) If the crime referred to in Article 2 paragraph (2), Article 3, Section 4, Article 5 and Article 6 resulted in the victim suffered serious injuries, severe mental disorders, other infectious diseases that endanger their souls, pregnancy, or disrupted or loss of reproductive function, then the threat of criminal plus 1 / 3 (one third) of the sentence in Article 2 paragraph (2), Article 3, Section 4, Article 5 and Article 6.

(2) If the criminal offense referred to in Article 2 paragraph (2), Article 3, Section 4, Article 5 and Article 6 resulting in the death of the victim, shall be punished with imprisonment not less than 5 (five) years and a maximum of life imprisonment and criminal fine of at least Rp200.000.000, 00 (two hundred million rupiah) and a maximum of 5,000,000,000, 00 (five billion rupiah).

Article 8

(1) Any state officials who abuse power which resulted in a criminal act of trafficking in persons as defined in Article 2, Section 3, Article 4, Article 5 and Article 6 of the criminal plus 1 / 3 (one third) of the sentence in Article 2, Article 3, Section 4, Article 5 and Article 6.

(2) In addition to criminal sanctions as referred to in paragraph (1) the perpetrator can be charged an additional penalty of dismissal is not with respect from his position.

(3) additional Criminal referred to in paragraph (2) are included as well in the ruling of the court.

Article 9

Anyone who is trying to mobilize others to do the criminal act of trafficking in persons, and crime did not happen, is liable to imprisonment for 1 (one) year and a maximum of 6 (six) years and fined at least Rp40.000.000, 00 (forty million rupiah) and maximum Rp240.000.000, 00 (two hundred forty million dollars).

Article 10

Everyone who helped or attempted to commit criminal acts of trafficking in persons, shall be punished by the same as referred to in Article 2, Section 3, Article 4, Article 5 and Article 6.

Article 11

Any person who plans or do evil conspiracy to commit criminal acts of trafficking in persons, shall be punished by the same as the perpetrator referred to in Article 2, Section 3, Article 4, Article 5 and Article 6.

Article 12

Every person who uses or exploit victims of human trafficking by way of intercourse or other lewd acts with victims of human trafficking, employing victims of human trafficking to continue the practice of exploitation, or take advantage of the proceeds of crime of trafficking in persons is liable to a criminal same as referred to in Article 2, Section 3, Article 4, Article 5 and Article 6.

ACT OF THE REPUBLIC OF INDONESIA CONCERNING MANPOWER 2003

Article 35

(3) In employing people who are available for a job, the employers as referred to in subsection (1) are under an obligation to provide them with protection, which shall include protection for their welfare, safety and health, both mental and psychical.

Article 68

Entrepreneurs are not allowed to employ children.

Article 69

(1) Exemption from what is stipulated under Article 68 may be made for employment of children aged between 13 years and 15 years old for light work as long as the job does not stunt or disrupt their physical, mental and social developments.

Article 74

(1) Every body shall be prohibited from employing children in the worst forms of child labour [literal: in the worst jobs].

(2) The worst forms of child labour as referred to under subsection (1) include:

- a. All kinds of jobs in the form of slavery or practices similar to slavery;
- b. All kinds of job that make use of, procure, or offer children for prostitution, the production of pornography, pornographic performances, or gambling;
- c. All kinds of job that make use of, procure, or involve children for the production and trade of alcoholic beverages, narcotics, psychotropic substances, and other addictive substances; and/or
- d. All kinds of job harmful to the health, safety and moral of the child.

Article 88

(1) Every worker has the right to earn a living that is decent from the viewpoint of humanity.

(3) The [required government] wage policy that protects workers as referred to under subsection (2) shall include:

- a. Minimum wages;

Article 90

(1) Entrepreneurs are prohibited from paying wages lower than the minimum wages as referred to under article 89.

Iran (Islamic Republic of)

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1929 Law prohibiting the purchase and sale of slaves which outlawed slavery and the slave trade, and any other proprietary behaviour towards humans. The 2004 Law on Combating Human Trafficking also prohibits trafficking for the purpose of slavery.

ii) There appears to be **no legislation** in place in Iran which prohibits **servitude**, although the 2004 Law on Combating Human Trafficking prohibits trafficking for the purpose of forced marriage. The Labour Code also limits debt bondage at sections 44 and 45.

iii) **Provisions** related to **forced labour** are found in the Labour Code at section 172 which criminalises forced labour. Article 43 of the Constitution also recognises that the economy is based on respect for the right to choose freely one's occupation; refraining from compelling anyone to engage in a particular job; and preventing the exploitation of another's labour.

iv) **Provisions** related to **trafficking in persons** are found in the 2004 Law on Combating Human Trafficking which criminalises trafficking.

2) International Obligations: Iran consents to:

1926 Slavery Convention: (signature not perfected by ratification)
1930 Forced Labour Convention: (10 June 1957, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: (30 December 1959, accession)
1957 Abolition of Forced Labour Convention: (13 April 1959, ratification)
1966 ICCPR: (24 June 1975, ratification)
1998 Rome Statute of the ICC: (31 December 2000, signature)
2000 Palermo Protocol (Trafficking in Persons): N/A
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Iran appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude;
- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 219

In order to prevent slavery and institutions or practices similar to slavery as defined in the United Nations questionnaire, and with a view to eliminating it within the country, the Parliament of Iran approved in the Hejra year 1307 (1928), an Act in the following terms:

“Sole article. In Iran no person shall be deemed to be a slave, and any slave, immediately upon entering Iranian territory or Iranian territorial waters, shall become free. Any person who engages in traffic in human being as a slave, commits an act ascribable to ownership of him or her, or acts as an agent in the trading and transport of a slave, shall be sentenced to correctional imprisonment for a term from one to three years...”

Paragraph 220

(1) In accordance with the above Act, any person engaging in traffic in a human being as a slave, committing any act ascribable to ownership of him or her or acting as an agent in the trading and transport of a slave, will be sentenced to correctional imprisonment for a term from one to three years.

(a) Ownership of a slave, and the commission of any act ascribable to ownership of a human being are criminal offences. The punishment applicable is the same as that mentioned above.

(b) Under Iranian law, any act ascribable to ownership of a human being is a crime; to enslave another person or to place him in servile status is also, therefore, a crime. The punishment applicable is the same as that mentioned above

(c) Since Iranian law treats slavery as a crim, it makes no mention of inducing another person to place himself, or a person dependent upon him, in slavery.

CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN

Article 22

The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.

Article 28

Every person is entitled to choose the employment he wishes, so long as it is not contrary to Islam or the public interest or the rights of others. The Government is bound, with due regard for the needs of society for a variety of employment for all men, to create the possibility of employment, and equal opportunities for obtaining it.

Article 43

The economy of the Islamic Republic of Iran, with its objectives of achieving the economic independence of the society, uprooting poverty and deprivation, and fulfilling human needs in the process of development while preserving human liberty, is based on the following criteria:

1. the provision of basic necessities for all citizens: housing, food, clothing, hygiene, medical treatment, education, and the necessary facilities for the establishment of a family;
2. ensuring conditions and opportunities of employment for everyone, with a view to attaining full employment; placing the means of work at the disposal of everyone who is able to work but lacks the means, in the form of cooperatives, through granting interest-free loans or recourse to

any other legitimate means that neither results in the concentration or circulation of wealth in the hands of a few individuals or groups, nor turns the government into a major absolute employer. These steps must be taken with due regard for the requirements governing the general economic planning of the country at each stage of its growth;

3. the plan for the national economy, must be structured in such a manner that the form, content, and hours of work of every individual will allow him sufficient leisure and energy to engage, beyond his professional endeavor, in intellectual, political, and social activities leading to all-round development of his self, to take active part in leading the affairs of the country, improve his skills, and to make full use of his creativity;
4. respect for the right to choose freely one's occupation; refraining from compelling anyone to engage in a particular job; and preventing the exploitation of another's labor;
5. the prohibition of infliction of harm and loss upon others, monopoly, hoarding, usury, and other illegitimate and evil practices;
6. the prohibition of extravagance and wastefulness in all matters related to the economy, including consumption, investment, production, distribution, and services;
7. the utilization of science and technology, and the training of skilled personnel in accordance with the developmental needs of the country's economy;
8. prevention of foreign economic domination over the country's economy;
9. emphasis on increase of agricultural, livestock, and industrial production in order to satisfy public needs and to make the country self sufficient and free from dependence.

Article 1

The following human trafficking

A - outside or allowed the inclusion or transit of the person or persons Borders, forced or compulsory or threat or deceit and deception or abuse of Abuse of power or position or status of the person or persons mentioned, for the purpose of prostitution or .brdasht Members and organs, slavery and marriage

B - receiving or transferring or hiding or concealing a person to provide grounds or Persons referred to in paragraph (a) of this Article after crossing the border with the same purpose

Article 2

The following acts as a "human trafficking" is

(A - formed or the categories or groups whose purpose is to carry out in Article (1 This law B - passing (outside or inclusion or transit), carry or move allowed (The person or persons in an organized manner for prostitution or other purposes referred to in Article (1 This law, however, is to their satisfaction C - passing (outside or inclusion or transit), carry or transmit unauthorized persons Although prostitution. The intention is to their satisfaction

Article 3

If you commit the "human smuggling" under the Penal Code Islamic Azmsadyq

According to the above-mentioned penalties are prescribed by law and otherwise to imprisonment of two to ten Years and pay a fine equal to twice the funds or property derived from the offense or funds And property of the victim or a third person has committed its promise to pay .shdh Is sentenced Note 1: If the person trafficked is less than eighteen years of age and sins Enmity against God and corruption are not examples of Al-Radi, committed to the maximum punishment provided for in this Article sentenced Note 2 who begins to commit the offenses the law, but the intention is Without him, the investigator will not, be sentenced to six months to two years in prison Note 3 penalties abetting "human trafficking" in terms of two to five years in prison About as well as fines of funds or property funds and property obtained by crime or by the .bz-h Seen or third party has promised to make its payments, will be Article 4 when government employees or institutions, companies and organizations associated with the government And non-governmental armed forces or public institutions or bodies or the Islamic revolution The general staff of three branches in some way or the offenses the law Intervention, addition to the penalties prescribed in this Act with respect to the offender .anfsal Will be sentenced temporarily or permanently serving institutions and private companies to commit crimes Article 5 If the subject of this law, even Are formed with a different title, addition to imposing punishment.

LABOUR CODE

Section 6.

Under sections 43(4), 2(6) and 19, 20 and 28 of the Constitution of the Islamic Republic of Iran, it is prohibited to force a person to perform work against his will or to exploit others; Iranians, whatever their tribe or ethnic group, enjoy the same rights; skin colour, race, language and the like do not constitute any privilege or distinction; all individuals, whether men or women, are entitled to the same protection of the law; and every person has the right to freely choose an occupation, provided that such occupation is not inconsistent with Islamic principles or the public interests and does not violate other peoples' rights.

Section 41.

The Supreme Labour Council shall be responsible every year for fixing minimum wages for the various regions of the country according to the sectors of industry, with regard to the following criteria:

- (1) The minimum wage of workers shall be fixed taking account of the rate of inflation announced by the Central Bank of the Islamic Republic of Iran;
- (2) Regardless of the physical and intellectual abilities of workers and the characteristics of the work assigned, the minimum wage shall be sufficient to meet the living expenses of a family, whose average number of members shall be specified by the appropriate authorities.

Note. No employer shall pay any worker a wage which is less than the fixed minimum wage for work performed during statutory hours of work. In the event of a violation of this rule, the employer must pay the difference between the wage paid and the most recent minimum wage.

Section 172.

In accordance with section 6 of this Code, all forms of forced labour shall be prohibited. Any person who commits an offence on that account shall, with due regard to his situation and means and to the degree of the

offence, be subject to a term of imprisonment ranging from 91 days to one year and to a fine of between 50 and 200 times the minimum daily wage, in addition to the payment of fair remuneration for work completed and compensation for damages. Where several persons, jointly or on behalf of an organisation, cause a person to perform forced labour, each offender shall be subject to the penalties prescribed above and shall be jointly subject to payment of fair remuneration, unless the person who caused the offence to be committed is superior to an overseer, in which case such person shall be held personally responsible. Note. Where several persons are collectively made to perform forced labour, the offender shall, with due regard to his situation and means and to the degree of the offence, be subject to the maximum penalty provided for in this section in addition to payment of fair remuneration.

1929 LAW
PROHIBITING THE
PURCHASE AND SALE
OF SLAVES AND
SLAVES WERE FREED
IN IRAN AT THE TIME
OF ENTRY INTO THE
COUNTRY

Law prohibiting the purchase and sale of slaves and slaves were freed in Iran at the time of entry into the country.
Act 18 Bahman month in 1307
Single Article - Iran's nobody in the country is not known as a slave and the slave single
Free entry into the territory or territorial waters of Iran will be referred to any Ksansany
Sales or other proprietary behavior towards humans make or broker deal
Sentenced to three years in prison to be brought transport to a correctional said.
Note - Each state is obliged to immediately inform authorities or visiting someone about
Deal or slave behavior is immediately provided the means to pursue Astkhlav
Inform the offender to the nearest Parkh Bidayat.
The law, which consists of a substance in the eighteenth session of February one thousand three hundred and seven
Solar was approved by the National Assembly.
President of the National Assembly - just

Iraq

1) Domestic Law in Place

i) **Provisions** related to **slavery** can be found in the 2005 Constitution which prohibits slavery and the slave trade at article 37. Paragraph 421 of the Penal Code also makes it an offence to seize, detain or deprive a person of his liberty, and articles 320 and 325 prohibit public officials from employing slave labour in activities unconnected with lawful or constitutional public purposes.

ii) There appears to be **no legislation** in place in Iraq which prohibits **servitude**, although The Personal Status Code prohibits the betrothal or marriage of a child at article 16(2).

iii) **Provisions** related to **forced labour** can be found in the 2005 Constitution. Article 37 prohibits forced labour and article 29 of prohibits the economic exploitation of children in all forms. The 1969 Penal Code also prohibits compelling someone under the age of 18 to become a beggar at paragraph 392. Article 4 of the Labour Code also recognises that workers have a right to obtain a fair wage sufficient to meet their basic needs.

iv) **Provisions** related to **trafficking in persons** are found in the 2012 Trafficking in Persons Law which criminalises trafficking under article 5.

2) International Obligations: Iraq consents to:

1926 Slavery Convention: (18 January 1929, accession)
 1930 Forced Labour Convention: (27 November 1962, ratification)
 1953 Protocol to the 1926 Slavery Convention: (23 May 1955, acceptance)
 1956 Slavery Convention: (20 September 1963, ratification)
 1957 Abolition of Forced Labour Convention: (15 June 1959, ratification)
 1966 ICCPR: (25 January 1971, ratification)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (9 February 2009, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Iraq appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

IRAQI CONSTITUTION 2005

Article 15:

Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.

Article 22:

First: Work is a right for all Iraqis in a way that guarantees a dignified life for them.

Second: The law shall regulate the relationship between employees and employers on economic bases and while observing the rules of social justice.

Third: The State shall guarantee the right to form and join unions and professional associations, and this shall be regulated by law.

Article 29:

Third: Economic exploitation of children in all of its forms shall be prohibited, and the State shall take the necessary measures for their protection. Fourth: All forms of violence and abuse in the family, school, and society shall be prohibited.

Article 37:

First:

A. The liberty and dignity of man shall be protected.

C. All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law.

Second: The State shall guarantee protection of the individual from intellectual, political and religious coercion.

Third: Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.

Article 44:

First: Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq.

PENAL CODE 1969

Article 13

In circumstances other than those stipulated in Articles 9, 10 and 11, the provisions of this Code are applicable to all those who enter Iraq subsequent to committing an offence abroad whether as principals or accessories to the following offences: Destroying or causing damage to international means of communications or trading in women, children, slaves or drugs.

Article 320

Any public official or agent who employs others to carry out the activities relating to his position and who retains for himself in whole or in part the wages or other recompense due to his employees or who employs slave labor and takes their wages for himself or who enters in a government register the names of fictitious or genuine persons who have not been engaged in those activities and retains their wages for himself or who pays such employees their wages at the government's expense is

punishable by a term of imprisonment not exceeding 10 years or by detention.

Article 325

Any public official or agent who engages slave labor in activities unconnected with the legally or constitutionally recognized public interest or activities other than those that are prompted by necessity or who obliges a person to engage in activities or circumstances other than those in which the law sanctions such activity is punishable by detention. This is in addition to an order that he pay any wages due to those people he has unlawfully employed.

Paragraph 392

Any person who compels another under the age of 18 to become a beggar is punishable by a period of detention not exceeding 3 months plus a fine not exceeding 50 dinars or by one of those penalties. The penalty will be a period of detention not exceeding 6 months plus a fine not exceeding 100 dinars or one of

Paragraph 399

Any person who incites a boy or girl under the age of 18 to indulge in fornication or resort to prostitution as a profession or assists him or her to do so is punishable by detention. The penalty will be a term of imprisonment not exceeding 10 years or by detention if the offender is a person described in Sub-Paragraph 2 of Paragraph 393 and intends to profit by his action or receives money for such action.

Paragraph 421

Any person who seizes, detains or deprives a person of his liberty in any way without an order from a competent authority in circumstances other than those described in the laws and regulations to that effect is punishable by detention. The penalty will be a term of imprisonment not exceeding 10 years in the following circumstances:

- (1) If the offence is committed by a person who is wearing the uniform of a government employee without being entitled to do so or a distinctive official insignia belonging to such employee or assumes a false public identity or issues a false order for the arrest, imprisonment or detention of a person while claiming it to be issued by a competent authority.
- (2) If the offence is accompanied by the threat of death or physical or mental torment.
- (3) If the offence is committed by two or more persons or by a person openly carrying a weapon.
- (4) If the period of seizure, detention or deprivation of freedom exceeds 15 days.
- (5) If the motive for the offence is financial gain or the sexual assault of the victim or the taking of vengeance on the victim or on another.
- (6) If the offence is committed against a public official or agent in the execution of his duty or employment or as a consequence of it.

Paragraph 399

Any person who incites a boy or girl under the age of 18 to indulge in fornication or resort to prostitution as a profession or assists him or her to do so is punishable by detention. The penalty will be a term of imprisonment not exceeding 10 years or by

detention if the offender is a person described in Sub-Paragraph 2 of Paragraph 393 and intends to profit by his action or receives money for such action.

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The penalty will be a term of imprisonment not exceeding 10 years in the following circumstances:

- (1) If the offence is committed by a person who is wearing the uniform of a government employee without being entitled to do so or a distinctive official insignia belonging to such employee or assumes a false public identity or issues a false order for the arrest, imprisonment or detention of a person while claiming it to be issued by a competent authority.
- (2) If the offence is accompanied by the threat of death or physical or mental torment.
- (3) If the offence is committed by two or more persons or by a person openly carrying a weapon.
- (4) If the period of seizure, detention or deprivation of freedom exceeds 15 days.
- (5) If the motive for the offence is financial gain or the sexual assault of the victim or the taking of vengeance on the victim or on another.
- (6) If the offence is committed against a public official or agent in the execution of his duty or employment or as a consequence of it.

Paragraph 425

Any person who provides a location for unlawful detention or imprisonment while being aware of that fact is punishable by a term of imprisonment not exceeding 7 years or by detention.

LAW OF 2012 TRAFFICKING IN PERSONS

Article 1

First: For purposes of this law, the term “Human Trafficking” shall indicate recruiting, transporting, housing, or receiving individuals by force, threat to use force, or other means, including by coercion, kidnapping, fraud, deception, misuse of power, exchange of money, or privileges to an influential person in order to sell and exploit the trafficked individuals by means of prostitution, sexual abuse, unpaid labor, forced labor, enslavement, beggary, trading of human organs, medical experimentation.

Article 5

First: A person who commits the crime of Human Trafficking stipulated in Article (1) of this law shall be punished by temporary imprisonment and a penalty not less than 5 million, and not exceeding 10 million, Iraqi dinars.

Second: A person who commits the crime of Human Trafficking by the following means shall be punished by imprisonment not exceeding 15 years and penalty not exceeding 10 million Iraqi dinars:

- A. The use of any form of coercion, including blackmail, threat, and/or confiscation of travel or official documents.
- B. The use of fraudulent means to deceive or victimize victims.

C. Giving or receiving money or privileges in exchange for approval from a person of authority or guardianship over the victim.

Article 6

First: If the victim is under 18 years of age

Second: if the victim is female, or disabled

Third: If the crime was committed by an organized crime group or of international nature

Fourth: The crime was committed by kidnapping or torture

Fifth: The perpetrator is an immediate or second relative, guardian, or spouse of the victim

Sixth: The trafficking resulted in terminal illness or permanent disability to the victim

Seventh: The trafficking affected multiple persons or for a multiple of times

Eighth: The trafficking was carried out by a government employee or a person commissioned to public service

Ninth: Exploitation of influence or a victim's weakness or need

Article 7

A person who committed one of the following acts shall be punished by imprisonment of not less than 3 years or by a penalty not less than 10 million, and not more than, 20 million, Iraqi dinars, or both penalties:

First: Established or managed an internet website to engage in human trafficking

Second: Engaged or facilitated a human trafficking contract using the internet

Article 8

If the act of Human Trafficking leads to death of the victim, the punishment shall be capital punishment.

Article 10

Consent by a victim to human trafficking shall not be accepted as a defense.

LAW 54/1958

Article 3

Penalty of imprisonment for a period of not more than 7 years for whoever engages on procurement or uses premises for that purpose.

Article 4

provides that a woman who is proved to have engaged in prostitution shall be confined to a reformatory of the Ministry of Labour and Social Affairs.

Article 5

Whoever forcibly detains a person, male or female, for the purposes of prostitution or sodomy a penalty of 10 years in prison where the victim is over the age of 18 and not more than 15 years where the victim is under 18 as well as court – awarded compensation for the victim in either case.

THE LABOUR CODE 81/1987

Article 4

workers have the right to obtain a wage sufficient to meet their basic needs and enable them to support their families.

THE COMPULSORY
EDUCATION LAW
118/1976

Education is compulsory and free of charge for children of both sexes from 6 to 10 years, up to the end of the elementary stage.

THE PERSONAL
STATUS CODE
188/1959

Article 16(2) prohibits the betrothal or marriage of a child.

Ireland

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1824 Slave Trade Act at article 2 which declares slave trading unlawful. Slavery may also form an element of an offence of trafficking under sections 2 and 4 of the 2008 Criminal Law (Human Trafficking) Act.

ii) There appears to be **no legislation** in place in Ireland which prohibits **servitude**, although subjecting a person to servitude may form an element of an offence of trafficking under sections 2 and 4 of the Criminal Law (Human Trafficking) Act.

iii) There appears to be **no legislation** in place in Ireland which prohibits **forced labour**, although forced labour may form an element of an offence of trafficking under sections 2 and 4 of the Criminal Law (Human Trafficking) Act.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Law (Human Trafficking) Act which prohibits trafficking in children (section 2) and persons other than children (section 4). The Child Trafficking and Pornography Act 1998 also prohibits child trafficking at section 3.

2) International Obligations: Ireland consents to:

1926 Slavery Convention: (31 August 1961, ratification)
 1930 Forced Labour Convention: (2 March 1931, ratification)
 1953 Protocol to the 1926 Slavery Convention: (31 August 1961, accession)
 1956 Slavery Convention: (31 August 1961, signature)
 1957 Abolition of Forced Labour Convention: (11 June 1958, ratification)
 1966 ICCPR: (8 December 1989, accession)
 1998 Rome Statute of the ICC: (11 April 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (17 June 2010, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Ireland appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
IRELAND 1937 (REV.
2015)

Article 40

1. All citizens shall, as human persons, be held equal before the law. 3. (1) The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.
4. (1) No citizen shall be deprived of his personal liberty save in accordance with law.

Article 45

4. (2) The State shall endeavour to ensure that the strength and health of workers, men and women, and the tender age of children shall not be abused and that citizens shall not be forced by economic necessity to enter avocations unsuited to their sex, age or strength.

EUROPEAN
CONVENTION ON
HUMAN RIGHTS ACT
2003

Article 2. Interpretation of laws

- (1) In interpreting and applying any statutory provision or rule of law, a court shall, in so far as is possible, subject to the rules of law relating to such interpretation and application, do so in a manner compatible with the State's obligations under the Convention provisions.
- (2) This section applies to any statutory provision or rule of law in force immediately before the passing of this Act or any such provision coming into force thereafter.

Article 3. Performance of certain functions in a manner compatible with Convention provisions

- (1) Subject to any statutory provision (other than this Act) or rule of law, every organ of the State shall perform its functions in a manner compatible with the State's obligations under the Convention provisions.
- (2) A person who has suffered injury, loss or damage as a result of a contravention of subsection (1), may, if no other remedy in damages is available, institute proceedings to recover damages in respect of the contravention in the High Court (or, subject to subsection (3), in the Circuit Court) and the Court may award to the person such damages (if any) as it considers appropriate.
- (3) The damages recoverable under this section in the Circuit Court shall not exceed the amount standing prescribed, for the time being by law, as the limit of that Court's jurisdiction in tort.
- (4) Nothing in this section shall be construed as creating a criminal offence.
- (5)
 - (a) Proceedings under this section shall not be brought in respect of any contravention of subsection (1) which arose more than 1 year before the commencement of the proceedings.
 - (b) The period referred to in paragraph (a) may be extended by order made by the Court if it considers it appropriate to do so in the interests of justice.

Schedule 1. Convention for the Protection of Human Rights and Fundamental Freedoms

Article 4. Prohibition of slavery and forced labour

- 1 No one shall be held in slavery or servitude.
- 2 No one shall be required to perform forced or compulsory labour.

3 For the purpose of this article the term “forced or compulsory labour” shall not include:

- a any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
- b any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
- c any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
- d any work or service which forms part of normal civic obligations.

SLAVE TRADE ACT
1824 (AS AMENDED
BY THE SLAVE TRADE
ACT 1843 AND THE
CRIMINAL LAW ACT
1997)

Article 2. The purchase, sale, or contract for slaves declared unlawful; as also the removal, importation, or exportation of slaves; the fitting out of vessels, or making of loans or guarantees on shipping of goods for the above purposes; the serving on board ships employed for any of such purposes; or the insuring of slaves or slave adventures.

It shall not be lawful for any persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves; or to carry away, or remove, or to contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves; or to import or bring, or to contract for the importing or bringing into any place whatsoever slaves or other persons, as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever as or in order to their being dealt with as slaves; or to fit out, man, navigate, equip, despatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting, or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to lend or advance, or become security for the loan or advance, or to contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to become guarantee or security, or to contract for the becoming guarantee or security, for agents employed or to be employed in

accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or in any other manner to engage or to contract to engage directly or indirectly therein as a partner, agent, or otherwise; or to ship, tranship, lade, receive, or put on board, or to contract, for the shipping, transshipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to take the charge or command, or to navigate or enter and embark on board, or to contract for the taking the charge or command, or for the navigating or entering and embarking on board of any ship, vessel, or boat, as captain, master, mate, petty officer, surgeon, supercargo, seaman, marine, or servant, or in any other capacity, knowing that such ship, vessel, or boat is actually employed, or is in the same voyage, or upon the same occasion, in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to insure or to contract for the insuring of any slaves, or any property, or other subject matter, engaged or employed or intended to be engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful.

Article 3. Penalty for dealing in slaves

If any persons shall deal or trade in, purchase, sell, barter, or transfer, or contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves; or shall carry away or remove or contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves; or shall import or bring or contract for the importing or bringing into any place whatsoever slaves or other persons as or in order to their being dealt with as slaves; or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves; then and in every such case the persons so offending, shall forfeit and pay for every such offence the sum of one hundred pounds of lawful money of Great Britain for each and every slave so dealt or traded in, purchased, sold, bartered, or transferred, carried away, removed, imported, brought, shipped, transhipped, embarked, received, detained, or confined on board, or so contracted for as

aforesaid; the one moiety thereof to the use of his Majesty, and the other moiety to the use of any person who shall inform, sue, and prosecute for the same; and all property or pretended property in such slaves or persons as aforesaid shall also be forfeited, and the said slaves or persons shall and may be seized and prosecuted as herein-after is mentioned and provided.

Article 5. Penalty for embarking capital in the slave trade, &c.

If any persons shall knowingly and wilfully lend or advance, or become security for the loan or advance, or shall contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, then and in every such case the persons so offending, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so lent, advanced, or secured or so contracted for as aforesaid, to be recovered and applied as is herein-after mentioned and provided.

Article 10. Persons dealing in slaves or removing or exporting or importing slaves; or fitting out slave ships; or embarking capital, &c. in the slave trade; or guaranteeing slave adventurers; or shipping goods, &c. to be employed in the slave trade; or serving on board slave ships as captain, master, surgeon, &c.; or insuring slaves or slave adventures; or forging instruments relating to the slave laws; declared guilty of felony, &c.

If any persons shall deal or trade in, purchase, sell, barter, or transfer, or contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves, or shall carry away or remove, or contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves, or shall import or bring, or contract for the importing or bringing into any place whatsoever slaves or other persons, as or in order to their being dealt with as slaves, or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves; or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transshipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves; or shall fit out, man, navigate, equip, despatch, use, employ, let or take to freight or on hire, or contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting, or taking to freight or on hire any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall knowingly and wilfully lend or

advance, or become security for the loan or advance, or contract for the lending or advancing, or becoming security for the loan or advance, of money, goods, or effects employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall knowingly and wilfully become guarantee or security, or contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or in any other manner to engage or to contract to engage directly or indirectly therein as a partner, agent, or otherwise; or shall knowingly and wilfully ship, tranship, lade, receive, or put on board, or contract for the shipping, transshipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall take the charge or command, or navigate, or enter and embark on board, or contract for the taking the charge or command, or for the navigating or entering and embarking on board of any ship, vessel, or boat, as captain, master, mate, surgeon, or supercargo, knowing that such ship, vessel, or boat is actually employed or is, in the same voyage or upon the same occasion in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall knowingly and wilfully insure or contract for the insuring of any slaves, or any property or other subject matter engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall wilfully and fraudulently forge or counterfeit and certificate, certificate of valuation, sentence or decree of condemnation or restitution, copy of sentence or decree of condemnation or restitution, or any receipt (such receipts being require by this Act), or any part of such certificate, certificate of valuation, sentence or decree of condemnation or restitution, copy of sentence or decree of condemnation or restitution, or receipt as aforesaid; or shall knowingly and wilfully utter or publish the same, knowing it to be forged or counterfeited, with intent to defraud his Majesty, or any other person or persons whatsoever, or any body politic or corporate; then and in every such case the person or persons so offending, shall be and are hereby declared to be felons, and shall be transported beyond seas for a term not exceeding fourteen years, or shall be confined and kept to hard labour for a term not exceeding five years, nor less than three years, at the discretion of the court before whom such offender or offenders shall be tried and convicted.

Article 11. Seamen, &c. serving on board such ships declared guilty of a misdemeanor, &c.

If any persons shall enter and embark on board, or contract for the entering and embarking on board of any ship, vessel, or boat, as petty officer, seaman, marine, or servant, or in any other capacity not herein-before specifically mentioned, knowing that such ship, vessel, or boat is actually employed or is, in the same voyage or upon the same occasion in respect of which they shall so enter and embark on board, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, then and in every such case the persons so offending, shall be and they are hereby declared to be guilty of a misdemeanor only, and shall be punished by imprisonment for a term not exceeding two years.

CRIMINAL LAW
(HUMAN
TRAFFICKING) ACT
2008 (AS AMENDED
BY THE CRIMINAL
LAW (HUMAN
TRAFFICKING)
(AMENDMENT) ACT
2013)

Section 1. Interpretation.

1.— In this Act—

“exploitation” means—

- a) labour exploitation
- b) sexual exploitation, or
- c) exploitation consisting of the removal of one or more of the organs of a person;
- (d) exploitation consisting of forcing a person to engage in—
 - (i) an activity that constitutes an offence and that is engaged in for financial gain or that by implication is engaged in for financial gain, or
 - (ii) an activity in a place other than the State
 that—

(I) constitutes an offence under the law of that place and would, if done in the State, constitute an offence, and

(II) is engaged in for financial gain or that by implication is engaged in for financial gain

“labour exploitation” means, in relation to a person (including a child)—

- a) subjecting the person to forced labour (including forcing him or her to beg),
- (b) forcing the person to render services to another person, or
- (c) enslavement of the person or subjecting him or her to servitude or a similar condition or

state; “sexual exploitation” means, in relation to a person—

- a) the production of pornography depicting the person either alone or with others,
- b) causing the person to engage in sexual activity for the purpose of the production of pornography,
- c) the prostitution of the person,
- d) the commission of an offence specified in the Schedule to the Act of 2001 against the person; causing another person to commit such an offence against the person; or causing the person to commit such an offence against another person, or
- e) otherwise causing the person to engage or participate in any sexual, indecent or obscene act;

“trafficks” means, in relation to a person (including a child)—

- a) procures, recruits, transports or harbours the person, or
- i) transfers the person to,
- ii) places the person in the custody, care or charge, or under the control, of, or

- iii) otherwise delivers the person to, another person,
- b) causes a person to enter or leave the State or to travel within the State,
- c) takes custody of a person or takes a person—
 - i) into one's care or charge, or
 - ii) under one's control, or
- d) provides the person with accommodation or employment.

Section 2. Trafficking, etc., of Children.

- 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—
 - a. to imprisonment for life or a lesser term, and
 - b. at the discretion of the court, to a fine.
- 6) In this section “exploitation” does not include sexual exploitation.

Section 4. Trafficking of Persons Other Than Children.

- (1) A person (in this section referred to as the “trafficker”) who trafficks another person (in this section referred to as the “trafficked person”), other than a child or a person to whom subsection (3) applies, for the purposes of the exploitation of the trafficked person shall be guilty of an offence if, in or for the purpose of trafficking the trafficked person, the trafficker—
 - a) coerced, threatened, abducted or otherwise used force against the trafficked person,
 - b) deceived or committed a fraud against the trafficked person,
 - c) abused his or her authority or took advantage of the vulnerability of the trafficked person to such extent as to cause the trafficked person to have had no real and acceptable alternative but to submit to being trafficked,
 - d) coerced, threatened or otherwise used force against any person in whose care or charge, or under whose control, the trafficked person was for the time being, in order to compel that person to permit the trafficker to traffick the trafficked person, or
 - e) made any payment to, or conferred any right, interest or other benefit on, any person in whose care or charge, or under whose control, the trafficked person was for the time being, in exchange for that person permitting the trafficker to traffick the trafficked person.
- (2) In proceedings for an offence under this section it shall not be a defence for the defendant to show that the person in respect of whom the offence was committed consented to the commission of any of the acts of which the offence consists.
- (3) A person who trafficks a person who is mentally impaired for the purposes of the exploitation of the person shall be guilty of an offence.

- (4) A person who—
 - (a) sells another person, offers or exposes another person for sale or invites the making of an offer to purchase another person, or
 - (b) purchases or makes an offer to purchase another person, shall be guilty of an offence.
- (5) A person who causes an offence under subsection (1, (3) or (4) to be committed shall be guilty of an offence.
- (6) A person who attempts to commit an offence under subsection (1), (3), (4) or (5) shall be guilty of an offence.
- (7) A person guilty of an offence under this section shall be liable upon conviction on indictment—
 - (a) to imprisonment for life or a lesser term, and
 - (b) at the discretion of the court, to a fine.
- (8) In this section “mentally impaired” has the same meaning as it has in the Criminal Law (Sexual Offences) Act 1993.

Section 5. Soliciting or Importuning for Purposes of Prostitution of Trafficked Person.

- (1) Where, for the purposes of the prostitution of a trafficked person, a person (other than that trafficked person) solicits or importunes another person, including that trafficked person, in any place, he or she shall be guilty of an offence.
- (2) A person (other than the trafficked person in respect of whom the offence under subsection (1) is committed) who accepts, or agrees to accept a payment, right, interest or other benefit from a person for a purpose mentioned in subsection (1) shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction to a fine not exceeding €5,000 or a term of imprisonment not exceeding 12 months, or both, or
 - (b) on conviction on indictment to a fine or a term of imprisonment not exceeding 5 years, or both.
- (4) In proceedings for an offence under this section it shall be a defence for the defendant to prove that he or she did not know and had no reasonable grounds for believing, that the person in respect of whom the offence was committed was a trafficked person.
- (5) This section is in addition to, and not in substitution for, section 7 of the Act of 1993 in so far as an offence under that section is committed by, or in respect of, a trafficked person.
- (6) In this section— “Act of 1993” means the Criminal Law (Sexual Offences) Act 1993 ; “solicits or importunes” has the same meaning as it has in the Act of 1993; “trafficked person” means—
 - (a) a person in respect of whom an offence under subsection (1) or (3) of section 4 has been committed, or
 - (b) a child who has been trafficked for the purpose of his or her exploitation.

CHILD TRAFFICKING AND PORNOGRAPHY ACT 1998 (AS AMENDED BY THE CRIMINAL LAW (HUMAN

Section 3

- (1) A person who trafficks a child for the purposes of the sexual exploitation of the child shall be guilty of an offence and shall be liable upon conviction on indictment—
 - (a) to imprisonment for life or a lesser term, and
 - (b) at the discretion of the court, to a fine.
- (2) A person who—

TRAFFICKING) ACT
2008)

- (a) sexually exploits a child, or
- (b) takes, detains, or restricts the personal liberty of, a child for the purpose of his or her sexual exploitation, shall be guilty of an offence and shall be liable upon conviction on indictment—
 - (i) to imprisonment for life or a lesser term, and
 - (ii) at the discretion of the court, to a fine.”, and
- (3) A person who causes another person to commit an offence under subsection (1) or (2) shall be guilty of an offence and shall be liable upon conviction on indictment—
 - (a) to imprisonment for life or a lesser term, and
 - (b) at the discretion of the court, to a fine.
- (4) A person who attempts to commit an offence under subsection (1), (2) or (3) shall be guilty of an offence and shall be liable upon conviction on indictment—
 - (a) to imprisonment for life or a lesser term, and
 - (b) at the discretion of the court, to a fine.
- (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.

Israel

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Law at section 375A which criminalises holding a person under conditions of slavery. Carrying on a transaction in a person for the purpose of subjecting them to slavery is also criminalised under section 377A of the Penal Law.

ii) There appears to be **no legislation** in place in Israel which prohibits **servitude**.

iii) **Provisions** related to **forced labour** are found in the Penal Law which criminalises forced labour at article 376.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Law as amended by the 2006 Anti-Trafficking Law which criminalises trafficking at section 377A although the act specified in the offence is limited to 'carrying on a transaction in a person' for the specified purposes. Kidnapping for the purpose of trafficking is also criminalised under section 374A.

2) International Obligations: Israel consents to:

1926 Slavery Convention: (12 September 1955, ratification)
 1930 Forced Labour Convention: (7 June 1955, ratification)
 1953 Protocol to the 1926 Slavery Convention: (12 September 1955, accession)
 1956 Slavery Convention: (23 October 1957, ratification)
 1957 Abolition of Forced Labour Convention: (10 April 1958, ratification)
 1966 ICCPR: (3 October 1991, ratification)
 1998 Rome Statute of the ICC: (31 December 2000, signature)
 2000 Palermo Protocol (Trafficking in Persons): (23 July 2008, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Israel appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to servitude;
- in breach of its obligations under the ICCPR in regards to servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
ISRAEL 1958 (WITH
AMENDMENTS
THROUGH 2013)
BASIC LAW: HUMAN
DIGNITY AND LIBERTY
1992

1. Basic principles (amendment 1)

Fundamental human rights in Israel are founded upon recognition of the value of the human being, the sanctity of human life, and the principle that all persons are free; these rights shall be upheld in the spirit of the principles set forth in the Declaration of the Establishment of the State of Israel.

1a. Purpose (amendment 1)

The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic state.

2. Preservation of life, body and dignity

There shall be no violation of the life, body or dignity of any person as such.

4. Protection of life, body and dignity

All persons are entitled to protection of their life, body and dignity.

5. Personal liberty

There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise.

8. Violation of rights (amendment 1)

There shall be no violation of rights under this Basic Law except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required, or by regulation enacted by virtue of express authorization in such law.

CONSTITUTION OF
ISRAEL 1958 (WITH
AMENDMENTS
THROUGH 2013)
BASIC LAW:
FREEDOM OF
OCCUPATION 1994

3. Freedom of occupation

Every Israel national or resident has the right to engage in any occupation, profession or trade.

4. Violation of freedom of occupation

There shall be no violation of freedom of occupation except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required, or by regulation enacted by virtue of express authorization in such law.

5. Application

All governmental authorities are bound to respect the freedom of occupation of all Israel nationals and residents.

PENAL LAW (AS
AMENDED BY THE
ANTI-TRAFFICKING
LAW 2006)

Section 374A: Kidnapping for the purposes of trafficking

He who kidnaps a person for one of the purposes enumerated in section 377A* or in order to place him in one of the dangers enumerated in that section – is subject to imprisonment for a term of 20 years.

Section 375A: Holding a Person under Conditions of Slavery

(a) He who holds a person under conditions of slavery for work or services, including sexual services – is subject to imprisonment for a term of 16 years.

(b) If a crime, according to subsection (a) is committed against a minor – the perpetrator is subject to imprisonment for 20 years.

In this section, "slavery" – a condition under which the powers generally exercised towards property, are exercised over a person; In this context, substantive control over the life of a person or deprivation of his freedom will be considered the exercise of such powers as aforementioned.

Section 376: Forced Labor

He who unlawfully forces a person to work, by means of force, other means of pressure or a threat of force or pressure, or by consent elicited by fraudulent means, whether for consideration (recompense) or lack of consideration – is subject to a term of 7 years imprisonment.

Section 376A: Detention of passport

He who detains a passport, travel document or identity document for one of the purposes enumerated in section 377A or places a person in one of the dangers enumerated in that section – is subject to a term of 5 years imprisonment.

Section 376B: Causing a Person to Leave his Country for Prostitution or Slavery

(a) He who causes a person to leave his country of residence in order to employ him in prostitution or hold him under conditions of slavery – is subject to imprisonment for a term of 10 years.

(b) If a crime according to subsection (a) is committed against a minor – the perpetrator is subject to imprisonment for a term of 15 years.

Section 377A: Trafficking in Persons

(a) He who carries on a transaction in a person for the following purposes or carries on a transaction in a person and places him in danger of one of the following – is subject to imprisonment for a term of 16 years:

- (1) removal of an organ;
- (2) giving birth to a child and taking away said child;
- (3) subjecting him to slavery
- (4) subjecting him to forced labor;
- (5) subjecting him to an act of prostitution;
- (6) subjecting him to participation in a pornographic publication or show;
- (7) committing a sexual offence against him;

(b) If a crime is committed according to subsection (a) against a minor – the perpetrator is subject to imprisonment for a term of 20 years.

(c) He who functions as a middleman in a transaction in a person, as detailed in subsection (a), whether for consideration (recompense) or lack of consideration, shall be considered as perpetrating a transaction in such a person.

(d) In this section, "transaction in a person" – selling or purchasing a person or carrying out another kind of transaction in a person, whether for consideration (recompense) or lack of consideration.

Section 377B. Minimum Sentence for Slavery and Trafficking

(a) If a person is convicted of a crime according to section 375A (slavery) or 377A (trafficking) – his sentence will not be less than one fourth of the maximal sentence set for these crimes, unless the court decides, for special reasons, which shall be recorded, to mete out a more lenient sentence.

(b) A sentence of imprisonment shall not be wholly conditional (or suspended) if there are no special reasons for this.

Italy

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code at articles 600 and 602 which criminalise placing or holding a person in conditions of slavery and the sale and purchase of slaves. Article 13 of the Constitution also declares that personal liberty is inviolable.

ii) **Provisions** related to **servitude** are found in the Penal Code at article 600 which criminalises placing or holding a person in servitude although the offence covers exercising powers and rights attaching to ownership, placing or holding in conditions of continuing enslavement, sexually exploiting, imposing coerced labour or forcing begging, or exploiting in any other way. This offence does not cover the acts included in the 1956 Convention.

iii) **Provisions** related to **forced labour** are found in the Penal Code at article 600 which prohibits imposing coerced labour.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code at article 601 which criminalises trafficking.

2) International Obligations: Italy consents to:

1926 Slavery Convention: (25 August 1928, ratification)
 1930 Forced Labour Convention: (18 June 1934, ratification)
 1953 Protocol to the 1926 Slavery Convention: (4 February 1954, succession)
 1956 Slavery Convention: (12 February 1958, ratification)
 1957 Abolition of Forced Labour Convention: (15 March 1968, ratification)
 1966 ICCPR: (15 September 1978, ratification)
 1998 Rome Statute of the ICC: (26 July 1999, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (2 August 2006, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Italy appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude; and
- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 227

Article 13 of the Constitution of the Republic, which entered into force in 1948, states that personal freedom is “inviolable”, while article 35 provides that labour is protected in all its forms and applications.

Paragraph 230

According to the Italian Penal Code, the individual personality is deemed to have been violated either when a person is actually deprived of his own individuality or when, while retaining his individuality in the strictly legal sense, he is reduced “*de facto*” to a state of complete subjugation to the power of another. The offences of “reduction to slavery” and “holding a person in a state of subjugation (*Plagio*)” are typical examples covered in Italian law. The former offence, which cannot be committed in Italy since slavery is not sanctioned by law, consists in reducing a person to slavery or a similar state (article 600 of the Penal Code) and is punished, even when practised upon a consenting party, by imprisonment for five to fifteen years. The latter offence consists in subjecting a person to the power of another in such a way as to reduce him to a state of subjugation (article 603 of the Penal Code); in this case, as may be readily understood, a *de facto* state of slavery exists but the person’s legal status (*status libertatis*) remains unchanged. Here too, the penalty is imprisonment for five to fifteen years. Both provisions are applicable even when the act is committed abroad against an Italian citizen (article 604 of the Penal Code).

Paragraph 231

...recruitment for commercial purposes of and trading in slaves or persons in a state similar to slavery is suppressed (imprisonment for five to twenty years) (article 601). The Penal Code also covers the sporadic cases in which persons in a state of slavery or a similar state are transferred or disposed of, acquired or taken possession of, or maintained in a state of slavery or a similar state (article 602), but imposes less severe penalties for such offences (imprisonment for three to twelve years).

CONSTITUTION OF THE ITALIAN REPUBLIC 1947 (REV. 2012)

Art. 3

All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions.

It is the duty of the Republic to remove those obstacles of an economic or social nature which constrain the freedom and equality of citizens, thereby impeding the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country.

Art. 4

The Republic recognises the right of all citizens to work and promotes those conditions which render this right effective.

Every citizen has the duty, according to personal potential and individual choice, to perform an activity or a function that contributes to the material or spiritual progress of society.

Art. 13

Personal liberty is inviolable

Art. 23

No obligation of a personal or financial nature may be imposed on any person except by law.

Art. 35

The Republic protects work in all its forms and practices. It provides for the training and professional advancement of workers. It promotes and encourages international agreements and organisations which have the aim of establishing and regulating labour rights. It recognises the freedom to emigrate, subject to the obligations set out by law in the general interest, and protects Italian workers abroad.

Art. 36

Workers have the right to a remuneration commensurate to the quantity and quality of their work and in any case such as to ensure them and their families a free and dignified existence. Maximum daily working hours are established by law. Workers have the right to a weekly rest day and paid annual holidays. They cannot waive this right.

**PENAL CODE (AS
AMENDED BY LAW
NO 228 OF 2003
MEASURES AGAINST
TRAFFICKING IN
PERSONS)**

Article 600. Placing or holding a person in conditions of slavery or servitude

Whoever exerts on any other person powers and rights corresponding to ownership; places or holds any other person in conditions of continuing enslavement, sexually exploiting such person, imposing coerced labour or forcing said person into begging, or exploiting him/her in any other way, shall be punished with imprisonment from eight to twenty years. Placement or maintenance in a position of slavery occur when use is made of violence, threat, deceit, or abuse of power; or when anyone takes advantage of a situation of physical or mental inferiority and poverty; or when money is promised, payments are made or other kinds of benefits are promised to those who are responsible for the person in question. The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in the first paragraph above are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes.

Article 601. Trafficking in human beings

Whoever carries out trafficking in persons who are in the conditions referred to in article 600, that is, with a view to perpetrating the crimes referred to in the first paragraph of said article; or whoever leads any of the aforesaid persons through deceit or obliges such person by making use of violence, threats, or abuse of power; by taking advantage of a situation of physical or mental inferiority, and poverty; or by promising money or making payments or granting other kinds of benefits to those who are responsible for the person in question, to enter the national territory, stay, leave it or migrate to said territory, shall be punished with imprisonment from eight to twenty years. The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in this present article are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes

Article 602. Sale and purchase of slaves.

Whoever, in cases other than the ones referred to in article 601, purchases or sales or transfers any person who is in any of the conditions referred to in article 600, shall be punished with imprisonment from eight to twenty years. The aforesaid penalty becomes harsher, increasing by one third to 50%, if the offences referred to in this present article are perpetrated against minors under eighteen or for sexual exploitation, prostitution or organ removal purposes

Jamaica

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Jamaica which prohibits **slavery**, although articles 13 and 14 of the Constitution protect the individual right to liberty.
- ii) There appears to be **no legislation** in place in Jamaica which prohibits **servitude**.
- iii) There appears to be **no legislation** in place in Jamaica which prohibits **forced labour**.
- iv) **Provisions** related to **trafficking in persons** are found in the Trafficking in Persons (Prevention, Suppression and Punishment) Act which criminalises trafficking at article 4.

2) International Obligations: Jamaica consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (26 December 1962, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: (30 July 1964, succession)
1957 Abolition of Forced Labour Convention: (26 December 1962, ratification)
1966 ICCPR: (3 October 1975, ratification)
1998 Rome Statute of the ICC: (8 September 2000, signature)
2000 Palermo Protocol (Trafficking in Persons): (29 September 2003, ratification)
2014 Protocol to the Forced Labour Convention: (13 June 2017, ratification, entry into force 13 June 2018)

3) Outcome: Jamaica appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 240

From 1833 an Act abolishing slavery and making slavery unlawful was passed in Jamaica. The Act stated that from 1 August 1834, all slave sin Jamaica should be freed. Since that time it has not been necessary to legislate against slavery, but section 13 of the Jamaica Constitution Order in Council, 1962, provides:

“Whereas every person in Jamaica is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right... to each and all of the following:

(a) Life, liberty, security of the person...

Paragraph 243

Slavery was abolished in Jamaica on 1 august 1834 by the Slavery Abolition Act 1832.

CONSTITUTION OF JAMAICA 1962 (REV. 2011)

Article 13. Fundamental Rights and Freedoms

1. Whereas-

a. the state has an obligation to promote universal respect for, and observance of, human rights and freedoms;

b. all persons in Jamaica are entitled to preserve for themselves and future generations the fundamental rights and freedoms to which they are entitled by virtue of their inherent dignity as persons and as citizens of a free and democratic society; and

c. all persons are under a responsibility to respect and uphold the rights of others recognized in this Chapter,

the following provisions of this Chapter shall have effect for the purpose of affording protection to the rights and freedoms of persons as set out in those provisions, to the extent that those rights and freedoms do not prejudice the rights and freedoms of others.

3. The rights and freedoms referred to in subsection (2) are as follows-

a. the right to life, liberty and security of the person and the right not to be deprived thereof except in the execution of the sentence of a court in respect of a criminal offence of which the person has been convicted;

o. the right to, protection from torture, or inhuman or degrading punishment or other treatment as provided in subsections (6) and (7);

p. the right to freedom of the person as provided in section 14;

6. No person shall be subjected to torture or inhuman or degrading punishment or other treatment.

Article 14. Protection of freedom of the person

1. No person shall be deprived of his liberty except on reasonable grounds and in accordance with fair procedures established by law in the following circumstances-

Article 18. Status of marriage

1. Nothing contained in or done under any law in so far as it restricts-

a. marriage; or

b. any other relationship in respect of which any rights and obligations similar to those pertaining to marriage are conferred upon persons as if they were husband and wife,

to one man and one woman shall be regarded as being inconsistent with or in contravention of the provisions of this Chapter.

2.No form of marriage or other relationship referred to in subsection (1), other than the voluntary union of one man and one woman may be contracted or legally recognized in Jamaica.

OFFENCES AGAINST
THE PERSON ACT (AS
AMENDED TO 2010)

69. Child stealing

Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away, or detain any child under, the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child to whomsoever such article may belong; and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained as in this section before-mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for a term not exceeding seven years, with or without hard labour:

Provided, that no person who shall have claimed any right to the possession of such child, or shall be the mother, or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child out of the possession of any person having the lawful charge thereof.

70. Kidnapping

1) Whosoever shall kidnap a person with intent-

(a) to hold him against his will for ransom, whether by way of money or valuables or any promise to do or refrain from doing anything or any other consideration; or

(b) to cause him to be unlawfully sent or transported out of Jamaica against his will; or

(c) to hold him for service against his will,

shall be guilty of a felony and, being convicted thereof, shall be liable to imprisonment for life with or without hard labour.

(2) Whosoever conspires to commit an offence against subsection (1) or solicits, encourages, persuades or endeavours to persuade any person to commit such an offence shall be guilty of a 'misdemeanour and, being convicted thereof, shall be liable to be imprisoned for a term not exceeding ten years with or without hard labour.

(3) In proceedings under this section where the person in relation to whom the offence is alleged to have been committed is a child under the age of fourteen years any action shall be deemed to be against his will if it is against the will of his parent or guardian, or other person having the lawful care or charge of such child.

(4) For the purposes of this section a person "kidnaps" when he unlawfully, either by force or fraud, leads or takes away, decoys or entices away, or detains or secretes any other person, so, however, that the fact that a person in relation to whom the offence is alleged to have been committed did not resist is not a defence unless the accused proves that the failure to resist was not caused by fraud or by threats, duress, force or exhibition of force.

TRAFFICKING IN
PERSONS
(PREVENTION,

Article 2. Interpretation

1) In this Act, unless the context otherwise requires-

SUPPRESSION AND
PUNISHMENT) ACT
(AS AMENDED 2013)

- 2) "debt bondage" means the status or condition of a debtor arising from a pledge or the use by the debtor of his personal services or those of a person under his control as security for or payment of a 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 nor respectively limited or defined;

"exploitation" includes-

- (a) the exploitation of the prostitution of a person;
- (b) compelling or causing a person to provide forced labour;
- (c) keeping a person in a state of slavery or servitude;
- (d) engaging in any form of sexual exploitation;
- (e) illicit removal of organs;
- (f) keeping a person in debt bondage;

"exploitation of the prostitution of a person" means the deriving by one person of monetary or other benefit through the provision of sexual services for money or other benefit by another person;

"forced labour" means any work or services exacted from a person by threat of penalty and for which the said person did not offer himself to provide such work or services voluntarily;

"servitude" means a relationship of dependency in which the labour or service of a person is provided or obtained by threats of harm or death to that person or another person, or through any scheme, plan, or pattern intended to cause the person to believe that if he does not perform such labour or service he or another person will suffer harm or be killed;

"sexual exploitation" means compelling the participation of a person in-

- (a) prostitution;

- (b) the production of child pornography or other pornographic material;
- (c) any other sexual activity,

as a result of being subjected to threat, coercion, abduction, the effects of narcotic drugs, force, abuse of authority or fraud;

"slavery" means the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised by another, and includes practices similar to slavery, such as bondage and serfdom;

Article 4. Trafficking in persons

4,-(1) A person commits the offence of trafficking in persons. persons where, for the purpose of exploitation he-

- (a) recruits, transports, transfers, harbours or receives another person within Jamaica;
- (b) recruits, transports or transfers another person from Jamaica to another country; or
- (c) recruits, transports, transfers, or receives another person from another country into Jamaica, by any of the specified means in subsection (2).

(2) The means referred to in subsection (1) are-

- (a) threat or use of force or other form 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 a benefit in order to obtain the consent of a person who has control over another person.
- (3) Notwithstanding the absence of the use of any of the means specified in paragraphs (a) to (e) of subsection (2), a person who recruits, transports, transfers, harbours or receives a child for the purpose of exploitation of that child commits the offence of trafficking in persons.
- (4) It shall not be a defence for a person who commits the offence of trafficking in persons that the offence was committed with the victim's consent.
- (5) A person who facilitates the offence of trafficking in persons commits an offence.
- (6) A person who commits the offence of trafficking in persons or who facilitates that offence is liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.
- (7) A person who, for the purpose of committing or facilitating an offence under subsection (1) conceals, removes, withholds or destroys any-
- (a) travel document that belongs to another person; or
- (b) document that establishes or purports to establish another person's identity or immigration status,
- is liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.
- (8) Every person who receives a financial or other benefit knowing that it results from the offence of trafficking in persons commits an offence and is liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.
- (8A) A person commits an offence where that person conspires with any other person to commit an offence of trafficking in persons and shall be liable on conviction on indictment before a Circuit Court to a fine or to imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.
- (9) For the purposes of this section, an offence under subsection (1) is facilitated-
- (a) where the facilitator knows that such an offence is intended to be facilitated;
- (b) whether or not the facilitator knows the specific nature of the offence that is intended to be facilitated; and
- (c) whether or not the offence was actually committed.

THE CHILD CARE AND
PROTECTION, ACT
2004

33. No person shall employ a child under the age of on employ- thirteen years in the performance of any work.
34. - (1) No person shall employ a child who has attained the age of thirteen years, but who has not attained the age of fifteen years, in the performance child of any work other than in an occupation included on the list of prescribed occupations referred to in subsection (2).
41. - (1) Every person who - (a) causes or procures any child; or (b) having the custody, charge or care of a child, allows the child, to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms commits an offence against this Act. (2) If any person while singing, playing, performing or offering anything for

sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms. (3) Where an offence under this section is committed by a person mentioned in subsection (1)(b) - (a) in the parish of Kingston or the parish of St. Andrew, such offence shall be triable by the Family Court - Corporate Area Region; and (b) in a parish within the geographical jurisdiction of a Family Court established pursuant to Part II of the Judicature (Family Court) Act, such offence shall be triable by that Family Court.

MINIMUM WAGES ACT

Article 5. Penalty for not paying wages in accordance with minimum rate fixed under the provisions of section 3

(1) Where any minimum wage has been fixed by the Minister under this Act an employer shall in cases to which the minimum wage is applicable pay wages to the person employed at not less than the minimum wage and if he fails so to do shall be liable on summary conviction before a Resident Magistrate in respect of each offence to a penalty not exceeding one hundred dollars, and to an additional penalty not exceeding twenty dollars for each day on which the offence is continued after conviction therefor.

(2) On the conviction of an employer under the provisions of subsection (1) the court may by the conviction adjudge the employer convicted to pay in addition to any penalty such sum as appears to the court to be due to the person employed on account of wages, calculated on the basis of the minimum wage:

Provided that the power to order the payment of wages under this subsection shall not be in derogation of any right of the person employed to recover wages by any other proceedings.

MARRIAGE ACT

24. Persons who have reached the age of eighteen years of age and widowers or widows may marry without the consent of others.

Where a person under eighteen years of age not being a widower or widow intends to marry, the father, or if the father is dead the lawful guardian or guardians, or if there is no such guardian the mother, if unmarried, of such person shall have authority to consent to the marriage of such person, and such consent is hereby required unless there is no person authorized to give it resident in this Island.

If the parent or guardian whose consent is necessary is non compos mentis, or unreasonably withholds consent to the marriage of any person, either party to the intended marriage may refer the matter to a Judge of the Supreme Court who shall decide upon the same in a summary way, and if the proposed marriage appears upon examination to be proper, the Judge shall certify the same, and his certificate shall be as good and effectual as if the necessary consent had been given.

Where either of the parties to a marriage is under eighteen years of age, not being a widower or widow, and is married under this Act without the consent of the person having authority to consent, it shall be lawful for the Supreme Court, on an information by the Attorney-General, to declare a forfeiture of all interest in any property acquired by such marriage by the other

party thereto, and to secure the same for the benefit of the party so under eighteen years of age, and of the issue of the marriage.

Japan

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code at article 226-2 which prohibits buying or selling human beings. Article 18 of the Constitution also declares that no person shall be held in bondage of any kind.

ii) **Provisions** related to **servitude** are found in the Constitution at article 18 which prohibits involuntary servitude except as punishment for a crime.

iii) **Provisions** related to **forced labour** are found in the Labour Standards Law which employment placement, labor recruitment or labor supply by means of violence, intimidation, confinement or other unjust restraint on mental or physical freedom.

iv) There appears to be **no legislation** in place in Japan which prohibits **trafficking in persons**, although article 8 of the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children criminalises trafficking in children for the purpose of child prostitution.

2) International Obligations: Japan consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (21 November 1932, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: *N/A*

1966 ICCPR: (21 June 1979, ratification)

1998 Rome Statute of the ICC: (17 July 2007, accession)

2000 Palermo Protocol (Trafficking in Persons): (9 December 2002, signature)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Japan appears to be:

- in breach of its obligations under the ICCPR in regards to slavery and servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 246

...the Constitution of Japan guarantees to the people the fundamental human rights (article 11, the Constitution of Japan), and provides “No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.” (Article 18, ditto.)

Paragraph 247

...article 5 (prohibition of forced labour) and article 117 (penal provision for violation of the provision of article 5) of the Labour Standard Law (Law No. 49 of 1947).

ENGEN REPORT

Paragraph 73

The practice of advance money payments by employers to be deducted from wages to be received by labourers and of virtually binding the latter until the account balances existed in the past among entertainment, construction and spinning industries, but the enforcement of the Labour Standards Law aiming at the severance of labour obligations from money indebtedness has eliminated this evil practice, which hardly exists at present...

THE CONSTITUTION OF JAPAN 1946

Article 18.

No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

Article 22.

Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare.

Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

Article 24.

Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

Article 27.

All people shall have the right and the obligation to work.

Standards for wages, hours, rest and other working conditions shall be fixed by law.

Children shall not be exploited.

CRIMINAL CODE

Article 220. (Unlawful Capture and Confinement)

A person who unlawfully captures or confines another shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.

Article 223. (Compulsion)

- (1) A person who, by intimidating another through a threat to another's life, body, freedom, reputation or property or by use of assault, causes the other to perform an act which the other person has no obligation to perform, or hinders the other from exercising his or her rights, shall be punished by imprisonment with work for not more than 3 years.
- (2) The same shall apply to a person who, by intimidating another through a threat to the life, body, freedom, reputation or property of the relatives of, another causes the other to perform an act which the other person has no obligation to perform, or hinders the other from exercising his or her rights.
- (3) An attempt of the crimes proscribed under the preceding two paragraphs shall be punished.

Article 224. (Kidnapping of Minors)

A person who kidnaps a minor by force or enticement shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.

Article 225. (Kidnapping for Profit)

A person who kidnaps another by force or enticement for the purpose of profit, indecency, marriage or threat to the life or body shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

Article 226. (Kidnapping for Transportation out of a Country)

A person who kidnaps another by force or enticement for the purpose of transporting another from one country to another country shall be punished by imprisonment with work for a definite term of not less than 2 years.

Article 226-2 (Buying or Selling of Human Beings)

- (1) A person who buys another shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.
- (2) A person who buys a minor shall be punished by imprisonment with work for not less than 3 months but not more than 7 years.
- (3) A person who buys another for the purpose of profit, indecency, marriage or threat to the life or body, shall be punished by imprisonment with work for not less than 1 year but not more than 10 years,
- (4) The preceding paragraph shall apply to a person who sells another.
- (5) A person who sells or buys another for the purpose of transporting him/her from one country to another country shall be punished by imprisonment with work for not less than 2 years.

Article 226-3 (Transportation of Kidnapped Persons out of a Country)

A person who transports another kidnapped by force or enticement or another who has been bought or sold, from one country to another country, shall be punished by imprisonment with work for not less than 2 years.

Article 227. (Delivery of Kidnapped Persons)

- (1) A person who, for the purpose of aiding another who has committed any of the crime proscribed under Articles 224, 225 or the preceding three Articles, delivers, receives, transports or hides a person who has

been kidnapped by force or enticement or has been bought or sold, shall be punished by imprisonment with work for not less than 3 months but not more than 5 years.

(2) A person who, for the purpose of aiding another who has committed the crime proscribed under paragraph 1 of Article 225-2, delivers, receives, transports or hides a person who has been kidnapped shall be punished by imprisonment with work for not less than 1 year but not more than 10 years.

(3) A person who, for the purpose of profit, indecency or threat to the life or body, receives a person who has been kidnapped or sold, shall be punished by imprisonment with work for not less than 6 months but not more than 7 years.

(4) A person who, for purpose proscribed under paragraph 1 of Article 225-2, receives a person who has been kidnapped shall be punished by imprisonment with work for a definite term of not less than 2 years. The same shall apply to a person, who has received a kidnapped person and causes or demands such person's relative or any other person who would be concerned about the safety of the kidnapped person to deliver any property, taking advantage of such concern.

EMPLOYMENT SECURITY ACT 1947

Article 63

A person who falls under any of the following items shall be punished by imprisonment with work for not less than one year and not more than ten years or a fine of not less than two hundred thousand yen and not more than three million yen:

- (i) a person who has carried out or engaged in employment placement, labor recruitment or labor supply by means of violence, intimidation, confinement or other unjust restraint on mental or physical freedom;
- (ii) A person who has carried out or engaged in employment placement, labor recruitment or labor supply with an intention of having workers do work harmful to public health or morals.

Article 65

A person who falls under any of the following items shall be punished by imprisonment with work for not more than six months or a fine of not more than three hundred thousand yen:

...

- (viii) A person who has carried out or engaged in employment placement, labor recruitment, or labor supply by placing a false advertisement or by presenting false conditions;
- (ix) A person who has carried out or engaged in employment placement, labor recruitment, or labor supply for a factory, workplace, etc. of which working conditions are in violation of a law or regulation.

LABOUR STANDARDS LAW

Article 5 (Prohibition of Forced Labor)

An employer shall not force workers to work against their will by means of violence, intimidation, imprisonment, or any other unfair restraint on the mental or physical freedom of the workers.

Article 117.

A person who has violated the provisions of Article 5 shall be sentenced to penal servitude of not less than one year and not more than ten years,

or to a fine of not less than 200,000 yen and not more than 3,000,000 yen.

THE LAW FOR
PUNISHMENT OF
ORGANIZED CRIMES,
CONTROL OF CRIME
PROCEEDS AND
OTHER MATTERS

Schedule (with respect to Articles 2, 13, 22, 42, 56 and 59)

(M) an offence provided for in Articles 224 to 228 (Kidnapping or abduction of a minor, Kidnapping or abduction for profit or other purposes, Kidnapping or abduction for ransom, etc., Kidnapping or abduction for transportation to foreign country and traffic in persons, Receipt, etc. of kidnapped or abducted person, Attempts) of the Penal Code

ACT OF PUNISHMENT
OF ACTIVITIES
RELATING TO CHILD
PROSTITUTION AND
CHILD
PORNOGRAPHY, AND
THE PROTECTION OF
CHILDREN

Article 4 Child Prostitution

Any person who commits child prostitution shall be sentenced to imprisonment with work for not more than five years or a fine of not more than three million yen.

Article 5 Intermediation in Child Prostitution

(1) Any person who intermediates in child prostitution shall be sentenced to imprisonment with work for not more than five years and/or a fine of not more than five million yen.

(2) Any person who intermediates in child prostitution with the intention of doing so on a regular basis shall be sentenced to imprisonment with work for not more than seven years and a fine of not more than ten million yen.

Article 6 Solicitation of Child Prostitution

(1) Any person who solicits another person to commit child prostitution for the purpose of intermediating child in prostitution shall be sentenced to imprisonment with work for not more than five years and/or a fine of not more than five million yen.

(2) Any person who solicits another person to commit child prostitution on a regular basis for the purpose set forth in the preceding paragraph shall be sentenced to imprisonment with work for not more than seven years and a fine of not more than ten million yen.

Article 8 Trafficking in Children for the Purpose of Child Prostitution

(1) Any person who buys or sells a child for the purpose of having the child be a party to sexual intercourse in child prostitution, or for the purpose of producing child pornography by depicting the pose of a child, which falls under any of the items of paragraph 3 of Article 2, shall be sentenced to imprisonment with work for not less than one year and not more than ten years.

(2) Any Japanese national who transports a child residing in a foreign state, who has been kidnapped by enticement or force or sold, out of that state shall be sentenced to imprisonment with work for a definite term of not less than two years.

(3) Any person who attempts the crimes prescribed in the two preceding paragraphs shall be punished.

Jordan

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1929 Abolition of Slavery Act which abolished slavery within Jordan (article 2); voided contracts including a requirement or pledge to buy a person, servitude, and the giving of a person for a mortgage or as insurance for a debt (article 4); and made it an offence to buy, sell, or reciprocate another person, or to give or take him to another in order to be acquired or treated as a slave (article 5).

ii) There appears to be **no legislation** in Jordan prohibiting **servitude**, although the 1929 Abolition of Slavery Act makes any contract including servitude void at article 4.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 13 which prohibits compulsory labour except in the prescribed circumstances. Forced labour may also form an element of trafficking under the Anti-Human Trafficking Law and article 389 of the Penal Code prohibits causing, procuring or encouraging any child under the age of sixteen to beg or gather alms in public.

iv) **Provisions** related to **trafficking in persons** are found in the Anti-Human Trafficking Law of 2009 which prohibits trafficking at article 8.

2) International Obligations: Jordan consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (6 June 1966, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: (27 September 1957, accession)

1957 Abolition of Forced Labour Convention: (31 March 1958, ratification)

1966 ICCPR: (28 May 1975, ratification)

1998 Rome Statute of the ICC: (11 April 2002, ratification)

2000 Palermo Protocol (Trafficking in Persons): (11 June 2009, accession)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Jordan appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF THE HASHEMITE
KINGDOM OF
JORDAN

Article 6

3. The State shall ensure work and education within the limits of its possibilities, and shall ensure tranquility and equal opportunities to all Jordanians.

Article 7

1. Personal freedom shall be guaranteed.
2. Every infringement on rights and public freedoms or the inviolability of the private life of Jordanians is a crime punishable by law.

Article 8

1. No person may be seized, detained, imprisoned or the freedom thereof restricted except in accordance with the provisions of the law.
2. Every person seized, detained, imprisoned or the freedom thereof restricted should be treated in a manner that preserves human dignity; may not be tortured, in any manner, bodily or morally harmed; and may not be detained in other than the places permitted by laws; and every statement uttered by any person under any torture, harm or threat shall not be regarded.

Article 9

2. No Jordanian may be prohibited from residing at any place; be prevented from movement; or be compelled to reside in a specified place, except in the circumstances prescribed by law.

Article 13

Compulsory labour shall not be imposed on any person, but pursuant to law, work or service may be imposed on any person:

1. in a state of necessity, such as the state of war, the occurrence of a public danger, fire, flood, famine, earthquake, severe epidemic among humans or animals; or diseases of animals, insects, plants or any other similar disease, or in any other circumstances which might endanger the safety of the population, in whole or in part.
2. as a result of the conviction thereof by a court, provided that the work or service is performed under the supervision of an official authority; and provided that the convicted person shall not be hired to any persons, companies, societies or any public body, or be placed at their disposal.

Article 23

1. Work is the right of all citizens, and the State shall avail it to Jordanians by directing and improving the national economy.
2. The State shall protect labour and enact legislation therefor based on the following principles:
 - a. Giving the worker a wage commensurate with the quantity and quality of his work.
 - b. Defining weekly work hours and granting workers weekly and annual paid rest days.
 - c. Specifying special compensation to workers supporting families and in the cases of dismissal, illness, disability and emergencies arising out of work.
 - d. Establishing special conditions for the work of women and juveniles.
 - e. Subjection of factories to health safeguards.
 - f. Free trade union within the limits of the law.

PENAL CODE

Article 279: Offences Relating to Marriage

A prison sentence for a period of one (1) to six (6) months shall be imposed upon any person who:

1. Knowingly performed, or assisted in performing, a marriage ceremony in contradiction with the provisions of the Family Rights Law, or any other law that applies to the spouses; or,
2. Marries a girl or, performed, or assisted in performing in any manner whatsoever, the marriage ceremony of a girl under fifteen (15) years of age; or,
3. Marries a girl, performed, or assisted in performing in any manner whatsoever, the marriage ceremony of a girl under eighteen (18) years of age, without having previously acknowledged that the guardian of the girl gave his consent to such a marriage.

Article 302: Abduction

Any person who abducts, by using a ruse or coercion, another person, whether male or female, and escapes with the abducted person to any place, shall be sentenced to:

1. A prison sentence of two (2) to three (3) years, if the abducted person is a male and has not reached fifteen (15) years of age;
2. Temporary hard labour, if the abducted person is a female;
3. Hard labour for a period of no less than five (5) years, if the abducted person was a married female who has reached, or not, fifteen (15) years of age;
4. Hard labour for a period of no less than ten (10) years, if the abducted person, male or female, was raped or attacked;
5. Hard labour for a period of no less than ten (10) years, if the abducted person was a married female, who has not reached fifteen (15) years of age, and who was sexually assaulted;
6. Hard labour for a period of no less than seven (7) years, if the abducted person was a married female, who has reached fifteen (15) years of age, and who was sexually assaulted.

Article 311: Coerced Debauchery

A prison sentence of one (1) to three (3) years shall be imposed upon any person who:

1. Leads or attempts to lead a woman by coercion or intimidation to have illegal sexual intercourse inside or outside the country;
2. Leads a woman who is not a prostitute, and not known for her immoral character, by making false claims or by other means of deception, to have illegal sexual intercourse with another person; or
3. Gives to a woman, or causes her to be given, a drug or another substance with the intent of subduing her to have illegal sexual intercourse with another person.

Article (346) Deprivation of liberty

Whoever unlawfully detains and deprives a person of his liberty, he/she shall be punished by imprisonment for a period not to exceed one year or by a fine not to exceed fifty dinars, if the perpetrator does so by falsely claiming that he/she is a public official and has a legal detention warrant, then the punishment shall be from six months to two years. If these acts were directed against a public official while in the course of executing

the duties of his/her office or if he/she is killed as a consequence of such duty.

Article (389) Of Beggars

1. Whoever behaves in a disorderly or indecent manner in a public place;
 2. is found wondering or placing him/herself in any public place to beg or gather alms, whether by the exposure of wounds or deformation or by any other means whatsoever or causing procuring or encouraging any child under the age of sixteen years to do so;
 3. is found going about as a gatherer or collector of alms , or endeavoring to procure charitable contributions of any nature or kind under any false or fraudulent pretence.
 4. in any public place conducts him in a manner likely to cause a breach of peace.
 5. is found wandering in or upon or near any premises or in any road or highway or any place adjacent hereto, or in any public place at such time and under such circumstances as to lead to the conclusion that he is there for an illegal or disorderly purpose.
- the first time, he / she shall be punished for a period not to exceed three months or the court may decide to refer him / her to any institution designated by the Minister of 70 Social Affairs and which provide care for beggars for a period not less than year and not more than three years.

ABOLITION OF SLAVERY ACT 1929

Invalidating slavery and prohibiting the sale of human beings, using them as collateral, forcibly handing them over to others, or any other action that demeans their dignity and turns them into a tradable commodity.

Article 2: abolition of slavery in all parts of Transjordan

Article 4: each contract including a requirement or a pledge to buy someone, servitude, give it to another for a mortgage or insurance for debt or any other way is void

Article 5: each person who buys, sells, reciprocates another person, gives him or takes him to another in order to be acquired or treated as a slave is subject to penalty

LABOUR CODE OF 1996

Section 45

Remuneration shall be specified in the contract. In the absence of such provision, the worker shall be paid the remuneration that would be assessed for work of the same type, if such type of work exists. Otherwise, remuneration shall be assessed in accordance with common practice. In the absence of such practice, payable remuneration shall be assessed by court in accordance with the provisions of this Code, considering the case as a labour dispute over remuneration.

Section 53

An employer, or person acting on his behalf, who has paid a worker less than the minimum rate of remuneration shall be punishable by a fine of no less than twenty five and no more than one hundred Dinars in respect of each offense, and shall also be ordered to pay the worker the difference. The penalty shall be doubled every time the offense is repeated.

Section 73

Subject to the provisions relating to vocational training, no minor under sixteen shall be employed in any form.

Section 75

The employment of minors shall be prohibited:

- (1) in excess of six hours a day, and minors shall be granted a rest period of at least one hour after four consecutive working hours;
- (2) between eight in the evening and six in the morning;
- (3) on religious and official holidays and on weekly rest days.

Section 77

Any employer or manager of an establishment who violates any provisions of this chapter or any regulations or decisions adopted thereunder, shall be liable to a fine of no less than one hundred and no more than five hundred Dinars. The fine shall be doubled every time the offense is repeated and may not be reduced beneath the minimum rate on any mitigating grounds.

ANTI-HUMAN TRAFFICKING LAW 2009

Article 8

Shall be punished by imprisonment for not less than six months or a fine of not less than one thousand dinars and not more than five thousand dinars, or both penalties commits human trafficking set forth in item 1 of paragraph (a) of Article 3 of this law crimes

Article 9

Notwithstanding the provisions in Article 8 shall be punished by hard labor for not more than ten years and a fine not less than five thousand dinars and not more than twenty thousand dinars Ka Net

Committed any of the crimes set forth in Item 2 of the impoverished (a) of Article 3 of this law

Committed any of the crimes of human trafficking in one of the following cases

1. If the perpetrator of the crime has been established, it organizes or directs an organized criminal group for human trafficking acceded to or participated by
2. If one of the female victims with disabilities
3. If the crime was committed through the exploitation of prostitution, or any form of sexual exploitation or the removal of organs
4. If the crime was committed using a gun or using it Althahdzd
5. If the victim was injured as a result of commission of an offense Mouncooso the incurable disease can not be cured
6. If the offender's spouse, or one of the victim's assets or branches or guardian or guardian
7. If the perpetrator is a public official or costly Balkhaddmha to the general and committed through the exploitation of his job, or the public service
8. If the nature of the crime with a transnational

Article 10

Shall be punished by imprisonment for a period not exceeding six months, all of the work by virtue of his job there is a plan to commit an offense set forth in Article 9 of this law or aware of such crimes and did not inform the relevant authorities about it

Shall be punished by imprisonment for a term not exceeding one year and a fine of not less than two hundred dinars and not exceeding one thousand dinars, or both penalties anyone who possesses or the disposition of any money which is aware of the Baja obtained from a one of the crimes stipulated in this Law

PERSONAL STATUS LAW

Law does not criminalise forced marriage, and children under 18 can be married if permitted by a judge under the Personal Status Law 2010.

Kazakhstan

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Kazakhstan which prohibits **slavery**, although article 24 of the Constitution affirms the right to freedom of labour and article 126 of the Penal Code makes illegal deprivation of freedom an offence with aggravated penalties where the purpose was exploitation. Trading in juveniles is also prohibited under article 133 of the Penal Code.
- ii) There appears to be **no legislation** in place in Kazakhstan which prohibits **servitude**, although article 9 of the Law on Marriage requires voluntary consent from both parties as a precondition for marriage.
- iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits involuntary labour at article 24, and the Labour Code which prohibits forced labour at article 8. Violation of the Labour Code is criminalised under article 148 of the Penal Code, although punishment for this offence is limited to a fine or in deprivation of the right to hold certain positions.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises trafficking at article 128 although this provision does not reference the means included in the Palermo Protocol.

2) International Obligations: Kazakhstan consents to:

1926 Slavery Convention: (1 May 2008, accession)
 1930 Forced Labour Convention: (18 May 2001, ratification)
 1953 Protocol to the 1926 Slavery Convention: (1 May 2008, accession)
 1956 Slavery Convention: (1 May 2008, accession)
 1957 Abolition of Forced Labour Convention: (18 May 2001, ratification)
 1966 ICCPR: (24 January 2006, ratification)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (31 July 2008, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Kazakhstan appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
KAZAKHSTAN 1995
(REV. 2011)

Article 12

1. Human rights and freedoms in the Republic of Kazakhstan shall be recognized and guaranteed in accordance with this Constitution. 2. Human rights and freedoms shall belong to everyone by virtue of birth, be recognized as absolute and inalienable, and define the contents and implementation of laws and other regulatory legal acts. 3. Every citizen of the Republic shall have rights and bear responsibilities owing to his citizenship. 4. Foreigners and stateless persons in the Republic shall enjoy rights and freedoms as well as bear responsibilities established for the citizens unless otherwise stipulated by the Constitution, laws and international treaties. 5. Exercise of a citizen's human rights and freedoms must not violate rights and freedoms of other persons, infringe on the constitutional system and public morals.

Article 16

1. Everyone shall have the right to personal freedom.
2. Arrest and detention shall be allowed only in cases stipulated by law and with the sanction of a court with right of appeal of an arrested person. Without the sanction of a court, a person may be detained for a period no more than seventy-two hours.
3. Every person detained, arrested and accused of committing a crime shall have the right to the assistance of a defense lawyer (defender) from the moment of detention, arrest or accusation.

Article 17

1. A person's dignity shall be inviolable.
2. No one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity.

Article 24

1. Everyone shall have the right to freedom of labor, and the free choice of occupation and profession. Involuntary labor shall be permitted only on a sentence of court or in the conditions of a state of emergency or martial law.
2. Everyone shall have the right to safe and hygienic working conditions, to just remuneration for labor without discrimination, as well as to social protection against unemployment.
3. The right to individual and collective labor disputes with the use of methods for resolving them, stipulated by law including the right to strike, shall be recognized.
4. Everyone shall have the right to rest. Working labor agreements stipulating the length of working time, days-off and holidays, and paid annual leave shall be guaranteed by law.

Article 28

1. A citizen of the Republic of Kazakhstan shall be guaranteed a minimum wage and pension, and guaranteed social security in old age, in case of disease, disability or loss of a breadwinner and other legal grounds.
2. Voluntary social insurance, creation of additional forms of social security, and charity shall be encouraged.

Article 34

1. Everyone must observe the Constitution, legislation of the Republic of Kazakhstan and respect the rights, freedoms, honor and dignity of other persons.
2. Everyone must respect the state symbols of the Republic.

LAW NO. 167 OF 16
JULY 1997 OF THE
REPUBLIC OF
KAZAKHSTAN THE
CRIMINAL CODE OF
THE REPUBLIC OF
KAZAKHSTAN

Article 125. Kidnapping

1. Kidnapping of a person, - shall be punished by deprivation of freedom for a period from four to seven years.
 2. The same act committed:
 - a) by a group of people upon a preliminary collusion;
 - b) repeatedly;
 - c) with violence which is dangerous for life or health;
 - d) with the use of weapons or items used as weapons;
 - e) with regard to a person under age, a given convict being aware of that;
 - f) with regard to a pregnant woman, a given convict being aware of that fact;
 - g) with regard to two or more persons;
 - h) for avaricious or venal motives, -
 shall be punished by deprivation of freedom for a period from seven up to twelve years, with forfeiture of property or without it.
 3. Acts stipulated by the first or the second parts of this Article, if they:
 - a) are committed by an organised group;
 - b) are committed for the purpose of sexual or other exploitation of a kidnapped person;
 - c) due to negligence entailed the death of a given victim or other grave consequences, -
 shall be punished by deprivation of freedom for a period from ten up to fifteen years, with forfeiture of property or without it.
- Note. A person who voluntarily released a kidnapped person shall be exempt from criminal liability, unless there are elements of another crime in his actions.

Article 126. Illegal Deprivation of Freedom

1. Illegal deprivation of a person's freedom, which is not associated with his kidnapping, - shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period from three to six months, or by deprivation of freedom for a period up to three years.
2. The same act committed as follows:
 - a) by a group of persons upon a preliminary collusion;
 - b) repeatedly;
 - c) with violence which is dangerous for life or health;
 - d) with the use of weapons or items used as weapons;
 - e) with regard to a person under age, a given convict being aware of that fact;
 - f) with regard to a pregnant woman, a given convict being aware of that fact;
 - g) with regard to two or more persons;
 - h) for avaricious or venal motives, -
 shall be punished by deprivation of freedom for a period up to five years, with forfeiture of property or without it.
3. Acts stipulated by the first or the second parts of this Article, if they:
 - a) are committed by an organised group;

- b) are committed for the purpose of sexual or other exploitation of a person who was illegally deprived of freedom;
- c) entailed, due to negligence, the death of a given victim or other grave consequences,
- shall be punished by deprivation of freedom for a period from five up to ten years, with forfeiture of property or without it.

Article 128- Human trafficking:

1. Buy and sale or commission of other transactions in relation of person, as well as his (her) operation or enlistment, transportation, transfer, concealment, receipt, as well as commission of other actions in order of operation shall be punished by imprisonment for the term of three to five years with confiscation of property.
2. The same action, committed:
 - 1) by group of persons on previous concert;
 - 2) repeatedly;
 - 3) with use of force, dangerous to life and health, or threat of its use;
 - 4) with use of weapons or objects used as weapons;
 - 5) in relation of woman, certainly for guilty person being in the state of pregnancy;
 - 6) in relation of two and more persons;
 - 7) in order of removal of organs or tissues of injured person for transplanted or other use;
 - 8) by false pretences or abuse of trust;
 - 9) by person with the use of his (her) official position;
 - 10) with the use of material or other dependence of injured person;
 - 11) in relation of person, certainly for guilty person suffered from mental disease or being in the helpless state;
 - 12) with suppression, non-disclosure or destruction of documents, certifying identity of injured person
 shall be punished by imprisonment for the term of five to seven years with confiscation of property.
3. The actions, provided by first and second parts of this Article, committed in order of export outside of the Republic of Kazakhstan, import in the Republic of Kazakhstan or transportation of person through the territory of the Republic of Kazakhstan from one foreign state to another, as well as export outside of the Republic of Kazakhstan, import in the Republic of Kazakhstan or transportation of person through the territory of the Republic of Kazakhstan from one foreign state to another state in order of commission of such actions shall be punished by imprisonment for the term of seven to ten years with confiscation of property.
4. The actions, provided by first, second or third part of this Article, if they:
 - 1) committed by criminal group;
 - 2) resulted the death of injured person by negligence or other grievous consequences
 - shall be punished by imprisonment for the term of ten to fifteen years with confiscation of property.

Article 132. Involvement of a Juvenile into the Commission of Anti-Social Acts

1. Involvement of a juvenile in the non-medical use of drugs or other narcotic substances, or systematic use of alcohol, or into prostitution,

vagrancy, or into begging, - shall be punished by engagement in public works for a period from one hundred up to two hundred forty hours, or by correctional labour for a period from one year up to two years, or detention under arrest for a period up to six months, or deprivation of freedom for a period up to three years.

2. The same act committed by a parent, teacher, or another person, to whom obligations are delegated by law to raise or educate a given juvenile, - shall be punished by restriction of freedom for a period up to three years, or detention under arrest for a period from four to six months, or by deprivation of freedom for a period up to five years, with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years or without it.

3. Acts stipulated by the first or the second part of this Article committed repeatedly, or with violence or threatening with violence, - shall be punished by deprivation of freedom for a period up to six years.

Article 133. Trading in Juveniles

1. Purchase-and-sale of a juvenile, or the commission of other transactions with regard to a juvenile in the form of his transfer or getting possession of him, shall be punished by deprivation of freedom for a period from two to seven years. 2. The same acts committed:

- a) repeatedly;
- b) with regard to two or more juveniles;
- c) by a group of persons upon a preliminary collusion or by an organised group;
- d) by a person with the use of his official position;
- e) with illegal export of a juvenile outside of the Republic of Kazakhstan, or his illegal import into the Republic of Kazakhstan;
- f) for the purpose of involvement of a given juvenile into the commission of a crime or other anti-social actions;
- g) for the purpose of extraction of organs or tissues of a given juvenile for transplantation,

- shall be punished by deprivation of freedom for a period from three up to ten years, with forfeiture of property or without it.

3. Acts stipulated by the first or second part of this Article which entailed, due to negligence, the death of a given juvenile or other grave consequences, - shall be punished by deprivation of freedom for a period from seven to fifteen years with forfeiture of property or without it.

Article 148. Violation of Labour Legislation

1. Illegal dismissal of an employee from work for personal motives, and non-execution of a court's decision on his restoration at work, as well as other violation of labour legislation which entailed the causation of serious infringement upon the rights and legitimate interests of citizens, - shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages of other income of a given convict for a period from one to two months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period of five years.

2. An unmotivated refusal to accept a pregnant woman for work, or the unmotivated dismissal of a woman due to her pregnancy, or an unmotivated refusal to hire her for work, or an unmotivated dismissal from work of a woman having children under the age of three, based on these motives, as well as an unmotivated refusal to accept her for work,

or an unmotivated dismissal from work of an underage person based on his minor age, - shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period of five years or correctional labour for a period up to two years.

3. Repeated delay by a person, who carries out managerial functions, of payment of wages in full volume and within the established periods in relation to the use of funds for other purposes, - shall be punished by a fine in an amount from three hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from three to seven months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years.

Article 270. Drawing into Prostitution

1. Drawing into prostitution by way of violence or a threat to apply it, the use of a dependent position, blackmail, destruction or damaging property, or by way of deceit, - shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by imprisonment for a period up to five years. 2. The same act committed by an organised group, as well as by a person who was earlier convicted for drawing into prostitution, or the organisation or the keeping of haunts, or for pandering, - shall be punished by imprisonment for a period from three to seven years.

LAW OF THE
REPUBLIC OF
KAZAKHSTAN NO.
321-1 ON MARRIAGE
AND THE FAMILY
(WITH AMENDMENTS
INCORPORATED BY
REPUBLIC OF
KAZAKHSTAN LAW
NO. 276-II, OF 24
DECEMBER 2001), OF
17 DECEMBER 1998

LABOUR CODE

Article 9

the conditions for entering into a marriage are that both the man and the woman entering into the marriage give their voluntary consent and that both are of marriageable age. The law has not and does not specify any other conditions or requirements for entry into marriage, specifically with regard to paying a dowry or price for the bride. The law on marriage and the family establishes the age for marriage for men and for women to be 18. If there are legitimate reasons, civil registry authorities may lower the age for marriage by no more than two years.

Article 8. Prohibition of forced labor

Forced labor is prohibited. Forced labor is any work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered required by the laws of the Republic of Kazakhstan on compulsory military service

Article 14. Liability for violation of the labor legislation of the Republic of Kazakhstan

1. Persons guilty of violating the labor legislation of the Republic of Kazakhstan are liable in accordance with the laws of the Republic of Kazakhstan

Kenya

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 30(1) which declares that a person shall not be held in slavery and the Penal Code at article 260 which criminalises kidnapping or abducting in order to subject to slavery. Slavery may also form elements of an offence of trafficking under article 3 of the Counter-trafficking in Persons Act

ii) **Provisions** related to **servitude** are found in the Constitution at article 30(1) which declares that a person shall not be held in servitude. Involuntary servitude and practices similar to slavery may also form elements of an offence of trafficking under article 3 of the Counter-trafficking in Persons Act.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 30(2) which declares that a person shall not be required to perform forced labour and the Penal Code which criminalises unlawful compulsory labour at article 266. The 2007 Employment Act also prohibits forced labour at article 4 and forced labour may also form elements of an offence of trafficking under article 3 of the Counter-trafficking in Persons Act

iv) **Provisions** related to **trafficking in persons** are found in the 2010 Counter-Trafficking in Persons Act which criminalises trafficking at article 3. Article 13 of the Sexual Offences Act also criminalises child trafficking for the purpose of sexual exploitation.

2) International Obligations: Kenya consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (13 January 1964, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: (13 January 1964, ratification)
1966 ICCPR: (1 May 1972, accession)
1998 Rome Statute of the ICC: (15 March 2005, ratification)
2000 Palermo Protocol (Trafficking in Persons): (date)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Kenya appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF KENYA 2010

19. Rights and fundamental freedoms

1. The Bill of Rights is an integral part of Kenya's democratic state and is the framework for social, economic and cultural policies.
2. The purpose of recognising and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realisation of the potential of all human beings.
3. The rights and fundamental freedoms in the Bill of Rights-
 - a. belong to each individual and are not granted by the State;
 - b. do not exclude other rights and fundamental freedoms not in the Bill of Rights, but recognised or conferred by law, except to the extent that they are inconsistent with this Chapter; and
 - c. are subject only to the limitations contemplated in this Constitution.

21. Implementation of rights and fundamental freedoms

1. It is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights.
2. The State shall take legislative, policy and other measures, including the setting of standards, to achieve the progressive realisation of the rights guaranteed under Article 43.
3. All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.
4. The State shall enact and implement legislation to fulfil its international obligations in respect of human rights and fundamental freedoms.

24. Limitation of rights and fundamental freedoms

1. A right or fundamental freedom in the Bill of Rights shall not be limited except by law, and then only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including-
 - a. the nature of the right or fundamental freedom;
 - b. the importance of the purpose of the limitation;
 - c. the nature and extent of the limitation;
 - d. the need to ensure that the enjoyment of rights and fundamental freedoms by any individual does not prejudice the rights and fundamental freedoms of others; and
 - e. the relation between the limitation and its purpose and whether there are less restrictive means to achieve the purpose.

25. Fundamental rights and freedoms that may not be limited

Despite any other provision in this Constitution, the following rights and fundamental freedoms shall not be limited-

- a. freedom from torture and cruel, inhuman or degrading treatment or punishment;
- b. freedom from slavery or servitude;

28. Human dignity

Every person has inherent dignity and the right to have that dignity respected and protected.

29. Freedom and security of the person

Every person has the right to freedom and security of the person, which includes the right not to be-

- a. deprived of freedom arbitrarily or without just cause;
- b. detained without trial, except during a state of emergency, in which case the detention is subject to Article 58;
- c. subjected to any form of violence from either public or private sources;
- d. subjected to torture in any manner, whether physical or psychological;
- e. subjected to corporal punishment; or
- f. treated or punished in a cruel, inhuman or degrading manner.

30. Slavery, servitude and forced labour

1. A person shall not be held in slavery or servitude.
2. A person shall not be required to perform forced labour.

41. Labour relations

1. Every person has the right to fair labour practices.
2. Every worker has the right-
 - a. to fair remuneration;
 - b. to reasonable working conditions;
 - c. to form, join or participate in the activities and programmes of a trade union; and
 - d. to go on strike.
3. Every employer has the right-
 - a. to form and join an employers organisation; and
 - b. to participate in the activities and programmes of an employers organisation.
4. Every trade union and every employers' organisation has the right-
 - a. to determine its own administration, programmes and activities;
 - b. to organise; and
 - c. to form and join a federation.
5. Every trade union, employers' organisation and employer has the right to engage in collective bargaining.

45. Family

2. Every adult has the right to marry a person of the opposite sex, based on the free consent of the parties.

53. Children

1. Every child has the right-
 - d. to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour;
 not to be detained, except as a measure of last resort, and when detained, to be held-
 - i. for the shortest appropriate period of time; and
 - ii. separate from adults and in conditions that take account of the child's sex and age.

2. A child's best interests are of paramount importance in every matter concerning the child.

THE PENAL CODE 2003

Article 151: Detention of females for immoral purposes.

- (1) Any person who detains any other person against his or her will –
 (a) in or upon any premises with intent that he or she may have unlawful sexual connection with any person, whether any particular person or generally; or
 (b) in any brothel,
 is guilty of a felony.
- (2) A person in or upon any premises for the purpose of having any unlawful sexual connection, or in any brothel, shall be deemed to be detained therein by any other person who, with intent to compel or induce that person to remain in or upon the premises or in the brothel –
 (a) withholds from that person any wearing apparel or other property belonging to that person; or
 (b) where wearing apparel has been lent or otherwise supplied to that person by or at his direction, threatens that person with legal proceedings in the event that that person should take away the wearing apparel so lent or supplied.
- (3) No legal proceedings, whether civil or criminal, shall be taken against only such person for taking away or being found in possession of only such wearing apparel as was necessary to enable her leave such premises or brothel.

Article 153: Male person living on earnings of prostitution or soliciting

- (1): Every male person who –
 (a) knowingly lives wholly or in part on the earnings of prostitution; or
 (b) in any public place persistently solicits or importunes for immoral purposes,
 is guilty of a felony.
- (2) Where a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person, or generally, he shall unless he satisfies the court to the contrary be deemed to be knowingly living on the earnings of prostitution.

Article 154: Woman living on earnings of prostitution or aiding, etc., prostitution

Every woman who knowingly lives wholly or in part on the earnings of prostitution, or who is proved to have, for the purpose of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any person, or generally, is guilty of a felony.

Article 156: Brothels

- Any person who –
 (a) keeps or manages or assists in the management of a brothel; or
 (b) being the tenant, lessee or occupier, or person in charge, of any premises, knowingly permits the premises or any part thereof to be used as a brothel; or

(c) being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the same or any part thereof with the knowledge that the premises or some part thereof are or is to be used as a brothel, or is willfully a party to the continued use of the premises as a brothel, is guilty of a felony.

Article 173: Master not providing for servants or apprentices

Any person who being legally liable, either as master or mistress, to provide for any apprentice or servant necessary food, clothing or lodging, willfully and without lawful excuse refuses or neglects to provide the same, or unlawfully and maliciously does or causes to be done any bodily harm to such apprentice or servant so that the life of such apprentice or servant is endangered or that his health has been or is likely to be permanently injured, is guilty of a misdemeanor.

Article 256: Definition of abduction.

Any person who by force compels, or by any deceitful means induces, any person to go from any place is said to abduct that person.

Article 260: Kidnapping or abducting in order to subject to grievous harm, slavery, etc

Any person who kidnaps or abducts any person in order that the person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony and is liable to imprisonment for ten years.

Article 261: Wrongfully concealing or keeping in confinement kidnapped or abducted person

Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person is guilty of a felony and shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose, as that with or for which he conceals or detains such person in confinement.

Article 263: Punishment for wrongful confinement

Whoever wrongfully confines any person is guilty of a misdemeanor and is liable to imprisonment for one year or to a fine of fourteen thousand shillings.

Article 266: Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

266A. Offences Under Part

Where it appears that any of the offences specified under this Part is committed for the purpose of exploitation, the person committing the offence shall be charged with the appropriate offence as specified in the Counter Trafficking in Persons Act.

THE COUNTER
TRAFFICKING IN
PERSONS ACT 2010

2. Interpretation

In this Act, unless the context otherwise requires—

“exploitation” includes but is not limited to—

- (a) keeping a person in a state of slavery;
- (b) subjecting a person to practices similar to slavery;
- (c) involuntary servitude;
- (d) forcible or fraudulent use of any human being for removal of organs or body parts;
- (e) forcible or fraudulent use of any human being to take part in armed conflict;
- (f) forced labour;
- (g) child labour;
- (h) sexual exploitation;
- (i) child marriage;
- (j) forced marriage;

“forced labour” means the extraction of work or services from any person for the purpose of exploitation;

“slavery” is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised;

3. Trafficking in persons

(1) A person commits the offence of trafficking in persons when the person recruits, transports, transfers, harbours or receives another person for the purpose of exploitation by means of—

- (a) threat or use of force or other forms of coercion;
- (b) abduction;
- (c) fraud;
- (d) deception;
- (e) abuse of power or of position of vulnerability;
- (f) giving payments or benefits to obtain the consent of the victim of trafficking in persons; or
- (g) giving or receiving payments or benefits to obtain the consent of a person having control over another person.

(2) The consent of a victim of trafficking in persons to the intended exploitation shall not be relevant where any of the means set out in subsection (1) have been used.

(3) The recruitment, transportation, transfer, harbouring or receipt of a child for the purposes of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set out in subsection (1) of this Act.

(4) An act of trafficking in persons may be committed internally within the borders of Kenya or internationally across the borders of Kenya.

(5) A person who traffics another person, for the purpose of exploitation, commits an offence and is liable to imprisonment for a term of not less than thirty years or to a fine of not less than thirty million shillings or to both and upon subsequent conviction, to imprisonment for life.

(6) A person who finances, controls, aids or abets the commission of an offence under subsection (1) shall be liable to imprisonment for a term of not less than thirty years or to a fine of not less than thirty million shillings or to both and upon subsequent conviction, to imprisonment for life.

4. Acts that promote child trafficking

(1) A person who for the purpose of trafficking in persons—

- (a) adopts a child or offers a child for adoption;
 - (b) fosters a child or offers a child for fostering; or
 - (c) offers guardianship to a child or offers a child for guardianship, commits an offence.
- (2) A person who initiates or attempts to initiate adoption, fostering or guardianship proceedings for the purpose of subsection (1) commits an offence.
- (3) A person who commits an offence under this section is liable to imprisonment for a term of not less than thirty years or to a fine of not less than twenty million shillings or to both and upon subsequent conviction, to imprisonment for life.

5. Promotion of trafficking in persons

A person who—

- (a) knowingly leases, or being the occupier thereof, permits to be used any house, building, or other premises for the purpose of promoting trafficking in persons;
 - (b) publishes, exports or imports, any material for purposes of promoting trafficking in persons; or
 - (c) manages, runs or finances any job recruitment agency for the purposes of promoting trafficking in persons;
 - (d) by any other means promotes trafficking in persons,
- commits an offence and is liable to imprisonment for a term of not less than twenty years or to a fine of not less than twenty million shillings or to both and upon subsequent conviction, to imprisonment for life.

INTERNATIONAL CRIMES ACT 2008

Article 6.

(4) In this section—

"crime against humanity" has the meaning ascribed to it in article 7 of the Rome Statute and includes an act defined as a crime against humanity in conventional international law or customary international law that is not otherwise dealt with in the Rome Statute or in this Act;

"war crime" has the meaning ascribed to it in paragraph 2 of article 8 of the Rome Statute.

THE SEXUAL OFFENCES ACT NO 3 OF 2006 REVISED EDITION 2007 (2006)

Article 6:

A person who intentionally and unlawfully compels, induces or causes another person to engage in an indecent act with –

- (a) the person compelling, inducing or causing the other person to engage in the act;
 - (b) a third person;
 - (c) that other person himself or herself; or
 - (d) an object, including any part of the body of an animal, in circumstances where that other person –
 - (i) would otherwise not have committed or allowed the indecent act; or
 - (ii) is incapable in law of appreciating the nature of an indecent act,
- including the circumstances referred to in section 43, is guilty of an offence and is liable upon conviction to imprisonment for a term which shall not be less than five years.

Article 13: Child trafficking.

A person including a juristic person who, in relation to a child-

(a) knowingly or intentionally makes or organizes any travel arrangements for or on behalf of a child within or outside the borders of Kenya, with the intention of facilitating the commission of any sexual offence against that child, irrespective of whether the offence is committed;

(b) supplies, recruits, transports, transfers, harbors or receives a child, within or across the borders of Kenya, for purposes of the commission of any sexual offence under this Act with such child or any other person, is, in addition to any other offence for which he or she may be convicted, guilty of the offence of child trafficking and is liable upon conviction to imprisonment for a term of not less than ten years and where the accused person is a juristic person to a fine of not less than two million shillings.

Article 14: Child sex tourism

A person including a juristic person who –

(a) makes or organizes any travel arrangements for or on behalf of any other person, whether that other person is resident within or outside the borders of Kenya, with the intention of facilitating the commission of any sexual offence against a child, irrespective of whether that offence is committed; or

(b) prints or publishes, in any manner, any information that is intended to promote or facilitate conduct that would constitute a sexual offence against a child

(c) introduces, organizes or facilitates contact with another person under the auspices of promoting tourism, in any manner, in order to promote conduct that would constitute a sexual offence against a child, is guilty of an offence of promoting child sex tourism and is liable upon conviction to imprisonment for a term of not less than ten years and where the accused person is a juristic person to a fine of not less than two million shillings.

Article 15: Child prostitution.

Any person who –

(a) knowingly permits any child to remain in any premises, for the purposes of causing such child to be sexually abused or to participate in any form of sexual activity or in any obscene or indecent exhibition or show;

(b) acts as a procurer of a child for the purposes of sexual intercourse or for any form of sexual abuse or indecent exhibition or show;

(c) induces a person to be a client of a child for sexual intercourse or for any form of sexual abuse or indecent exhibition or show, by means of print or other media, oral advertisements or other similar means;

(d) takes advantage of his influence over, or his relationship to a child, to procure the child for sexual intercourse or any form of sexual abuse or indecent exhibition or show;

(e) threatens or uses violence towards a child to procure the child for sexual intercourse or any form of sexual abuse or indecent exhibition or show;

(f) intentionally or knowingly owns, leases, rents, manages, occupies or has control of any movable or immovable property used for purposes of the commission of any offence under this Act with a child by any person;

(g) gives monetary consideration, goods, other benefits or any other form of inducement to a child or his parents with intent to procure the

child for sexual intercourse or any form of sexual abuse or indecent exhibition or show,
commits the offence of benefiting from child prostitution and is liable upon conviction to imprisonment for a term of not less than ten years.

Article 17:

Any person who –

(a) intentionally causes or incites another person to become a prostitute; and

(b) intentionally controls any of the activities of another person relating to that person's prostitution; and does so for or in expectation of gain for him or her self or a third person,

is guilty of an offence and is liable upon conviction to imprisonment for a term of not less than five years or to a fine of five hundred thousand shillings or to both.

**CHILDREN'S ACT
(2001)**

Prohibits Female Genital Mutilation on children below the age of 18.

**THE EMPLOYMENT
ACT 2007**

Article 4: Prohibition against forced labour

(1) No person shall use or assist any other person in recruiting, trafficking or using forced labour.

(2) The term "forced or compulsory labour" shall not include—

(a) any work or service exacted by virtue of compulsory military service laws for work of a purely military character: Provided that forced or compulsory recruitment of children for use in armed conflict shall be deemed to be forced or compulsory labour;

(b) any work or service which forms part of the normal civic obligations of the citizens of Kenya; The Employment Act, 2007 12

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the work or service is carried out under the supervision and control of a public authority and that the person is not hired out to or placed at the disposal of private persons, companies or associations;

(d) any work or service exacted in cases of an emergency, such as in the event of war or disaster or threat of calamity in any circumstance that would endanger the existence or the well-being of the whole or part of the population; and

(e) minor communal services performed by the members of the community in the direct interest of the said community provided the members of the community or their representatives are consulted.

(3) A person who contravenes the provisions of this section commits an offence and shall, on conviction be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

Kiribati

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution which prohibits slavery at article 6(1) and article 244 of the Penal Code makes it an offence to kidnap or abduct a person to subject them to slavery.
- ii) **Provisions** related to **servitude** are found in the Constitution which prohibits servitude at article 6(1).
- iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 6(2) and the Penal Code which makes unlawful compulsory labour an offence under article 249.
- iv) **Provisions** related to **trafficking in persons** are found in the 2005 Measures to Combat Terrorism and Transnational Organised Crime Act which makes trafficking an offence under article 42, although the provision requires entry into Kiribati or any other State.

2) International Obligations: Kiribati consents to:

1926 Slavery Convention: *N/A*
 1930 Forced Labour Convention: (3 February 2000, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: *N/A*
 1957 Abolition of Forced Labour Convention: (3 February 2000, ratification)
 1966 ICCPR: *N/A*
 1998 Rome Statute of the ICC: *N/A*
 2000 Palermo Protocol (Trafficking in Persons): (15 September 2005, accession)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Kiribati appears to be:

- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
KIRIBATI 1979 (REV.
1995)

3. Fundamental rights and freedoms of the individual

Whereas every person in Kiribati is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

(a) life, liberty, security of the person and the protection of the law; the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations on that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

5. Protection of right to personal liberty

(1) No person shall be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say-

6. Protection from slavery and forced labour

- (1) No person shall be held in slavery or servitude.
(2) No person shall be required to perform forced labour.
(3) For the purposes of this section, the expression "forced labour" does not include-
- (a) any labour required in consequence of the sentence or order of a court;
 - (b) any labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
 - (c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a disciplined force, any labour that that person is required by law to perform in place of such service;
 - (d) any labour required during any period of public emergency or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or
 - (e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

7. Protection from inhuman treatment

- (1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.
(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the infliction of any description of punishment that was lawful in Kiribati immediately before the coming into operation of this Constitution.

14. Protection of freedom of movement

- (1) No person shall be deprived of his freedom of movement, and for the purposes of this section the said freedom means the right to move freely

throughout Kiribati, the right to reside in any part of Kiribati, the right to enter and to leave Kiribati and immunity from expulsion from Kiribati.

(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision

PENAL CODE [CAP 67]
1977

241. Definition of kidnapping and abduction

For the purposes of this Part-

(a) any person who conveys any person beyond the limits of the Gilbert Islands without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person; and

(b) any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

242. Punishment for kidnapping

Any person who kidnaps any person is guilty of a felony and shall be liable to imprisonment for 7 years.

243. Kidnapping or abducting with intent to confine person

Any person who kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, is guilty of a felony, and shall be liable to imprisonment for 7 years. Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.

244. Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony, and shall be liable to imprisonment for 10 years.

245. Wrongfully concealing or keeping in confinement kidnapped or abducted person

Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, is guilty of a felony, and shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose, as that with or for which he conceals or detains such person in confinement.

248. Punishment for wrongful confinement

Whoever wrongfully confines any person is guilty of a misdemeanour and shall be liable to imprisonment for 1 year or to a fine of \$400.

249. Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

MEASURES TO
COMBAT TERRORISM
AND
TRANSNATIONAL
ORGANISED CRIME
ACT 2005

2. Interpretation

(1) In this Act, unless the context otherwise requires –
 ‘exploitation’ includes all forms of sexual exploitation (including sexual servitude and exploitation of another person’s prostitution), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs;
 ‘specified means’ means any of the following—
 (a) threat;
 (b) use of force or other forms of coercion;
 (c) abduction;
 (d) fraud;
 (e) deception;
 (f) abuse of power or of a position of vulnerability;
 (g) giving or receiving payments or benefits to achieve the consent of a person having control over another person;
 ‘trafficked person’ means a person who is the victim of trafficking in persons;
 ‘trafficking in persons’ means the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation;

Part viii - trafficking in persons and people smuggling

42. Offence of trafficking in persons

Any person who engages in trafficking in a person or is involved in the arranging of trafficking in a person, knowing that the person's entry into Kiribati or any other State is or was arranged by specified means, commits an offence and is liable upon conviction to imprisonment for 15 years.

43. Offence of trafficking in children

Any person who intentionally engages in trafficking in a person who is a child or is involved in the arranging of trafficking in a person who is a child, regardless of whether the child's entry into Kiribati or any other State is or was arranged by specified means, commits an offence and is liable upon conviction to imprisonment for 20 years.

44. Consent of trafficked person

In a criminal prosecution for an offence under section 42 or 43, it is not a defence that –

- (a) the trafficked person consented to the intended exploitation; or
- (b) the intended exploitation did not occur.

49. Aggravated offences

Any person who commits an offence under section 46, 47 or 48 with one or more of the following circumstances of aggravation –

- (a) the unauthorised person is subjected to torture or to any other cruel, inhuman or degrading treatment (including exploitation);
- (b) the life or safety of the person being smuggled is, or is likely to be, endangered, is liable upon conviction to imprisonment for life.

Kuwait

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1960 Penal Code at article 185 which makes purchasing, offering for sale or giving away a person as a slave an offence, as well as entering or leaving Kuwait with a view to disposing of a person as a slave. The Constitution also guarantees personal liberty at article 29.

ii) There appears to be **no legislation** in place in Kuwait which prohibits **servitude**.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits coercive labour at article 42. Article 184 of the Penal Code also prohibits confining a person other than in circumstances prescribed by law, and article 201 prohibits forced prostitution.

iv) **Provisions** related to **trafficking in persons** are found in 2013 Law on Combating Trafficking in Persons and Smuggling of migrants which criminalises trafficking under article 2.

2) International Obligations: Kuwait consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (23 September 1968, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: (18 January 1963, accession)

1957 Abolition of Forced Labour Convention: (21 September 1961, ratification)

1966 ICCPR: (21 May 1996, accession)

1998 Rome Statute of the ICC: (8 September 2000, signature)

2000 Palermo Protocol (Trafficking in Persons): (12 May 2006, accession)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Kuwait appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 252.

Legislative measures taken

(a) Article 185 of the Penal Code (enacted as Communiqué 16/1960).

(b) Article 48 of the same Code.

(c) Articles 29,30, 31 and 42 of the Constitution...

Administrative measures

(a) Communiqué No. 1/63 issued by the Under Secretary of the Ministry of Finance and Industry (Customs and Ports).

(b) Circular issued by the Minister of the Interior.

ENGEN REPORT

Paragraph 31

The slave-trade has been totally prohibited in Bahrain, Qatar and Kuwait... The proclamations issued in Bahrain [1937], Kuwait [1949] and Qatar [1952] are thought to have been completely effective.

KUWAIT CONSTITUTION 1962 (REINST. 1992)

Article 22

While keeping to the rules of social justice the Law shall, on economic principles, regulate the relations between laborers and employers and the relations between landlords and their tenants.

Article 30

Personal liberty is guaranteed.

Article 31

No person may be arrested, imprisoned, searched, have his residence restricted or be restrained in liberty of residence or of movement save in conformity with the provisions of the Law.

No person shall be subjected to torture or to ignominious treatment.

Article 41

Every Kuwaiti shall have the right to work and to choose the nature of his occupation.

Work is the duty of every citizen. Dignity requires it and the public welfare ordains it. The State shall make work available to citizens and shall see to the equity of its conditions.

Article 42

No coercive labor shall be imposed on any one save in cases of national emergency determined by Law and with equitable compensation.

THE PENAL CODE NO. 16 OF 1960 (AS AMENDED)

Article 180

Anyone who uses force, threats or deception to abduct a person with the intention of killing him, inflicting harm upon him, having sexual intercourse with him, committing indecent assault against him, inducing him to engage in prostitution or robbing him shall be liable to the death penalty

Anyone who knowingly conceals a person who has been abducted shall be punished as if he himself had abducted that person. If he is also aware of the intention behind, or the circumstances of, the abduction, the

penalty shall be the same as for the person who carried out the abduction with such intention or in such circumstances.

Article 184

Anyone who arrests, imprisons or confines a person in circumstances other than those prescribed by law or without observing the procedures thus prescribed shall be punished by a term of up to three years' imprisonment and/or a fine of 3,000 rupees. If such acts are combined with physical torture or the threat to kill, the penalty shall be a term of up to seven years' imprisonment, to which may be added a fine of 7,000 rupees

Article 185

Anyone who causes a person to enter or leave Kuwait with a view to disposing of the said person as a slave, and anyone who purchases, offers for sale or gives away a person as a slave, shall be liable to a penalty of up to five years' imprisonment

Article 200 Anyone who incites a male or female person to commit acts of debauchery or prostitution, or in any way assists therein, shall be punished by a term of up to one year's imprisonment and/or a fine of up to 1,000 rupees. If the victim is under 18 years of age, the penalty shall be a term of up to two years' imprisonment and/or a fine of up to 2,000 rupees (;

Article 201

Anyone who uses force, threats or deception to induce a male or female person to engage in debauchery or prostitution shall be punished by a term of up to five years' imprisonment and/or a fine of up to 5,000 rupees. If the victim was under 18 years of age, the penalty shall be a term of up to seven years' imprisonment and/or a fine of up to 7,000 rupees;

Article 202

Any man or woman who, by using force or exerting influence or control over another person who engages in acts of debauchery or prostitution, wholly or partially lives off the money so earned by that person, whether he or she obtains such money with the agreement of the latter for nothing in return or as a form of payment in return for protection or freedom from harassment, shall be punished by a term of up to two years' imprisonment and/or a fine of up to 5,000 rupees;

Article 203

Anyone who establishes or runs premises for the purpose of acts of debauchery or prostitution, or in any way assists therein, shall be punished by a term of up to two years' imprisonment and/or a fine of up to 2,000 rupees;

Article 204

Anyone who openly induces in a public place the commission of an act of debauchery or prostitution shall be punished by a term of up to two years' imprisonment and/or a fine of up to 2,000 rupees. The same penalties shall be applicable to any person who prints, sells, distributes

or displays images, drawings, models or any other item which is offends modesty;

**KUWAITI LAW NO.
91/2013 ON
COMBATING
TRAFFICKING IN
PERSONS AND
SMUGGLING OF
MIGRANTS**

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Article 2-Trafficking in Persons

Without prejudice to any severer penalty provided for by the law of another, shall be punished by imprisonment of fifteen years each of the trafficking in persons as set forth in Article 1 of this law. The penalty shall be life imprisonment if the crime is accompanied by one of the following conditions

If committed by an organized criminal group and the accused has contributed to create, organize, manage, or commanded or acceded to knowing its purposes

If the character is a national crime

If the perpetrator is a pair of the victim or one of his ascendants, descendants or had control over it

If the crime was committed by two or more persons or of the person holding the visible or concealed weapon

Article 4

Shall be punished by imprisonment for a term not exceeding five years, both concealed or more persons who have committed Jeraiom stipulated in the two preceding articles, or participated in the commission, victims where Bakzd flee from justice or for any other purpose knowingly and all those who contributed to hide landmarks the crime
(...)

Article 8

Shall be punished by imprisonment for a period of fifteen years not exceeding Whoever transgresses on one of those in charge of the implementation of this law or resisted by force or violence while carrying out his job or caused the penalty shall be life imprisonment or a temporary period not exceeding fifteen years if the assault or resistance permanent disability or distortion particle removal is not likely or if the perpetrator was carrying a weapon or power of men were assigned to maintain security, the penalty shall be death or if the infringement has led resistance to the death

**LAW NO. 6 OF THE
YEAR 2010
PROMULGATING THE**

Article (19)

It shall be prohibited to employ persons who are below the age of 15 years.

LAW OF LABOR IN THE PRIVATE SECTOR

Article (20)

Subject to the approval of the ministry, it shall be allowed to employ juveniles who reached 15 years of age but did not exceed 18 years subject to the following conditions:

a- They shall not be employed in industries or professions that are, by a resolution of the Minister, classified as hazardous or harmful to their health.

b- They shall have a medical examination before the start of employment and thereafter have periodical similar examinations at intervals not exceeding six months. The Minister shall issue a resolution in which he shall determine these industries and professions, as well as procedures for and intervals of such medical examinations.

Article (21)

Juveniles shall work for maximum of six hours per day, and shall not be employed for more than four hours straight, followed by a break of not less than one hour.

They shall not be employed for overtime working hours, on weekly rest days, official holidays or at any time from 7:00 in the evening to 6:00 in the morning.

Article (64)

Without prejudice to the provisions of Article (21) of this Law, it is forbidden to allow workers to work for more than 48 hours per week or 8 hours a day, except in such events as are specified in this Law. Working hours during the month of Ramadan shall be equal to 36 hours per week. However, it shall be allowed, by a ministerial resolution, to reduce working hours in hard jobs, jobs that are harmful by nature or for severe circumstances.

Article (65)

a- Workers shall not be required to work for more than five consecutive hours a day without a break of a minimum of one hour that is not included in the working hours.

The Financial, commercial and investment sectors shall be excluded from this provision and the working hours shall be equal to eight consecutive hours.

b- After having obtained consent of the Minister, workers may be required to work without a rest break for technical and urgent reasons or in office work provided that the total daily working hours is one hour less than the number of daily working hours specified in Article (64).

Article (98)

The right to establish unions for employers and the right to syndicate organization for workers is guaranteed in accordance with the provisions of this Law. The provisions of this chapter shall apply to workers in the private sector. They shall also apply to the workers in the public and oil sectors to the extent that they do not conflict with the provisions of other laws regulating their affairs.

Article (99)

Kuwaiti workers shall have the right to form syndicates to protect their interests, improve their financial and social conditions, and represent

them in all affairs related to them. Employers shall also have the right to form unions for the same purposes.

LAW NO. 51 OF 1984
CONCERNING
PERSONAL STATUS
(51/1984)

Article 24

A required in a civil marriage of reason and adulthood. (B) the judge may authorize the marriage of the insane or insane, male or female, if it is proved by a medical report that his marriage is useful in his recovery, and the other party agrees his condition.

Article 26

It prevents documenting the marriage contract, or approved unless the fifteenth girl, is the seventeenth-old boy from the time of registration.

Article 44

The right to marry in force is necessary, or take unnecessary, or is already in force.

Article 45

A force necessary to marry is not be suspended on a vacation, nor capable of dissolution, in accordance with the provisions of this law. B marry in force is necessary is to accept the annulment justified because of this law. (C) the marriage is in force is held suspended on leave from his right to leave.

Article 46

Marriage proper force necessary entail since held all the legal effects.

Note: Human Rights Watch – Kuwait: UPR Submission 2014

"Under the law, a woman is never free to make a marriage decision on her own. Unlike a man, she is not free to conclude her marriage contract but must have a male guardian (wali) do so on her behalf, regardless of her age. A woman between 15 and 25 years of age may be prohibited by her guardian from marrying, and while she may appeal to the courts she still cannot marry if the court rules against her. In addition, the minimum age for registering a marriage is fifteen for women, and 17 for men in contravention with international standards that recommend a minimum age of marriage at 18."

Kyrgyzstan

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2010 Constitution which prohibits slavery at article 23(1). Article 125 of the Criminal Code also prohibits illegal confinement and slavery may form an element of the offence of trafficking under article 124.

ii) There appears to be **no legislation** in place in Kyrgyzstan which prohibits **servitude**, although article 154 of the Criminal Code prohibits forcing a person under the age of sixteen into marriage, article 155 prohibits coercing a woman into marriage and kidnapping for the purpose of marrying against her will, and forced prostitution or other sexual activities, forced services, and adoption for commercial purposes may form elements of an offence of trafficking under article 124.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 23(3) and the Labour Code at article 10 which prohibit forced labour. Violations of the Labour Code are criminalised under article 143 of the Criminal Code, although penalties are limited to fines and disqualifications from holding certain positions. Forced labour may also form an element of the offence of trafficking under article 124 of the Criminal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution which prohibits trafficking at article 23(1) and the Criminal Code which makes trafficking an offence under article 124.

2) International Obligations: Kyrgyzstan consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (31 March 1992, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: (5 September 1997, accession)

1957 Abolition of Forced Labour Convention: (18 February 1999, ratification)

1966 ICCPR: (7 October 1993, accession)

1998 Rome Statute of the ICC: (8 December 1998, signature)

2000 Palermo Protocol (Trafficking in Persons): (2 October 2003, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Kyrgyzstan appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF THE KYRGYZ REPUBLIC 2010

Article 16

1. Fundamental human rights and freedoms are inalienable and belong to each person from birth.

Human rights and freedoms are of superior value. They act directly and define the meaning and the content of the activity of legislative, executive power and government bodies.

2. The Kyrgyz Republic shall respect and ensure human rights and freedoms to all persons on its territory and under its jurisdiction.

Article 17

Rights and freedoms established in the present Constitution shall not be exhaustive and shall not be interpreted as denial or derogation of other universally recognized human and civic rights and freedoms.

Article 20

1. Laws that deny or derogate human and civil rights and freedoms shall not be adopted in the Kyrgyz Republic.

2. Human and civil rights and freedoms may be limited by the Constitution and Acts of Parliament for the purposes of protecting national security, public order, health and morale of the population as well as rights and freedoms of other persons. The introduced limitations should be commensurate to the declared objectives. The adoption of by-law regulatory acts which limit human and civil rights and freedoms is prohibited.

3. An Act of Parliament may not impose the limitation of rights and freedoms with other objective and to a greater extent than it is envisaged in the Constitution.

4. The following guarantees of prohibition established by the present Constitution shall not be subject to any limitations:

1. On application of death penalty, torture and other inhuman, cruel and degrading forms of treatment or punishment;
3. On slavery and human trafficking;
4. On exploitation of child labor;

Article 22

1. No one may be subjected to torture or other inhuman, cruel or degrading forms of treatment or punishment.

2. Each person deprived of liberty shall have the right to human treatment and respect of human dignity.

3. Medical, biological or psychological experiments on people without their duly expressed and verified voluntary consent are prohibited.

Article 23

1. Slavery and human trafficking are prohibited in the Kyrgyz Republic.

2. Exploitation of child labor is prohibited.

3. Forced labor is prohibited except the case of war, the clean-up of natural disasters and other emergencies and the execution of the verdict of a court.

Enlistment to military or alternative (civilian) service shall not be considered as forced labor.

Article 24

1. Everyone shall have the right to freedom and personal immunity.
2. No one may be deprived of freedom solely on the grounds of failure to meet civil legal obligation.

Article 25

1. Everyone shall have the right to liberty of movement, freedom to choose their destination and residence in the Kyrgyz Republic.
2. Everyone shall have the right to freely leave the Kyrgyz Republic.

Article 36

5. Persons reaching the age of consent shall have the right to marry and create a family. No marriage may be entered into without voluntary and mutual consent of the couple. The marriage shall be registered by the state.

Article 44

1. Everyone shall have the right to leisure.
2. Maximum duration of work time, minimal weekly rest, paid annual leave as well as other basic modalities of the implementation of right to leisure shall be envisaged in the law.

THE KYRGYZ REPUBLIC
CRIMINAL CODE
ADOPTED BY THE
LEGISLATIVE ASSEMBLY
OF THE KYRGYZ
REPUBLIC PARLIAMENT
(JOGORKU KENESH) ON
SEPTEMBER 18, 1997

Article 124. Traffic in Persons

- (1) Trafficking, including recruiting, transport, harboring, reception, transfer, purchase and sale of a person or another unlawful transaction with or without such person's consent, using force, blackmail, fraud, deception, kidnapping for the purpose of further exploitation or other interests, - shall be sentenced by 5 to 10 years of imprisonment with or with no property seizure.
- (2) The same act committed:
 - 1) towards several persons;
 - 2) towards a juvenile;
 - 3) repeatedly;
 - 4) under a preliminary group concert;
 - 5) abuse of power or position;
 - 6) towards a person materially or in other way dependent on the offender;
 - 7) with illegal exporting a person abroad or illegal importing a person from abroad;
 - 8) threading with or using non-hazardous violence;
 - 9) using forged documents, as well as with seizure, concealment or destruction of the victim's identity documents,
 - shall be punishable by 8 to 15 years of imprisonment with property seizure.
- (3) The same act committed:
 - 1) with the purpose of removal of the person's organs or tissues for transplantation;
 - 2) threading with or using hazardous violence;
 - 3) towards a knowingly pregnant woman;
 - 4) towards a juvenile;
 - 5) using arms or objects used as arms;
 - 6) in a manner threading many people's lives and health;
 - 7) resulting in death of the person or other severe consequences through carelessness;

8) by an organized group,
- shall be punishable by 15 to 20 years of imprisonment with property seizure.

Note: Exploitation means involvement of a person in criminal activities, forcing into prostitution or other sexual activities, forced labor or services, slavery, adoption for commercial purposes, or using in armed conflicts. A person that became a trafficking victim shall be exempted from criminal liability for actions considered criminal offences if such person assists law-enforcement bodies in identifying and making criminally liable of trafficking organizers, executors and participants. (As amended by the Kyrgyz Republic Laws of August 9, 2003, #193; January 5, 2006, #1)

Article 125. Illegal confinement

(1) limiting the person's freedom of movement with violent confinement and with no attributes of malfeasance, - shall be punishable by up to three years of restricted liberty or up to three years of imprisonment.

(2) The same act if committed:

- 1) by a group of persons under preliminary concert;
- 2) with hazardous violence;
- 3) using arms or other objects used as arms;
- 4) towards a knowingly juvenile person; 5) towards 2 or more persons;
- 6) towards a woman knowingly pregnant, - shall be punishable by 3 to 7 years of imprisonment.

(3) Acts provided by p

arts 1 and 2 of this Article, if committed by an organized group or leading to death of the victim or other severe consequences through carelessness, - shall be punishable by 7 to 10 years of imprisonment. (As amended by the Kyrgyz Republic Law of August 9, 2003, #193)

Article 143. Labor Law Violation

Knowingly unlawful dismissal of a person, as well as other significant Labor Law violation committed for personal interest, - shall be punishable by a fine in the amount of up to 50 estimated rates, or disqualification from holding specified offices or engaging in specified activities for up to 5 years.

Article 154. Contraction of Common-law Marriage with a Person under Age of Consent

(1) Contraction of common-law marriage with a person under age of consent, -

shall be sentenced by up to 3 years of imprisonment.

2) Contraction of common-law marriage with a person under age of 16 or coercion into such relationships, -

shall be sentenced by up to 5 years of imprisonment.

(3) Kidnapping of a person under age of 16 for further contraction of common-law marriage, -

shall be sentenced by 3 to 7 years of imprisonment.

Article 155. Coercion of a Woman into Marriage or Preventing from Marriage

Coercion of a woman into marriage, continuation of marriage cohabitation, or kidnapping for further marriage contraction against her will, as well as preventing a woman from contracting marriage, - shall be punishable by a fine in the amount of 100 to 200 estimated rates, or up to three years of restricted liberty.

Article 260. Involvement in Prostitution

(1) Involvement in prostitution by means of applying violence or the threat of its use, blackmail, destroying or damaging property, or by means of fraud, shall be punishable by a fine in the amount of 500 to 1,000 estimated rates or one to three years of restricted liberty or one to three years of imprisonment.

(2) The same deed committed by an organized group, shall be punishable by a fine in the amount of 1,000 to 10,000 estimated rates or three to five years of restricted liberty or three to five years of imprisonment.

Article 261. Organization or Maintenance of Hangouts for Prostitution Organization

(1) Acts committed with an objective of organizing prostitution to be engaged in by other persons or maintenance of hangouts for prostitution or systematically offering premises for purposes of prostitution, shall be punishable by a fine in the amount of 500 to 1,000 estimated rates or up to five years of restricted liberty or up to three years of imprisonment with confiscation of property. (2) The same acts committed: 1) by a person using his official position; 2) employing violence or a threat of violence, shall be punishable by a fine in the amount of 2,000 to 5,000 estimated rates or up to two years of correctional work or three to five years of restricted liberty or three to five years of imprisonment with confiscation of property. (3) Acts specified in (1) and (2) of this Article committed with the employment for purposes of prostitution of persons aged evidently under fourteen years, shall be punishable by five to ten years of imprisonment with confiscation of property.

Article 262. Illegal Distribution of Pornographic Materials or Objects Illegal

making for the purpose of sale, dissemination or advertising, of pornographic works, printing, pictures, or any other pornographic objects, and likewise illegal trade in these objects or storage for the purpose of sale, shall be punishable by a fine in the amount of two hundred to three hundred estimated rates or by imprisonment for a term of up to two years with confiscation of property or without such confiscation.

LABOUR CODE

Article 10. Prohibition of forced labor

Forced labor, that is, compulsion to perform work under the threat of using any violent influence, is prohibited, except in the following cases:

- performance of work, which is stipulated by the legislation on military service and military service or replacing it with alternative service;
- performance of work in emergency situations, that is, in cases of declaration of emergency or martial law, disaster or threat of disaster

(fires, floods, famine, earthquakes, severe epidemics or epizootics), as well as in other cases endangering life or normal life Conditions of the whole population or part of it;

- performance of work due to an effective court verdict under the supervision of state bodies responsible for compliance with the law when executing judicial sentences.

The use of child labor in the worst forms is prohibited.

THE FAMILY CODE OF THE KYRGYZ REPUBLIC 2003

Article 3 Affords men and women equal rights to enter into marriage. The marriageable age both for men and for women is 18. If there are legitimate reasons, executive-administrative bodies of local self-government for the place of residence of the individuals wishing to marry are, at the request of those individuals, entitled to allow those individuals to marry even if the female has only reached the age of 16. Normally, legitimate reasons consist of the girl's being pregnant or already having a baby.

LAW NO 55 OF 2005 ON PREVENTING AND COMBATING TRAFFICKING IN PERSONS, AS AMENDED IN 2011

Note: Establishes the institutional framework for responding to human trafficking, rather than specific crimes.

Article 1. Concepts used in this Law

The victim of trafficking in persons is a person who has suffered from human trafficking, regardless of whether the person has consented to the recruitment, transportation, transfer, sale or other activities related to trafficking in persons;

Forced labor - the performance of any work or provision of services under the threat of punishment, for the performance of which the person voluntarily did not give consent;

Slavery - the condition or position of a person in respect of which some or all of the powers inherent in the right of ownership are exercised;

Trafficking in human beings - recruiting, transporting, harboring, receiving, transferring, buying or selling a person or other illegal transaction with his consent or without consent, through coercion, blackmail, fraud, deception, kidnapping, exploitation or other benefits;

Exploitation involving a person in criminal activity; Coercion of a person for prostitution or other forms of sexual activity, forced labor or services, slavery, adoption for commercial purposes, use in armed conflicts;

Article 29. Liability for Violation of the Legislation on Combating Trafficking in Human Beings

1. Persons culpable of violation of the legislation on combating trafficking in human beings shall be liable according to the law. In July 2012, the president signed into law a new Code on Children; Article 15 of which prohibits all forms of forced child labor (US TIP, 2013, p228).

Lao People's Democratic Republic

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Lao PDR which prohibits **slavery**, although article 40 of the Constitution affirms the right to freedom of movement.
- ii) There appears to be **no legislation** in place in Lao PDR which prohibits **servitude**, although the 1990 Family Law prohibits forced marriage at article 3 and sets the minimum age for marriage at 18 years at article 9.
- iii) **Provisions** related to **forced labour** are found in the amended Labour Law which prohibits unauthorised use of forced labour at article 141 in conjunction with article 59, although penalties are limited to fines, suspension of licences and/or compensation. Forced labour may also form an element of the offence of trafficking under article 134 of the Penal Law and articles 24 and 49 of the Law on Development and Protection of Women
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Law which criminalises trafficking in persons under article 134 and the 2004 Law on Development and Protection of Women which criminalises trafficking in women and children under articles 24 and 49.

2) International Obligations: Lao People's Democratic Republic consents to:

1926 Slavery Convention: *N/A*
 1930 Forced Labour Convention: (23 January 1964, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: (9 September 1957, accession)
 1957 Abolition of Forced Labour Convention: *N/A*
 1966 ICCPR: (25 September 2009, ratification)
 1998 Rome Statute of the ICC: *N/A*
 2000 Palermo Protocol (Trafficking in Persons): (26 September 2003, accession)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Lao People's Democratic Republic appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

LAO PEOPLE'S DEMOCRATIC REPUBLIC CONSTITUTION 1991 (WITH AMENDMENTS THROUGH 2003)

Paragraph 256

Article 182 of the Laotian Penal Code, relating to attacks on the liberty, tranquillity and reputation of others provides as follows:

“Any person convicted of having abducted, sold, assigned, pledged or hired out another person, irrespective of age, sex or status, shall be liability to a penalty of hard labour for life.

“The receiver shall be punished as an accomplice. Our penal law provides for the confiscation of the amounts received or agreed upon and their payment to the Treasury as a preventative measure against slavery and institutions or practices similar to slavery in Laos.”

Article 6.

The State protects the freedom and democratic rights of the people which cannot be violated by anyone. All state organisations and government officials must disseminate and create awareness of all policies, regulations and laws among the people and, together with the people, organise their implementation in order to guarantee the legitimate rights and interests of the people. All acts of bureaucratism and harassment that can be detrimental to the people's honour, physical well-being, lives, consciences and property are prohibited.

Article 27

(New) The State and society attend to developing skilled labour, upgrading labour discipline, promoting vocational skills and occupations and protecting the legitimate rights and benefits of workers.

Article 39

(New) Lao citizens have the right to work and engage in occupations which are not contrary to the laws. Working people have the right to rest, to receive medical treatment in times of illness, [and] to receive assistance in the event of incapacity or disability, in old age, and in other cases as provided by the laws.

Article 40.

Lao citizens have the freedom of settlement and movement as provided by the laws.

PENAL LAW 1990

Article 131. Prostitution

Any person engaging in prostitution shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 50,000 Kip to 500,000 Kip. Any person assisting or facilitating prostitution shall be punished by three months to one year of imprisonment or re-education without deprivation of liberty and shall be fined from 300,000 Kip to 1,000,000 Kip.

Article 132. Procuring

Any person generating income through procuring prostitution in any manner whatsoever shall be punished by six months to three years of imprisonment and shall be fined from Kip 5,000,000 to 10,000,000 Kip. Where procuring is performed as a regular profession or involves the prostitution of female minors⁴⁸ or the forcing of a female person under the offender's guardianship into prostitution, the offender shall be punished by three to five years of imprisonment and shall be fined from

10,000,000 Kip to 50,000,000 Kip translation Endorsed by the Law Committee of the National Assembly of the Lao PDR

Article 133. (New) Forcing to Prostitution

Any person forcing another person to prostitution shall be punished by five years to ten years of imprisonment and shall be fined from 10,000,000 Kip to 20,000,000 Kip. Any person forcing another person who is under 18 years of age to prostitution shall be punished by ten years to twenty years of imprisonment and shall be fined from 20,000,000 Kip to 50,000,000 Kip.

Article 134. (New) Human Trafficking

Human trafficking means the recruitment, moving, transfer, harbouring, or receipt of any person within or across national borders by means of deception, threats, use of force, debt bondage or any other means [and using such person in] forced labour, prostitution, pornography, or anything that is against the fine traditions of the nation, or removing various body organs [of such person], or for other unlawful purposes. Any of the above-mentioned acts committed against children under 18 years of age shall be considered as human trafficking even though there is no deception, threat, use of force, or debt bondage. Any person engaging in human trafficking shall be punished by five years to fifteen years of imprisonment and shall be fined from 10,000,000 Kip to 100,000,000 Kip.

Where human trafficking is performed as a regular profession or in an organised group, where the victims are children, where there are two or more victims, where any victim is a close relative of the offender, or where any victim suffers serious injury or becomes an invalid or insane, the offender committing human trafficking shall be punished by fifteen to twenty years of imprisonment and shall be fined from more than 100,000,000 Kip to 500,000,000 Kip and his property shall be confiscated as provided in Article 34 of this law.

When the offence causes the victim to be a lifetime invalid, to be infected with HIV, or to die, the offender in human trafficking shall be punished by life imprisonment and shall be fined from more than 500,000,000 Kip to 1,000,000,000 Kip and his property shall be confiscated as provided in Article 34 of this law.

For trafficking in women and children, provisions of the Law on the Development and Protection of Women may be used. Any attempt to commit such an offence shall also be punished.

FAMILY LAW (1990)

Article 3

Men and women reaching the age of marriage have the right to marry on the basis of will, freedom and love. It is forbidden to force or hinder other individuals marriage

Article 9

Men and women have the right to marry from eighteen years old. In special and necessary cases, this limit may be lowered down to no less than fifteen years old. Marriage must be based on mutual consent and will from both sides without coercion from any side or individual.”

Article 11

A couple having the intention to marry must submit a written request to the registrar office...If it is seen that the couple meets all required conditions, the registrar officer will invite the concerned person to register their act of marriage in the presence of three witnesses

LAW ON
DEVELOPMENT AND
PROTECTION OF
WOMEN 2004

Article 24. Trafficking in Women and Children

Trafficking in women means the recruitment, hiding, moving, transportation, transfer, harbouring, [or] receipt of women, within or across national borders, by means of deception, the giving or receiving of bribes, threats, the use of force, [the use of] other forms of coercion, abduction, debt bondage or by other means[,] for forced labour, [for] prostitution, [for] publishing pornography and what is in contradiction to fine national culture, [for] the removal of various body parts¹³, or for other unlawful purposes.

If these acts are committed against children under 18 years old, then even though there is no deception, threat, force, or debt bondage, trafficking shall be regarded to have occurred.

Any individual who co-operates with¹⁴ the offender [who commits] an offence mentioned above[,] whether by incitement, providing assets or vehicles to the offender, the provision of shelter, or the concealment or removal of traces of an infraction, shall be considered as an accomplice in trafficking in women and children.

Trafficking in women and children is an offence.

Article 49. Penal Measures against Trafficking in Women and Children

Any person committing the offence of trafficking in women and children shall be punished by five to fifteen years of imprisonment and shall be fined from 10,000,000 Kip to 100,000,000 Kip, and shall be subject to confiscation of property as provided under Article 32 of the Penal Law.

In cases where offenders organise themselves, the victims are children, the victims are more than two persons, the victims are close relatives of the offenders, [or] the victims suffer severe injury [or] mental insanity, the offender in trafficking in women and children shall be punished by fifteen to twenty years of imprisonment and shall be fined from 100,000,000 Kip to 500,000,000 Kip[,] and shall be subject to confiscation of property as provided under Article 32 of the Penal Law.

In cases where offenders cause the victim lifetime incapacity, or [cause the victim to be] infected with HIV/AIDS, or cause death, the offender in trafficking in women and children shall be punished with life imprisonment and shall be fined from 500,000,000 Kip to 1,000,000,000 Kip[,] and shall be subject to confiscation of property as provided under Article 32 of the Penal Law, or shall be subject to capital punishment.

Preparation and attempts shall be subject to punishment.

Any person who has been an accomplice in the trafficking of women and children, as stipulated in paragraph 3 of Article 24 of this law, shall be punished by four to ten years of imprisonment and shall be fined from 5,000,000 Kip to 50,000,000 Kip[,] and shall be subject to confiscation of property as provided under Article 32 of the Penal Law.

Article 51. Criminal Measures against Those who Do Not Assist Victims

Any person who does not assist the victims of trafficking in women and children or of domestic violence in severe cases[,] where he or she is capable of giving such assistance[,] is punishable in accordance with Article 86 of the Penal Law.

LABOUR LAW

Article 59 (New) Unauthorized Use of Forced Labor

No matter in what form, the use of forced labor is not authorized except in the following cases:

1. The use of labor in accordance with the law for national defense, or for national security;
2. The use of labor in the event of emergencies, including fires, natural disasters or disease epidemics;
3. The undertaking of work resulting from a court decision under the administration of relevant government officials;
4. The undertaking of group work in accordance with the decision of local authorities, organizations, or associations to which the employee is attached or is a member.

Article 101 (Revised) Acceptance of Youth Employees

Employers may accept employees under the age of eighteen years but not younger than fourteen years; however, they are prohibited from working overtime.

When necessary, the employer may accept and use youth employees under the age of fourteen, but not younger than twelve years, and must ensure the work is light work such as:

1. Work that will not negatively impact the body, psychology or mind;
2. Work that will not obstruct attendance of school, professional guidance or vocational training. The list of light work is specified separately.

Article 102 (New) Unauthorized Use of Youth Employees

Cases wherein the use of youth employees is prohibited are as follows:

1. Work in activities, duties and locations that are unsafe, dangerous to the health of the body, psychology or mind;
2. Forced labor;
3. Work to repay debts;
4. Human trafficking;
5. Trade or deception into the sex industry or solicitation of prostitution, photography or pornography;
6. Trade or deception into the movement and production, transportation, possession of narcotics or addictive substances.

The list of hazardous works is specified separately.

Article 141 Prohibitions for Employers

The employer is prohibited from the following actions:

1. Cancelling an employment contract without authorization from the Labor Administration Agency as determined in Article 87 of this law;
2. Obstructing employment or using direct or indirect force to make an employee stop work due to marital status, gender discrimination, or infection of HIV;
3. Using forced labor of any kind, whether directly or indirectly;
4. Violating the personal rights of employees, especially female employees, through speech, sight, text, touch or touching inappropriate areas;

5. Employing persons under the age of twelve years;
6. Using employees for two shifts within one day;
7. Concealing labor accidents or disputes with workers;
8. Handing over, transferring or moving foreign labor to work in other locations not subject to its labor unit and without authorization from the Labor Administration Agency;
9. Direct or indirect discrimination toward employees within the labor unit;
10. Any other actions which are in violation of the law.

Article 179 Measures Against Violators

Any individual or legal entity that violates this law shall be re-educated, warned, fined, subject to temporary suspension of business, subject to withdrawal of business license or brought to court proceedings based on the nature of the offence, including having to compensate for the civil damage caused, as regulated by the laws and regulations.

Latvia

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Latvia which prohibits **slavery**, although article 94 of the Constitution affirms the right to liberty, slavery may form an element of the offences of trafficking (articles 154.1 and 154.2) and crimes against humanity (article 71.2) under the Criminal Code.

ii) There appears to be **no legislation** in place in Latvia which prohibits **servitude**, although servitude and practices similar to slavery may form elements of the offence of trafficking under articles 154.1 and 154.2 of the Criminal Code.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 106. Article 146 of the Criminal Code also makes violation of labour protection provisions an offence, but only where such result in injury, permanent loss of ability to work, or death. Forced labour may also form an element of the offence of trafficking under articles 154.1 and 154.2 of the Criminal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code at articles 154.1 and 154.2 which criminalise trafficking.

2) International Obligations: Latvia consents to:

1926 Slavery Convention: (9 July 1927, ratification)
 1930 Forced Labour Convention: (2 June 2006, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (14 April 1992, accession)
 1957 Abolition of Forced Labour Convention: (27 January 1992, ratification)
 1966 ICCPR: (14 April 1992, accession)
 1998 Rome Statute of the ICC: (28 June 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (25 May 2004, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Latvia appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
LATVIA 1922 (REINT.
1991, AMENDMENTS
THROUGH 2014)

Article 94.

Everyone has the right to liberty and security of person. No one may be deprived of or have their liberty restricted, otherwise than in accordance with law.

Article 95

The State shall protect human honour and dignity. Torture or other cruel or degrading treatment of human beings is prohibited. No one shall be subjected to inhuman or degrading punishment.

Article 97.

Everyone residing lawfully in the territory of Latvia has the right to freely move and to choose his or her place of residence.

Article 106.

Everyone has the right to freely choose their employment and workplace according to their abilities and qualifications. Forced labour is prohibited. Participation in the relief of disasters and their effects, and work pursuant to a court order shall not be deemed forced labour.

Article 107.

Every employed person has the right to receive, for work done, commensurate remuneration which shall not be less than the minimum wage established by the State, and has the right to weekly holidays and a paid annual vacation.¹⁰⁸ Employed persons have the right to a collective labour agreement, and the right to strike. The State shall protect the freedom of trade unions.

CRIMINAL CODE

Section 71.2. Crimes against Humanity

For a person who commits crime against humanity, that is, for an activity which is performed as a part of vast or systematic offensive to civilians and which has been expressed as homicide, extermination, enslavement, deportation or forced movement, unlawful deprivation or limitation of liberty, torture, rape, involvement of a person into sexual slavery, compelling the engaging in prostitution, forced fertilisation or sterilisation, or sexual violence of similar degree of severity, apartheid, persecution of any group of people or union on the basis of political, racial, national, ethnical, cultural, religious or gender affiliation or other reasons which have been recognised as inadmissible in the international law, in relation to any activity indicated in this Section or genocide, or war crime or other activity provided for in the international law binding upon the Republic of Latvia, which causes serious physical or mental suffering,

the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

Section 74. War Crimes

For a person who commits war crimes, that is, commits violation of provisions regarding conduct of war prohibited in international law binding upon the Republic of Latvia or of international humanitarian law, including murder, torture of a person protected by humanitarian law or inhuman treatment of such person, taking of hostages, illegal deportation, movement, limitation of liberty, unjustifiable destruction of cities and other entities, or other prohibited activity,

the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

Section 146. Violation of Labour Protection Provisions

(1) For a person who commits violation of the requirements of regulatory enactments regulating labour protection or technical safety, where commission thereof is by the manager of an undertaking (company), institution or organisation, or other person responsible for compliance therewith, and if such offence has caused bodily injury with health disorder or permanent loss of ability to work, the applicable punishment is deprivation of liberty for a term not exceeding one year or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the same offence, if such has caused the death of a human being or serious bodily injury to several human beings, the applicable punishment is deprivation of liberty for a term not exceeding five years or temporary deprivation of liberty, or community service, or a fine.

Article 152. Illegal deprivation of liberty.

(1) For a person who commits unlawful acts depriving a person of the possibility to freely determine where he or she may be (illegal deprivation of liberty), if the elements of a criminal offence by a State official are not present,

the applicable punishment is temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits the same acts, if such are committed in a manner dangerous to the life or health of the victim, or if they are associated with the causing of physical suffering to him or her, or they have continued for more than a week, or they have been committed repeatedly, or they have been committed by a group of persons pursuant to prior agreement,

the applicable punishment is deprivation of liberty for a term not exceeding three years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a term not exceeding three years.

(3) For a person who commits illegal deprivation of liberty, if serious consequences have been caused thereby or if it has been committed by an organised group,

the applicable punishment is deprivation of liberty for a term not exceeding seven years, with or without confiscation of property and with or without probationary supervision for a term not exceeding three years.

Article 153. Kidnapping.

(1) For a person who commits a seizure, using violence or threats, or abduction of a person by fraud or using the state of helplessness of a person (kidnapping),

the applicable punishment is deprivation of liberty for a term not exceeding five years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a term not exceeding three years.

(2) For a person who commits the same acts, if commission thereof is repeated, as well as for a person who kidnaps an underaged person,

the applicable punishment is deprivation of liberty for a term of not exceeding seven years, with or without confiscation of property and with probationary supervision for a term not exceeding three years.

(3) For a person who commits kidnapping, if serious consequences have been caused thereby or it has been committed against a minor, or it has been committed by an organised group, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding twelve years, with or without confiscation of property.

Article 154. Seizure of hostages.

(1) For a person who commits seizure or detaining of a person as a hostage, if such is associated with threats of murder, infliction of bodily injury or further detainment of such person for the purposes of compelling a natural or legal person or a group of persons to do some act or refrain from doing such, proposing this as a condition for the release of the hostage,

the applicable punishment is deprivation of liberty for a term of not less than two years and not exceeding ten years, with or without confiscation of property and with or without probationary supervision for a term not exceeding three years.

(2) For a person who commits the same acts, if they have been committed against a minor or they have been committed by a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding twelve years, with or without confiscation of property and with probationary supervision for a term not exceeding three years.

(3) For a person who commits the acts provided for in Paragraph one of this Section, if serious consequences have been caused thereby or they have been committed against a minor, or they have been committed by an organised group, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with or without confiscation of property and with probationary supervision for a term not exceeding three years.

Section 154.1. Human Trafficking

1. For a person who commits human trafficking, the applicable punishment is deprivation of liberty for a term not exceeding eight years, with or without confiscation of property.

2. For a person who commits human trafficking if it has been committed against a minor, or if it has been committed by a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding twelve years, with or without confiscation of property and with or without probationary supervision for a term not exceeding three years.

3. For a person who commits human trafficking if it has endangered the life of a victim or serious consequences have been caused thereby, or it has been committed involving particular cruelty or against a minor, or it has been committed by an organised group, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with or without confiscation of property

and with or without probationary supervision for a term not exceeding three years

[Amended 25 April 2002; 16 December 2004; 13 December 2007/2; 8 July 2011; 13 December 2012; 14 March 2013]

Section 154.2. Meaning of Human Trafficking

1. Human trafficking is the recruitment, transportation, transfer, concealment, accommodation or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent.

2. The recruitment, transportation, transfer, concealment, accommodation or reception of a minor for the purpose of exploitation shall be recognised as human trafficking also in such cases, if it is not connected with the utilisation of any of the means referred to in the Paragraph one of this Section.

3. Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform labour or to provide services, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the illegal removal of a person's tissues or organs. [Amended 25 April 2002; 13 December 2012]

LABOUR LAW

Section 6. Invalidity of Regulations that Erode the Legal Status of Employees

(1) Provisions of a collective agreement, working procedure regulations, as well as the provisions of an employment contract and orders of an employer which, contrary to regulatory enactments, erode the legal status of an employee, shall not be valid.

(2) Provisions of an employment contract which contrary to a collective agreement erodes the legal status of an employee shall not be valid.

Section 7. Principle of Equal Rights

(1) Everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration.

(2) The rights provided for in Paragraph one of this Section shall be ensured without any direct or indirect discrimination – irrespective of a person's race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances.

(3) In order to promote the adoption of the principle of equal rights in relation to disabled persons, an employer has a duty to take measures that are necessary in conformity with the circumstances in order to adapt the work environment to facilitate the possibility of disabled persons to establish employment legal relations, fulfil work duties, be promoted to higher positions or be sent for occupational training or the raising of qualifications, insofar as such measures do not place an unreasonable burden on the employer.

Section 12. International Agreements

If an international agreement, which has been ratified by the Saeima, sets out provisions that differ from those contained in this Law, the provisions of the international agreement shall be applied.

Section 37. Prohibitions and Restrictions of Employment

(1) It is prohibited to employ children in permanent work. Within the meaning of this Law, a child shall mean a person who is under 15 years of age and who until reaching the age of 18 continues to acquire a basic education.

Section 61. Minimum Wage

(1) A minimum wage shall not be less than the minimum level determined by the State.

(2) The minimum monthly salary within the scope of normal working time, as well as minimum hourly wage rates, shall be determined by the Cabinet.

(3) The procedures for the specification and review of the minimum monthly wage shall be determined by the Cabinet.

Lebanon

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Lebanon which prohibits **slavery**, although article 8 of the Constitution guarantees personal freedom and slavery may form an element of the offence of trafficking under articles 586.1 – 586.5 of the Penal Code.
- ii) There appears to be **no legislation** in place in Lebanon which prohibits **servitude**, although ‘practices that resemble slavery’ may form an element of the offence of trafficking under articles 586.1 – 586.5 of the Penal Code
- iii) There appears to be **no legislation** in place in Lebanon which prohibits **forced labour**, although article 569 of the Penal Code criminalises deprivation of personal freedom and recognises association to employment as an aggravating factor. Forced labour may also form an element of the offence of trafficking under articles 586.1 – 586.5 of the Penal Code.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code under articles 586.1 – 586.5 which criminalise trafficking

2) International Obligations: Lebanon consents to:

1926 Slavery Convention: (25 June 1931, accession)
 1930 Forced Labour Convention: (1 June 1977, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (1 June 1977, ratification)
 1966 ICCPR: (3 November 1972, accession)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (5 October 2005, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Lebanon appears to be:

- in breach of its obligations under the 1926 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE LEBANESE
CONSTITUTION 1926
(REV. 2004)

Article 8

Personal freedom is guaranteed and protected by the law. No one can be arrested, jailed or suspended except according to the rules of the law. No offense can be determined and no penalty can be imposed except according to the law.

Article 12

Every Lebanese has the right to public employment, without any distinction, except on qualification and merit according to the conditions laid down by the law. A special code shall be established to safeguard the rights of employees in the areas to which they belong.

PENAL CODE (AS
AMENDED BY LAW
NO 164 PUNISHMENT
FOR THE CRIME OF
TRAFFICKING IN
PERSONS)

Article 524 (new)

A person who, to appease the whims of another, takes action to tempt or lure another person or have him removed or taken away with his consent shall be punished by imprisonment for at least one year and payment of a fine that shall not be less than half the value of the official minimum wage.

Article 525 (new)

A person who detains another person without his consent in a house of prostitution because of a debt to be paid shall be punished by imprisonment from two months to two years and payment of a fine that could be from one tenth of the official minimum wage to the full value of said wage.

Article 569. Deprivation of personal freedom and using the person to perform a task

Deprived of his or her personal liberty by abduction or any other means, shall be punished by temporary hard labor.

The perpetrator shall be punished with hard labor in each of the following cases:

- 1 - If the period of deprivation of liberty exceeds the month.
- 2 - If he is deprived of his freedom of physical or mental torture.
- 3 - If the offense was committed against an employee while performing his duties or in the course of his performance, or because of his belonging to it.

Of the victim to an act committed by another sect or

- 4 - If the motives of the crime sectarian or partisan or revenge against his or her relatives.

- 5 - If the perpetrator used his victim as a hostage to intimidate individuals, institutions or the State in order to extort money

Coercion to carry out a desire or to do or abstain from doing so.

To attack one of the private or public transport means such as a car or train

- 6 - If the offender has been caught on any ship or aircraft.

- 7 - If the offense was committed by a group of two or more persons, they were armed.

The penalty shall be increased by 25% if the death resulted from the death of a person as a result of terror or any other reason related to the substance

In the incident. Article 586.1

Trafficking in Persons is:

- A) luring, transporting, receiving, detaining, or finding shelter for a person;
 - B) by using force or threatening to use force against someone who is subject to one's power; by kidnapping or deceiving another person; by using one's power against another person or exploiting that person's vulnerability; by giving or receiving sums of money or benefits; and by utilizing such methods against another person who is subject to perpetrator's authority;
 - C) for the purpose of exploiting said other person or facilitating his exploitation by others.
- The consent of a victim shall be given no consideration in case any of the methods shown in this Article are utilized.

Victim of Trafficking:

For the purposes of this law a victim of trafficking means any natural person who was the subject of trafficking in persons or who is reasonably considered by the competent authorities to be a victim of trafficking in persons, regardless of whether the perpetrator of the crime [of trafficking in persons] was identified, arrested, tried, or convicted.

According to the provisions of this Article, compelling a person to participate in any of the following acts shall be considered exploitation:

- A) Acts that are punishable by law;
- B) Prostitution or exploitation of the prostitution of others;
- C) Sexual exploitation;
- D) Begging;
- E) Slavery or practices that resemble slavery;
- F) Forcible or compulsory work;
- G) This includes the forcible or mandatory recruitment of children to use them in armed conflicts;
- H) Forcible involvement in terrorist acts;
- I) Selling organs or tissue from the victim's body.

Consideration shall not be given to the consent that is given by the victim to exploitation that is to be committed and is indicated in this paragraph; nor shall consideration be given to the consent to such exploitation that is given by one of the victim's forefathers, legal guardian, or any other person who exercises legal or actual authority over the victim. Luring, transporting, receiving, detaining, or providing shelter to victims who are under eighteen years of age for the purpose of exploiting them shall be considered trafficking in persons even if such activities were not accompanied by any of the methods indicated in Paragraph (1) (B) of this Article.

Article 586.2

The penalty for [a perpetrator of] the crime stipulated in Article 586.1 shall be according to the following:

- 1- Imprisonment for five years and payment of a fine that can be from one hundred to two hundred times the official minimum wage if these actions were carried out in return for sums of money or any other benefits or the promise to grant or receive such sums or benefits.
- 2- Imprisonment for seven years and payment of a fine that can be from one hundred and fifty times to three hundred times the official minimum wage if these actions were carried out by using deception, violence,

harsh acts or threats or by spending money on the victim or on a member of his family

Article 586.3

The penalty for a perpetrator of the crime stipulated in Article 586.1 shall be imprisonment for ten years and payment of a fine that can be from two hundred to four hundred times the official minimum wage if said perpetrator, partner, accomplice, or instigator to the crime is:

- 1- A public official or any person charged with providing a public service, or a director of an employment office or an employee of such an office.
- 2- One of the victim's legal or non-legal forefathers, one of the members of his family, or any person who exercises legal authority or actual direct or indirect authority over the victim.

Article 586.4

The penalty for the crime stipulated in Article 586.1 shall be imprisonment for fifteen years and payment of a fine that can be from three hundred to six hundred times the official minimum wage if said crime was committed by:

- 1- A group of two or more persons committing criminal acts in Lebanon or in more than one country.
- 2- If the crime involved more than one victim.

Article 586.5

If any of the following conditions are present, criminal acts that are mentioned in Article 586.1 shall be punishable, and punishment shall be imprisonment from ten to twelve years and payment of a fine that can be from two hundred to four hundred times the official minimum wage:

- A) When the crime involves serious harm to the victim or to another person or when it involves the death of a victim or another person, including death as a result of suicide.
- B) When the crime involves a person who is in a state of special vulnerability, including pregnancy.
- C) When the crime exposes the victim to a life-threatening disease, including the HIV virus and the AIDS virus.
- D) When the victim is physically or mentally disabled.
- E) When the victim is under the age of eighteen.

LABOUR CODE

Article 11

No one may commit himself by any work covenant for his lifetime, nor pledge himself for his lifetime not to engage in a given profession. Any covenant which would directly or indirectly lead to these effects is void as a matter of right, irrespective of its form.

Article 15

No employer, man or woman, bachelor, widow, separated or divorced may accommodate in his lodging a minor on his service.

Article 22

It is absolutely forbidden to set to work adolescents who have not yet completed their thirteenth year of age. An adolescent may only begin to work after a medical examination to ascertain that he can carry out the work for which he was hired.

Article 31

Forty-eight hours is the maximum duration of work per week in the different categories listed in article 5, except the agricultural corporations.

Article 33

It is permissible to derogate to the requirements of article 31 in cases of emergency and to raise the duration of work to twelve hours a day on the condition that:

- 1 – The requirements of paragraphs 2 and 3 or article 23 are observed;
- 2 – The Social Affairs Service is informed within 24 hours of the intervening case and of the time necessary to perform the work;
- 3 – That the wage or salary from the overtime provided by the wage-earner or salary-earner is 50% higher than the rate of normal wages.

Article 44

The minimum pay must be sufficient to meet the essential needs of the wage-earner or salary-earner and his family, with due consideration to the nature of the work. Pay is not to be less than the official minimum pay.

DECREE 5/1 (17
JANUARY 2003),
AMENDED BY DECREE
70/1 (9 JULY 2003)

Regulating offices that recruit foreign domestic servants. This latter decree states that the head of the household shall undertake to provide clothing, food, medication, an acceptable place for the female servant to sleep and rest, to pay the monthly salary at the end of each month and to provide the necessary assistance for the transfer of her salary abroad, when requested. He shall also undertake to give her adequate periods of rest and not mistreat her, under threat of prosecution. The decree adds that those responsible for, or employees of, recruitment offices are forbidden to beat female servants and, in the event of disputes between them and employers or servants or between the latter two, they must inform the Ministry of Labour of the matter and submit a complaint, if necessary. In all cases, the Department of Labour Inspection in Beirut and the provinces shall be responsible for monitoring the activity of recruitment offices and must submit a detailed report on each office every six months. Complaints and petitions relating to disputes between employers and servants or between one of these parties and recruitment offices must be presented to the Department of Employment in Beirut or the provinces and referred to the competent ministerial authorities for the necessary decision to be taken.

Lesotho

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 9(1) which declares that no person shall be held in slavery.

ii) **Provisions** related to **servitude** are found in the Constitution at article 9(1) which declares that no person shall be held in servitude. Article 5 of the Anti-Trafficking in Persons Act criminalises adopting or facilitating adoption for the purpose of exploitation and offering to control marriage for the purpose of acquiring, buying, offering, selling or trading a person into exploitation. Debt bondage is also criminalised under article 9.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 9(2) and the Labour Code which criminalises forced labour at article 7.

iv) **Provisions** related to **trafficking in persons** are found in the 2011 Anti-Trafficking in Persons Act which criminalises trafficking 'by any means' under article 5.

2) International Obligations: Lesotho consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (31 October 1966, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: (4 November 1974, succession)

1957 Abolition of Forced Labour Convention: (14 June 2001, ratification)

1966 ICCPR: (9 September 1992, accession)

1998 Rome Statute of the ICC: (6 September 2000, ratification)

2000 Palermo Protocol (Trafficking in Persons): (24 September 2003, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Lesotho appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF LESOTHO 1993
(AMENDMENTS
THROUGH 1998)

Article 4: Fundamental human rights and freedoms

(1) Whereas every person in Lesotho is entitled, whatever his race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status to fundamental human rights and freedoms, that is to say, to each and all of the following—

- (b) the right to personal liberty;
- (c) freedom of movement and residence;
- (d) freedom from inhuman treatment;
- (e) freedom from slavery and forced labour;

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms, subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

(2) For the avoidance of doubt and without prejudice to any other provision of this Constitution it is hereby declared that the provisions of this Chapter shall, except where the context otherwise requires, apply as well in relation to things done or omitted to be done by persons acting in a private capacity (whether by virtue of any written law or otherwise) as in relation to things done or omitted to be done by or on behalf of the Government of Lesotho or by any person acting in the performance of the functions of any public office or any public authority.

Article 6: Right to personal liberty

(1) Every person shall be entitled to personal liberty, that is to say, he shall not be arrested or detained save as may be authorised by law in any of the following cases, that is to say—

Article 7: Freedom of movement

(1) Every person shall be entitled to freedom of movement, that is to say, the right to move freely throughout Lesotho, the right to reside in any part of Lesotho, the right to enter Lesotho, the right to leave Lesotho and immunity from expulsion from Lesotho.

(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) for the imposition of restrictions in the interest of defence, public safety, public order, public morality or public health on the movement or residence within Lesotho of any person or any person's right to leave Lesotho:

Article 8: Freedom from inhuman treatment

(1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the infliction of any description of punishment that was lawful in Lesotho immediately before the coming into operation of this Constitution.

Article 9: Freedom from slavery and forced labour

- (1) No person shall be held in slavery or servitude.
- (2) No person shall be required to perform forced labour.
- (3) For the purposes of this section, the expression “forced labour” does not include—
 - (a) any labour required in consequence of the sentence or order of a court;
 - (b) any labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably required in the interests of hygiene or for the maintenance of the place at which he is detained;
 - (c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a military or air force, any labour that that person is required by law to perform in place of such service;
 - (d) any labour required during any period when Lesotho is at war or a declaration of emergency under section 23 of this Constitution is in force or in the event of any other emergency or calamity that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable, in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or
 - (e) any labour reasonably required by law as part of reasonable and normal community or other civic obligations.

Article 30: Just and favourable conditions of work

- Lesotho shall adopt policies aimed at securing just and favourable conditions of work and in particular policies directed to achieving—
- (a) remuneration which provides all workers, as a minimum with—
 - (i) fair wages and equal remuneration for work of equal value without distinction of any kind, and in particular, women being guaranteed conditions of work, including pension or retirement benefits, not inferior to those enjoyed by men, with equal pay for equal work; and
 - (ii) a decent living for themselves and their families;
 - (b) safe and healthy working conditions;
 - (c) equal opportunity for men and women to be promoted in their employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
 - (d) the protection of women who are in employment during a reasonable period before and after childbirth; and
 - (e) rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

PENAL CODE ACT
(2010)

Article 46. Abduction

- (1) A person who unlawfully takes or entices a child or any person of unsound mind out of the custody of the lawful guardian of such person, with or without the consent of such guardian, for the purpose of marriage, sexual intercourse, or commercial and labour exploitation, commits the offence of abduction.
- (2) A guardian who consents to the enticement or taking of any child or person of unsound mind out of his or her custody for the purpose of marriage, sexual intercourse or commercial and labour exploitation, commits the offence of constructive abduction.

Article 47. Unlawful detention

- (1) A person who unlawfully by force, threats, deception or any other unlawful means deprives another person of his or her freedom of movement, commits the offence of unlawful detention.
- (2) A person who unlawfully detains another with the intention of causing that person serious bodily harm or death, or with the intention of securing payment or any other advantage for the release of the unlawfully detained person commits an offence.

Article 94. Crimes against humanity

- (1) A person commits an offence of a crime against humanity if he or she engages in the following acts as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack -
 - (c) enslavement;
 - (e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
 - (g) rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual or comparable gravity;
- (2) For the purpose of subsection (1) -
 - (c) "enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

Article 95. War crimes

- (1) A person commits a war crime if he or she engages in acts involving the following -
 - (b) other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts -
 - (xxi) committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in section 95 (2), enforced sterilization, any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
 - (d) other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts -
 - (vi) committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in section 95 (2), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;

LABOUR CODE ORDER, 1992

Article 3. Terms defined

- "forced labour" means any work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily, but does not include
- (a) any work or service exacted by virtue of any compulsory military service law for work of a purely military character;
 - (b) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that such work or service is carried out under the supervision and control of a public authority, and that the

said person is not hired to or placed at the disposal of any private individual, company, association or other such body;

(c) any work or service exacted in case of emergency, that is to say in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic disease, invasion by animals or insect pests or plant diseases or pests, and in general any circumstances which would endanger the existence or well-being of the whole or part of the population;

(d) minor communal services of a kind which are to be performed by the members of a community in the direct interests of such community and not for purposes of economic development, and which are civic obligations normally incumbent upon the members of such community. However, before any exaction of such minor communal services, consultation shall have been had with the inhabitants of the place, town or village concerned and their Chief, or other direct representatives, in regard to the need for such services;

Article 7: Forced labour prohibited

(1) Any person who exacts or imposes forced labour, as defined in the Code, or causes or permits forced labour to be exacted or imposed for his or her own benefit or for the benefit of any other private individual, association or other such body shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand maloti or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(2) Any Chief or public officer who puts any constraint upon the population under his or her charge, or upon any individual member of such population, to work for any private individual, company, association or other such body shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand maloti or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Article 124: Minimum age for employment

(1) No child shall be employed or work in any commercial or industrial undertaking other than a private undertaking in which only members of the child's own family, up to five in total number, are employed.

(2) The provisions of subsection (1) shall not apply to light work done by children between the ages of 13 and 15 in technical schools or similar institutions where the work has been approved by the Department of Education.

(3) If a candidate for employment states his or her age as 21 years or under, he or she shall present proof of age to the employer.

(4) Any person who employs a child contrary to the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine of three hundred maloti or to imprisonment for three months or both.

Article 125: General restrictions on employment of children and young persons

(1) No person shall employ a child or young person on any work which is injurious to health or morals, dangerous or otherwise unsuitable, or on any work which the Minister, by notification in the Gazette, or the Labour Commissioner, acting in accordance with any directions of the

Minister, has declared, by notice in writing, to be of a kind which is injurious to the health or morals of a child or young person.

(2) No persons shall, after receiving notice either orally or in writing from the parent or guardian that he or she is employing a child or young person against the wishes of such parent or guardian, continue to employ such child or young person.

(3) Where, under the provision of subsection (1) or (2), it becomes necessary to discontinue the employment of any child or young person, such discontinuance shall be without prejudice to the right of the child or young person to be paid such wages as he or she may have earned up to the time of such discontinuance.

(4) No person under the age of 16 years shall be required or permitted to work for more than four consecutive hours without a break of at least one hour, or for more than eight hours in any one day.

(5) No person under the age of 16 years shall be employed under conditions preventing him or her from returning each night to the place of residence of his or her parent or guardian. This provision shall not apply to domestic servants.

(6) Any person who employs a child or young person in contravention of any of the provisions of this section shall be guilty of an offence and shall be liable on conviction therefor to a fine of six hundred maloti or to imprisonment for six months or both.

ANTI-TRAFFICKING IN PERSONS ACT, 2011

Article 2. Interpretation

“debt bondage” means the pledging by a person of his personal services or labour, or those of a person under his control as security or payment for debt owed or claimed to be owed, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is manifestly excessive and is not applied towards the debt;

“exploitation” includes, at the minimum, induced prostitution and other forms of sexual exploitation, forced marriage, forced or bonded services, or practices similar to slavery, servitude of the removal of human organs; “forced labour” means labour or services obtained or maintained through threats, use of force, intimidation and other forms of coercion, or physical restraint;

“servitude” means a condition in which the labour or services of a person are provided or obtained through threats of harm to that person or another, or through any scheme, plan or pattern intended to cause the person to believe that, if the person does not perform the labour or services, that person or another will suffer harm;

“slavery” means the status or conditions of a person over whom any or all the powers attaching to the right of ownership are exercised;

Article 5. Offence of Trafficking

(1) A person who trafficks another person commits an offence of trafficking and is liable, on conviction, to a fine of M1,000,000.00 or imprisonment for a period of 25 years.

(2) where the victim is a child, the offender shall be liable to a fine of M2,000,000.00 or life imprisonment.

(3) The following acts are acts of trafficking for purposes of subsection (1) to –

- (a) recruit, transport, transfer, harbor, provide, or receive a person by any means, include those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labour, drug trafficking, slavery, involuntary servitude or debt bondage;
- (b) introduce or match for money, profit or material, economic or other consideration, any person to a foreign national, for marriage, for the purpose of acquiring, buying, offering, selling or trading a person to engage in prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage;
- (c) offer to control marriage, real or simulated, for the purpose of acquiring, buying, offering, selling or trading a person to engage in prostitution, pornography, sexual exploitation, forced labour, or slavery, involuntary servitude or debt bondage;
- d) undertake or organise tours and travel plans consisting of tourism packages or activities for the purpose of utilising and offering a person for prostitution, pornography or sexual exploitation;
- (e) maintain or hire a person to engage in prostitution or pornography;
- (f) adopt or facilitate the adoption of a person for the purpose of prostitution, pornography, sexual exploitation, forced-labour, slavery, involuntary servitude or debt bondage
- (g) recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of the said person,
- (4) A person who-
 - (a) performs an act which is directly or indirectly aimed at committing;
 - (b) organises, facilitates, incites, instigates, commands, directs, aids, advises, recruits, encourages or procures another person to commit;
 - (c) attempts or conspires with another to commit,
 an offence or trafficking commits an offence and is liable on conviction, to the same punishment to which a person who is convicted of the actual commission of the offence of trafficking would be liable.
- (5) The consent of an adult victim of trafficking, or in the case of a child, a person having control or authority over the child to an intended exploitation shall be irrelevant.
- (6) A victim shall not be liable for crimes committed in connection with his own trafficking.
- (7) The past sexual behaviour of a victim of trafficking is irrelevant and inadmissible for purpose of proving that the victim was engaged in other sexual behaviour or to prove sexual predisposition of the victim.

Article 9. Debt bondage

A person who intentionally and unlawfully engages in a conduct that causes another to enter into a situation of debt bondage commits an offence and is liable, on conviction, to imprisonment for a period of 15 years.

Liberia

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution at article 12 which declares that no person shall be held in slavery.
- ii) There appears to be **no legislation** in place in Liberia which prohibits **servitude**, although debt bondage and peonage are prohibited under article 12 of the Constitution and kidnapping or restraining to hold a person in a condition of involuntary servitude are criminalised under sections 14.50 and 14.51 of the Penal Code.
- iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 12 and the 2015 Decent Work Act which prohibits forced or compulsory labour at section 2.2 although penalties are limited to fines up to \$500 and compliance orders.
- iv) **Provisions** related to **trafficking in persons** are found in the 2005 Act to Ban Trafficking in Persons which criminalises trafficking under sections 2, 5 and 7 combined.

2) International Obligations: Liberia consents to:

1926 Slavery Convention: (17 May 1930, ratification)
1930 Forced Labour Convention: (01 May 1931, ratification)
1953 Protocol to the 1926 Slavery Convention: (7 December 1953, ratification)
1956 Slavery Convention: (7 September 1956, ratification)
1957 Abolition of Forced Labour Convention: (25 May 1962, ratification)
1966 ICCPR: (22 September 2004, ratification)
1998 Rome Statute of the ICC: (22 September 2004, ratification)
2000 Palermo Protocol (Trafficking in Persons): (5 October 2005, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Liberia appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF THE REPUBLIC OF LIBERIA 1986

Article 8:

The Republic shall direct its policy towards ensuring for all citizens, without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards promoting safety, health and welfare facilities in employment.

Article 11:

(a) All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of enjoying and defending life and liberty, of pursuing and maintaining the security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution.

Article 12:

No person shall be held in slavery or forced labor within the Republic, nor shall any citizen of Liberia nor any person resident therein deal in slaves or subject any other person to forced labor, debt bondage or peonage; but labor reasonably required in consequence of a court sentence or order conforming to acceptable labor standards, service in the military, work or service which forms part of normal civil obligations or service exacted in cases of emergency or calamity threatening the life or well being of the community shall not be deemed forced labor.

Article 13:

(a) Every person lawfully within the Republic shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave therefrom subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others.

PENAL CODE 1976

§ 14.50. Kidnapping.

1. Offense. A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for substantial period in a place of isolation, with any of the following purposes:

- (a) To hold for ransom or reward;
- (b) To use him as a shield or hostage;
- (c) To hold him in a condition of involuntary servitude;
- (d) To facilitate commission of any felony or flight thereafter;
- (e) To inflict bodily injury on or to terrorize the victim or another; or
- (f) To interfere with the performance of any governmental or political function.

2. Grading. Kidnapping is a felony of the first degree unless the actor voluntarily releases the victim alive and in a safe place prior to trial, in which case it is a felony of the second degree.

3. When removal or confinement is unlawful. A removal or confinement is unlawful within the meaning of this section if it is accomplished by force, threat, or deception, or in the case of a person who is under the age of 14 or incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

§ 14.51. Felonious restraint

A person commits a felony of the third degree if he knowingly:

- (a) Restrains another unlawfully in circumstances exposing him to risk of serious bodily injury; or
- (b) Restrains another with the purpose of holding him in a condition of involuntary servitude.

§ 14.52. False imprisonment

A person commits a misdemeanor of the first degree if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

ACT TO BAN TRAFFICKING IN PERSONS 2005

Section 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.

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.

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.

Section 2: trafficking in persons

That form 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 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 person s 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.

DECENT WORK ACT 2015

§ 1.4 Definitions

In this Act, unless the context indicates otherwise:

- o) forced or compulsory labour means all work or service which is exacted from any person under the menace of any penalty, and for which that person did not offer himself voluntarily;

§ 2.2 Freedom from forced or compulsory labour

a) No person in Liberia shall be subjected to forced or compulsory labour, provided however that this does not prohibit work or service:

- i) exacted in consequence of compulsory military service laws of general application, provided that the work or service in question is of a purely military character;

- ii) which forms part of the normal civic obligations of a citizen;

- iii) exacted as a consequence of a conviction in a court of law, provided that:

- (a) it is carried out under the supervision and control of a public authority; and

- (b) no person is hired to or placed at the disposal of private individuals, companies or associations;

- iv) exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population; or

- v) which is in the nature of minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

- b) A person shall not directly or indirectly cause, permit or require any person to perform forced labour.

§ 2.3 Freedom from the worst forms of child labour

- a) Except as elsewhere provided in this Act, no person shall employ or cause a child to be employed.

- b) Without limiting the scope of the preceding provision, the following forms of work by children are absolutely prohibited:

- i) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

- ii) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
 - iii) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
 - iv) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or welfare of children.
- c) The Minister may make regulations which identify work prohibited under paragraph b) iv), and other forms of work for children that shall be absolutely prohibited.
- d) A person shall not directly or indirectly cause, permit or require a child to participate in a form of work which is absolutely prohibited by or pursuant to this section.

§ 2.15 Remedies for contravention of fundamental rights

- a) A person who is the victim of a violation of a right protected by this Chapter may lodge a complaint under section § 9.2.
- b) A registered trade union or registered employers' organization, acting on behalf of a member of that trade union or registered employers' organization, may lodge a complaint under section § 9.2 alleging a violation of a right protected by this Chapter.
- c) A labour inspector may use the provisions of sections § 8.4 or § 9.1 to enforce compliance with the provisions of this Chapter.
- d) Upon a finding by the Ministry or a court, as the case may be, that any requirement of this Chapter has been breached, the Ministry or court may order any of the remedies specified in section § 9.5.

§ 8.4 Power to issue compliance notice

- a) If a labour inspector reasonably believes that a person:
 - i) is violating a provision of:
 - (1) this Act, other than Part Six or any regulations made under that Part;
 - (2) the regulations;
 - (3) a minimum wage order; or
 - (4) an applicable collective agreement; or
 - ii) has violated such a provision in circumstances that make it likely that the contravention will continue or be repeated, then the labour inspector may issue to the person a written compliance notice requiring the person to stop and/or to remedy the contravention or likely contravention.
- b) A compliance notice shall:
 - i) state the basis for the labour inspector's belief on which the issue of the notice is based;
 - ii) specify the provision that the labour inspector considers is being or has been contravened or of which a contravention is threatened;
 - iii) specify a date by which the person is required to remedy the contravention, which shall not be more than 28 days from the date of the compliance notice; and
 - iv) set out the procedures under this Act to enforce compliance with the notice.

§ 9.5 Decision by the Ministry

- a) At the conclusion of a hearing the Ministry shall state its findings of fact.

- b) The Ministry may dismiss a complaint if it finds that the respondent has not engaged in the violation that is the subject of the notice.
- c) If the Ministry finds that a respondent has committed or is committing a violation of any provision of this Act, it:
 - i) shall issue and cause to be served on the respondent an order requiring them to:
 - (1) cease and desist from continuing such violation; and
 - (2) take such affirmative and remedial action as is specified in the law or as, in the judgment of the Ministry, will effectuate the purposes of this Act; and
 - ii) may order the respondent to pay a fine not exceeding \$500.
- d) The powers of the Ministry in this section operate in addition to its powers under section § 14.10.
- e) An order of the Ministry issued under this section shall include a requirement for the respondent to report on the manner of compliance.
- f) A respondent shall comply with an order of the Ministry under this section, and shall report on their compliance in such terms as the order may require.
- g) The Ministry shall keep on file a copy of all orders it makes in proceedings under this Chapter.

Libya

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code at articles 425 and 426 which criminalise enslavement, dealing in slaves and the slave trade although these provisions do not appear to cover situations of use, exploitation, management or profiting from an enslaved person.

ii) **Provisions** related to **servitude** are found in the Penal Code which criminalises putting a person in slavery-like conditions under article 425 and disposing of a person in a condition resembling slavery under article 426. These provisions do not appear to cover situations of use, exploitation, management or profiting from a person in such a condition.

iii) **Provisions** related to **forced labour** are found in the Penal Code which criminalises forced labour at article 359.

iv) There appears to be **no legislation** in place in Libya which prohibits **trafficking in persons**, although the Prohibition of Trafficking of the Labour Force Law prohibits contracts which provide workers in exchange for a fee.

2) International Obligations: Libya consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (13 June 1961, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: (16 May 1989, accession)

1957 Abolition of Forced Labour Convention: (13 June 1961, ratification)

1966 ICCPR: (15 May 1970, accession)

1998 Rome Statute of the ICC: *N/A*

2000 Palermo Protocol (Trafficking in Persons): (24 September 2004, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Libya appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude;
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

LIBYA CONSTITUTION 1969

Article 7

The State shall safeguard human rights and fundamental freedoms, endeavor to join the regional and international declarations and covenants which protect these rights and freedoms and strive for the promulgation of new covenants which recognize the dignity of man as Allah's representative on earth.

Article 8

The state shall ensure equal opportunity and strive to guarantee a proper standard of living, the right to work, education medical care and social security to every citizen. The State shall guarantee individual and private property. It shall guarantee the just distribution of national wealth among citizens and among the different cities and regions of the State.

Article 14

The State shall guarantee freedom of opinion, individual and collective expression, research, communication, press, media, printing and editing, movement, assembly, demonstration and peaceful sit-in in accordance with the statute.

LIBYAN PENAL CODE

Article 359. Violation of the freedom to work

Any person who resorts to force, violence, intimidation, threats or illegal means to force others to refrain from work or to force an employer to hire or not hire a person, is punishable by, a minimum of one year's imprisonment and a fine of not less than 100 Dinars, or one of them. The same penalty shall apply if the purpose is to prevent a person from joining a trade union. The provisions of this article shall also apply if force, violence, intimidation or illegal means are used against the person's spouse or children. The following acts are specifically illegal;

1. To Prevent such a person from working by concealing his tools, clothing or any other item used by him or by any other means.
2. To follow a person to and from work.
3. To take a threatening position near that person's home or at any other place he inhabits or works at.

Article 425. Slavery

Anyone who enslaves a person or puts him in slavery-like conditions is sentenced to five to fifteen years' imprisonment.

Article 426. Dealing in slaves and slave trade

Whoever deals in or trades in slaves or in any manner disposes of a slave or a person in a condition resembling slavery shall be punished by a penalty of imprisonment for a period no exceeding ten years. The penalty shall be imprisonment of from three to twelve years in the case of anyone who disposes of a slave or of a person in a condition resembling slavery, or who receives him, or has him in his possession, or acquires him, or retains him in his said condition.

Article 427. Commission of the acts abroad

The provisions of this chapter shall also apply if the offence is committed outside Libya against a Libyan.

Article 428. Abduction

1. Whoever kidnaps, arrests, incarcerates, or deprives another of his personal freedom by force, threat or deception shall be punished by a penalty of imprisonment of from six months to five years.
2. The penalty shall be imprisonment for a term not exceeding seven years if the act is committed:
 - (A) against an asset, branch or spouse;
 - (B) from a public official who violates the limits of the powers relating to his employment.
 - (C) If the act is committed in order to obtain remuneration for release, and if the offender accomplishes its purpose, the penalty shall be imprisonment for a period not exceeding
On eight years.

ORDER OF THE
REVOLUTIONARY
COMMAND COUNCIL,
1969 ON THE
PROHIBITION OF
TRAFFICKING OF THE
LABOUR FORCE

Article 1:

A contract is deemed void when one of the parties undertakes to provide an other party with workers to be employed by him or by his representative, in return for a sum that the employer undertakes to pay the person providing the workers and who shall pay the workers an agreed wage. In general, any contract the subject of which is the hiring of workers for an employer through a contractor or supplier is void.

Article 2:

In the cases mentioned above, an employer shall be deemed as having directly contracted the workers and shall undertake to pay them the wage paid to those originally employed by him for the same job, or by those employed for the same work with another employer. They shall enjoy all the rights due to persons of a similar status.

Article 3:

Any contract or action shall be deemed void if it seeks to defraud or evade the implementation of the two articles above, or to conceal any violation thereof, whatever the means or form it takes. This shall apply especially in those cases which the Minister of Labour and Social Affairs, in a decision issued by him, finds that the circumstances surrounding them leave no scope for doubt that the main purpose is to violate the provisions of the above mentioned articles or to conceal such a violation.

Article 4:

An unemployed person may not be charged for being hired or for facilitating his employed in any job.

Article 5:

Under the provisions of this Decision, no workers rights may be relinquished.

Article 9:

An employer and the contractor or supplier who violate the provisions of this Decision shall be fined 50 pounds at least; the fine shall be multiplied by the number of workers involved in the violation.

LAW NO 20 OF 1991
ON PROMOTING
FREEDOMS

Article 10:

Every citizen is free to choose the work that suits him, alone or with others, without exploiting the exertions of another and without causing material or moral harm to others.

Article 11:

Every citizen is entitled to enjoy the fruit of his labour. Only the deductions set out by law to contribute to the general charges, or in return for services provided by society, may be made from the product of his labour.

Article 28:

A woman is has the right to the occupation that suits her, she shall not be placed in a situation where she is employed in that which does not suit her nature.

Article 29:

Relatives or others may not employ children, in work not suited to their capacities, and liable to stunt their natural growth or affect their health.

THE GREEN CHARTER
OF HUMAN RIGHTS IN
THE JAMAHIRIYAN
ERA ADOPTED 12 JUNE
1988

Article 3:

The members of the Jamahiriyan society are, in times of peace, free in all their movements and in the choice of their residence.

Article 11:

The Jamahiriyan society guarantees the right to work. It is a right and a duty for everyone, in the limits of one's personal effort or in association with others. Everybody has the right to exercise the work of their choice. The Jamahiriyan society is one of partners and not one of paid employees. Ownership, the fruit of labour, is sacred and protected, it can only be attacked in the public interest and with fair compensation. The Jamahiriyan society is free from the slavery of salaries, stating the right of everybody over their labour and protection. Only those who produce consume.

Article 21:

The members of the Jamahiriyan society, men or women, are equal in everything which is human. The distinction of rights between men and women is a flagrant injustice which nothing justifies. They proclaim that marriage is a fair association between two equal partners. Nobody can conclude a marriage contract by constraint, nor divorce in any other way than by mutual consent or by a fair judgement. It is unfair to dispossess the children of their mother, and the mother of her home.

Article 22:

The members of the Jamahiriyan society considers servants as the slaves of modern times, enslaved by their masters. No law governs their situation, and they have no guarantee nor protection. They live under the arbitrary nature of their masters, and are victims of tyranny. They are forced, by necessity and in order to survive, to carry out work which ridicules their dignity and human feelings. For this reason, the Jamahiriyan society proscribes recourse to servants in the home. The house must be maintained by its owners.

ACT NO. 80 OF 1970

Note: provides that young persons should not be employed before the age of 15 years, encourages guardians not to remove their children from school before the end of the basic education stage.

THE MARRIAGE AND
DIVORCE
REGULATIONS ACT
NO. 10 OF 1984

Note: stipulates that eligibility for marriage is acquired on attainment of 20 years of age. It further stipulates that a young girl may not be coerced into marriage against her will and that marriage should involve no compulsion or coercion. A guardian may not therefore prevent his ward from marrying the person whom she wishes to have as her husband.

Liechtenstein

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code at section 104 which criminalises 'practicing slavery'. Article 10 of the Constitution also recognises that the prohibition of slavery is non-derogable even in times of emergency although there is not explicit prohibition of slavery within the Constitution.

ii) Provisions related to **servitude** are found in the Criminal Code which prohibits causing another person to be brought into a slavery-like situation under section 104.

iii) There appears to be **no legislation** in place in Liechtenstein which prohibits **forced labour**, although section 105 of the Criminal Code criminalises compelling a person by force or threat to do any action as coercion. Article 10 of the Constitution also recognises that the prohibition of forced labour is non-derogable even in times of emergency although there is not explicit prohibition of forced labour within the Constitution.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code at section 104a which criminalises trafficking.

2) International Obligations: Liechtenstein consents to:

1926 Slavery Convention: N/A

1930 Forced Labour Convention: N/A

1953 Protocol to the 1926 Slavery Convention: N/A

1956 Slavery Convention: N/A

1957 Abolition of Forced Labour Convention: N/A

1966 ICCPR: (10 December 1998, accession)

1998 Rome Statute of the ICC: (2 October 2001, ratification)

2000 Palermo Protocol (Trafficking in Persons): (20 February 2008, ratification)

2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Liechtenstein appears to be:

- in breach of its obligations under the ICCPR in regards to servitude and forced labour.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE PRINCIPALITY OF
LIECHTENSTEIN 1921
(REV. 2003)

Art. 10

1. The Prince Regnant shall take, through the Government, and independently of the Diet, the steps required for the implementation and enforcement of the laws, and any action required in pursuance of the powers of administration and supervision, and shall issue the requisite ordinances (Art. 92). In urgent cases he shall take the necessary measures for the security and welfare of the State.
2. Emergency decrees may not set aside the Constitution as a whole or individual provisions of it but may only limit the applicability of individual provisions. Emergency decrees can neither limit every person's right to life, the prohibition of torture and inhuman treatment or the prohibition of slavery and forced labour nor place any restriction on the "no punishment without law" rule. Moreover, the provisions of this Article cannot limit the scope of Art. 3, 13ter and 113. Emergency decrees shall cease to apply six months after they have been issued.

Art. 19

- 1) The State shall safeguard the right to work and shall protect the workers, especially women and young persons employed in commerce and industry.
- 2) Sundays and public holidays recognized by the State shall be observed as public days of rest, without prejudice to the legal regulations concerning rest on Sundays and public holidays.

Art. 29

- 1) All citizens¹ shall be entitled to civic rights in conformity with the provisions of the present Constitution.

Art. 32

- 1) Personal liberty, the immunity of the home and the inviolability of letters and written matter are guaranteed.

LIECHTENSTEIN
PENAL CODE (STGB)
OF 24 JUNE 1987

§ 99 Detention

- 1) Who holds another unlawfully imprisoned or otherwise deprives him of personal liberty shall be punished with imprisonment up to three years.
- 2) If the detention of more upright than a month or she will commit in such a way that they prepare the detainees special torments, or under such circumstances that it is associated for him with very serious drawbacks, is punished with imprisonment from one to ten punishing years.

§ 102 Eccentric abduction

- 1) Anyone who abducts another person without his consent by force, or after having obtained the consent of a dangerous threat or cunning, or who otherwise seizes upon him to compel a third person to act, tolerate or omit, shall be punished with a prison sentence of ten to Twenty years.
- 2) It is also necessary to punish who
 1. In the sense referred to in para. 1, a person who is immature, mentally ill, or incapable of resistance because of her condition, or otherwise takes possession of her
 2. By taking advantage of an abduction or other control of a person without necessity of necessity, compels a third party to act, tolerate or omit.

(3) If the deceased has resulted in the death of the person who has been abducted or the offender has otherwise seized, the perpetrator shall be punished with a sentence of imprisonment of ten to twenty years, or with a lifelong imprisonment.

4) If the perpetrator, without renouncing the desired performance, voluntarily punishes the person who has been kidnapped or has been seized by the perpetrator without serious damage to his circle of life, he shall be punished with imprisonment of six months to five years ,

§ 104 Slave trade

1) Anyone who practices slavery is to be punished with imprisonment of ten to twenty years.

(2) It is also necessary to punish who causes another person to be enslaved or brought into a slavery-like situation, or that another person goes into slavery or a slavery-like situation.

§ 104a Trafficking in persons

1) Anyone who with respect to a minor or with respect to an adult, using unfair means (paragraph 2) against the person, with the intention to exploit the person sexually or by removal of organs or by exploiting the person's labor, recruits, harbors, or otherwise accommodates, transports, or offers or passes on the person to a third party, shall be punished with imprisonment of up to three years.

2) 'Unfair means' means deception regarding facts, taking advantage of a position of authority, of plight, of mental illness, or a defenseless state of the person, intimidation, and the granting or acceptance of an advantage for purpose of asserting control over the person.

3) Anyone who commits this offense using force or by serious threat shall be punished with imprisonment of six months to five years.

4) Anyone who commits this offense against an underage person as a member of a criminal group, by using serious violence or in such a way that the offense, either willfully or by gross negligence, constitutes a danger for the person's life or results in a particular severe disadvantage for the person, shall be punished with imprisonment of one to ten years.

§ 105 Coercion

1) Anyone who compels another person to act, tolerate or omit, by force or by threat, shall be punished with imprisonment for a term of up to one year.

2) The act is not unlawful if the application of force or threat as a means for the intended purpose is not contrary to good morals.

§ 106 Severe coercion

(1) Whoever compels a necessity,

1. threatens with death, with a substantial mutilation or a conspicuous disfigurement, with an abduction, with a fire foundation, with a danger by nuclear energy, ionizing rays or explosives or with the destruction of the economic existence or social position,

2. the necessary or Another person to whom the violence or dangerous threat, put into a state of aggravation by such means for a long time, or

3. the person required to sign a partnership, prostitution or participation in a pornographic

(§ 215a para. 3) or otherwise cause an action, toleration or omission, which violates particularly important interests of the compelled or a third person, shall be punished with imprisonment of six months to five years
(2) The offender shall also be punished if the offense results in suicide or an attempted suicide of the person or other person against whom the violence or threat is threatened

§ 193a Prohibited adoption

- 1) Any person who causes a person entitled to consent to consent to the adoption of a benefit by himself or a third person by another person shall be punished with imprisonment for up to two years.
- 2) If the perpetrator acts in order to procure himself or a third party an asset advantage, he shall be punished with imprisonment for up to three years.
- 3) Adoption and elective children between whom the adoption is mediated are not to be punished as participants (§ 12 StGB).

§ 217 Cross-border prostitution trade

- 1) A person who, even if he is already a prostitute, is subject to prostitution in a state other than the one of which he is a national or has a habitual residence, is a six months' imprisonment To punish with imprisonment of up to ten years up to five years, if he commits the act professionally.
- 2) Anyone who persecutes a person (para. 1) with a pretense of prostitution in a state other than his nationality or in which he is habitually resident is deceived by this deception, or by force or force Threatened by a dangerous threat to move to another state, or to transfer it to another state by force or through the use of its error, shall be punished with a sentence of up to ten years' imprisonment.

§ 277 Criminal association

- 1) Anyone who establishes a criminal organization or participates in such a member shall be punished with imprisonment for up to three years.
- 2) A criminal organization is a long-term association of more than two persons, which is directed to the fact that one or more members of the association are responsible for one or more crimes, other serious acts of violence against life and limb, not only minor damage to property, thefts Or fraud, or offenses pursuant to sections 104a, 165, paragraphs 1 and 2, 233 to 239, 304 or 307.
- 3) As a member, a criminal organization is responsible for anyone who commits a criminal offense or is involved in their activities through the provision of information or assets or otherwise in the knowledge that the association or their criminal actions.
- 4) If the association has not led to any punishable act of the planned nature, no member shall be punished if the association dissolves voluntarily or otherwise results from its conduct that it voluntarily gave up its intention. Furthermore, criminal organization does not penalize who voluntarily renounces the association before an act of the planned kind has been carried out or attempted; Who has participated in the association, but only if he voluntarily causes the risk of the association arising from the union to be eliminated by notifying the authorities (§ 151 para. 3) or by any other means.

- 1) The employer is obliged to take all necessary measures to protect the health of workers, which, according to experience, are necessary according to the state of the art and appropriate to the conditions of the holding. It must also provide for the necessary measures to protect the personal integrity of workers;
These measures also include protection against sexual harassment in the workplace.
- 2) The employer shall, in particular, design work facilities and workflows in such a way as to avoid risks to workers' health and overuse. He shall also ensure that the worker does not consume alcohol or other intoxicating substances in the exercise of his professional duties.
- 3) For health protection, the employer has to involve the employees.
- 4) The regulation establishes the measures to be taken to protect the health of workers at the premises.

Article 30 Minimum age

- 1) Adolescents are not allowed to be employed before they are 15 years old. Subject to the provisions of para. 2) By regulation, it is determined for which groups of establishments or workers and under which conditions young people of the age of:
 - A) more than 14 years of light work to be allowed; certain categories of light work may also be carried out by young people over the age of 13;
 - (B) may be employed for less than 15 years in cultural, artistic and sporting performances and in advertising events.

Article 53 Criminal liability of the employer

- 1) The employer is liable to prosecution if he fails to comply with the provisions of the law or regulation:
 - (A) deliberately or negligently contravening health care and accident prevention;
 - (B) intentionally infringed on the working and rest period;
 - (C) deliberately or negligently infringed on the special protection of juvenile or female workers.
- 2) If a single contractor is guilty of an infringement in the company of an individual company, this person is liable to prosecution. The employer is only liable to prosecution if he is aware of the infringement and fails to prevent or remedy it.
- (3) If a dispute is committed in the business of a legal person or a commercial company, those persons who have acted or are acting for them are liable to prosecution. The legal person or the company shall be liable in solidarity for fines and costs, provided that it does not demonstrate that it has taken all necessary care to ensure compliance with the rules by the persons mentioned.

Article 55 Punish

- 1) Any person who is liable to prosecution pursuant to Articles 53 and 54 of the Act shall be punished with a fine of up to 20,000 francs for breach of the law, and a non-liability for a term of imprisonment of up to three months
- 2) In delicate cases, deliberate acts of torture can be punished by the district court for a criminal offense of up to six months or a fine of up to 360 days. The case is particularly serious when the offender's provisions of the law or a regulation:

- (A) violate health care and accident prevention and thereby significantly endanger the lives or health of workers or other persons;
- (B) on the special protection of young or female workers
- 3) If an appropriate contractual penalty has been pronounced on the basis of a collective employment contract, the judge may reduce or refuse the fine.

CIVIL CODE

VII. Protection of the personality of the worker

Article 27. 1. in general

- 1) The employer must respect and protect the personality of the worker in the employment relationship, take due care and take due care of morality. In particular, it must ensure that workers are not harassed or sexually harassed, and that victims of harassment or sexual harassment are not adversely affected.
- (2) To protect the life, health and physical integrity of employees, he shall take the necessary measures, which are necessary, based on experience, to be applied in accordance with the state of the art and appropriate to the conditions of the holding or household, Individual employment relationship and the nature of the work performance can be reasonably expected.
- 3) Employees who are employed for at least one month or a part-time work relationship of at least eight hours per week must be informed by the employer of the conditions applicable to them within two months after commencement of the employment relationship; The employment relationship shall be terminated two months after its commencement, the information shall be given before that date. Exceptions are employment relationships which, due to their duration or nature or due to other special conditions applicable to the employment relationship, do not require the employee to be informed, in particular in the case of irregular working conditions or in the case of occasional work.
 - (A) the identity, domicile or domicile of the employer;
 - (B) the date of commencement of work, the duration of the contract in the case of fixed-term employment contracts, the daily or weekly working and rest periods, the place of work and the work. Included in the notification of work performance is a notification of the official or functional designation assigned to the employee at the start of employment, as well as a notification of his grade of service;
 - (C) the duration of leisure and holidays;
 - (D) the periods of notice or the procedure for fixing them;
 - (E) the total employment or normal employment contracts applicable to the employment relationship;
 - (F) wages and salaries, allowances, gratuities and expenses if such additional wage components were agreed, and the conditions for their payment.
- 4) Employees who are posted to a place of work in another State are, in so far as their employment relationship is to be assessed according to Liechtenstein legislation and have a duration of at least one month, in addition to the following conditions,
 - (A) the duration of work in the other State;
 - (B) the currency in which the wage is paid;
 - (C) the benefits of money or natural resources connected with the posting to another State;
 - (D) on the conditions of return.

5) In the cases referred to in paragraphs 3 and 4, the employer shall be informed in writing by the employer within one month of changes in the conditions applicable to his employment relationship.

6) In the cases of para. (B), (c) and (d), the duty to provide written information to the worker may be fulfilled by reference to the general and normal working contracts applicable to the employment relationship. In such cases, the obligation to notify the employee in writing of changes pursuant to para. 5 ceases to apply

Article 33

D) wage

1) The employer must pay the employee the entire wage and a reasonable compensation for non-working natural persons.

2) The holidays may not be compensated by cash or other benefits during the duration of the employment relationship.

3) If during the holiday the employee is paid for a third party and the legitimate interests of the employer are thereby infringed, he or she can refuse the holiday wage and demand back the already paid holiday wage.

HUMAN RIGHTS REPORT

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced the law. Penalties for violations included prison sentences of up to 10 years. The resources, inspections, and remediation, including penalties for violations, were adequate and sufficient to deter violations. There were no reports that forced labor occurred in practice.

Lithuania

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code at article 147(1) which criminalises forcing a person to work under conditions of slavery by using physical violence or threats or by otherwise depriving of a possibility of resistance or by taking advantage of a person's dependence. Article 20 of the Constitution also declares that the freedom of the human being is inviolable.

ii) There appears to be **no legislation** in place in Lithuania which prohibits **servitude**, although Articles 3.7 and 3.13 of the Civil Code require free consent to marriage however penalties are limited to annulment of the marriage.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 48 and the Criminal Code which criminalises forced labour under article 147(1). Article 2 of the labour law also recognises the prohibition of all forms of forced and compulsory labour as a principle of labour regulations.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which prohibits trafficking under article 147 although the exploitative purposes listed are limited to prostitution, pornography, forced labour, and acquisition of organs, tissue or cells. Article 157 also criminalises trafficking in children.

2) International Obligations: Lithuania consents to:

1926 Slavery Convention: (signature/accession not perfected by ratification)
 1930 Forced Labour Convention: (26 September 1994, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (26 September 1994, ratification)
 1966 ICCPR: (20 November 1991, accession)
 1998 Rome Statute of the ICC: (12 May 2003, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (23 June 2003, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Lithuania appears to be:

- in breach of its obligations under the 1926 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery and servitude;
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
LITHUANIA

Article 18

Human rights and freedoms shall be innate.

Article 20

The freedom of a human being shall be inviolable.

No one may be arbitrarily detained or held arrested. No one may be deprived of his freedom otherwise than on the grounds and according to the procedures which have been established by law.

A person detained in flagrante delicto must, within 48 hours, be brought before a court for the purpose of deciding, in the presence of the detainee, on the validity of the detention. If the court does not adopt a decision to arrest the person, the detainee shall be released immediately.

Article 21

The person of the human being shall be inviolable.

The dignity of the human being shall be protected by law.

It shall be prohibited to torture, injure a human being, degrade his dignity, subject him to cruel treatment as well as establish such punishments.

No human being may be subjected to scientific or medical experimentation without his knowledge and free consent.

Article 29

All persons shall be equal before the law, the court, and other State institutions and officials.

The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions, or views.

Article 32

A citizen may move and choose his place of residence in Lithuania freely and may leave Lithuania freely.

These rights may not be restricted otherwise than by law and if it is necessary for the protection of the security of the State, the health of the people as well as for administration of justice.

A citizen may not be prohibited from returning to Lithuania.

Everyone who is Lithuanian may settle in Lithuania.

Article 38

The family shall be the basis of society and the State.

Family, motherhood, fatherhood and childhood shall be under the protection and care of the State.

Marriage shall be concluded upon the free mutual consent of man and woman.

The State shall register marriages, births, and deaths. The State shall also recognise church registration of marriages.

In the family, the rights of spouses shall be equal.

The right and duty of parents is to bring up their children to be honest people and faithful citizens and to support them until they come of age.

The duty of children is to respect their parents, to take care of them in their old age, and to preserve their heritage.

Article 48

Each human being may freely choose a job or business, and shall have the right to have proper, safe and healthy conditions at work, to receive fair pay for work and social security in the event of unemployment. The work of foreigners in the Republic of Lithuania shall be regulated by law.

Forced labour shall be prohibited.

Military service or alternative service performed in place of military service as well as citizens' work in time of war, natural disaster, epidemics, or other extreme cases shall not be considered forced labour. Work performed by persons convicted by [the] court, the work being regulated by law, shall not be considered forced labour, either.

Article 49

Each working human being shall have the right to rest and leisure as well as to an annual paid leave.

The length of working time shall be established by law.

CRIMINAL CODE OF THE REPUBLIC OF LITHUANIA

Article 100. Treatment of Persons Prohibited under International Law

A person who intentionally, by carrying out or supporting the policy of the State or an organisation, attacks civilians on a large scale or in a systematic way and commits their killing or causes serious impairment to their health; inflicts on them such conditions of life as bring about their death; engages in trafficking in human beings; commits deportation of the population; tortures, rapes, involves in sexual slavery, forces to engage in prostitution, forcibly inseminates or sterilises; persecutes any group or community of persons for political, racial, national, ethnic, cultural, religious, sexual or other reasons prohibited under international law; detains, arrests or otherwise deprives them of liberty, where such a deprivation of liberty is not recognised, or fails to report the fate or whereabouts of the persons; carries out the policy of apartheid shall be punished by imprisonment for a term of five up to twenty years or by life imprisonment.

Article 104. Violation of Norms of International Humanitarian Law Concerning Protection of Civilians and Their Property in Time of War

A person who, in time of war or during an armed international conflict or under the conditions of occupation or annexation and in violation of norms of international humanitarian law, drives out the civilian population from their homes or resettles them or forces them to change their religion; rapes women, involves them in sexual slavery or forces them to engage in prostitution; forcibly sterilises or inseminates them; utilises means of intimidation or terror; takes hostages; applies collective punishment; confines in a concentration camp; separates children from their parents or guardians; threatens death by starvation; imposes criminal penalties without a judgement of an independent and impartial court or without guarantees of defence in court; confiscates their property or conducts mass expropriation thereof for purposes other than military necessity; imposes unjustifiably large contributions and requisitions shall be punished by imprisonment for a term of three up to fifteen years.

Article 146. Unlawful imprisonment

1. A person who unlawfully deprives a person of his liberty, in the absence of characteristics of hostage taking, shall be punished by a fine or by arrest or by imprisonment for a term of up to three years.
2. A person who commits the act provided for in paragraph 1 of this Article by using violence or posing a threat to the victim's life or health or by holding the victim in captivity for a period exceeding 48 hours shall be punished by arrest or by imprisonment for a term of up to four years.
3. A person who unlawfully deprives a person of his liberty by committing him to a psychiatric hospital for reasons other than an illness shall be punished by arrest or by imprisonment for a term of up to five years.

Article 147. Trafficking in Human Beings

1. A person who sells, purchases or otherwise conveys or acquires a person or recruits, transports or holds in captivity a person by using physical violence or threats or by otherwise depriving him of a possibility of resistance or by taking advantage of the victim's dependence or vulnerability or by resorting to deceit or by paying or granting other material benefit to a person who actually has the victim under his control, where the offender is aware of or seeks involvement of the victim in prostitution or gaining profit from this person's prostitution or using him for pornography purposes or forced labour shall be punished by imprisonment for a term of two up to ten years.
2. A person who commits the act provided for in paragraph 1 of this Article in respect of two or more victims or by participating in an organised group or seeking to acquire the victim's organ, tissue or cells shall be punished by imprisonment for a term of four up to twelve years.
3. A legal entity shall also be held liable for the acts provided for in this Article.

Article 147(1). Use of Forced Labour

1. A person who, by using physical violence or threats or by otherwise depriving of a possibility of resistance or by taking advantage of a person's dependence unlawfully forces him to perform a certain work shall be punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to three years.
2. A person who commits the act indicated in paragraph 1 of this Article by forcing a person to work under the conditions of slavery or under other inhuman conditions shall be punished by arrest or by imprisonment for a term of up to eight years.
3. A legal entity shall also be held liable for the acts provided for in this Article.

Article 148. Restriction of Freedom of a Person's Actions

1. A person who demands that a person carry out unlawful actions or refrain from performing lawful actions or otherwise behave according to instructions of the offender by using mental coercion in respect of the victim or persons close to him shall be punished by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to three years.
2. A person shall be held liable for an act provided for in paragraph 1 of this Article only subject to a complaint filed by the victim or a statement by his authorised representative or at the prosecutor's request.

3. A legal entity shall also be held liable for an act provided for in this Article.

Article 157. Purchase or Sale of a Child

1. A person who offers to purchase or otherwise acquire a child or sells, purchases or otherwise conveys or acquires a child, or recruits, transports or holds in captivity a child, while being aware or seeking his involvement in prostitution or gaining profit from his prostitution or his use for pornography purposes or forced labour, shall be punished by imprisonment for a term of three up to twelve years.
2. A person who commits the act provided for in paragraph 1 of this Article in respect of two or more children or young children or by participating in an organised group or seeking to acquire the victim's organ, tissue or cells shall be punished by imprisonment for a term of five up to fifteen years.
3. A legal entity shall also be held liable for the acts provided for in this Article.

LABOUR CODE

Article 2. Principles of Legal Regulation of Labour Relations

1. The following principles shall apply to the regulation of relations specified in Article 1 of this Code:
 - 2) freedom of choice of employment;
 - 5) provision of safe and healthy working conditions;
 - 6) fair remuneration for work;
 - 7) prohibition of all forms of forced and compulsory labour;
2. The state shall support the exercise of labour rights. The labour rights may be in exceptional cases restricted only by law or court judgement, if such restrictions are necessary in order to protect public order, the principles of public morals, public health, property, rights and legal interests.

Article 36. Protection of Labour Rights

1. Labour rights shall be protected by laws except in cases when the rights are exercised in violation of their purpose, public interests, peaceful work, good customs or principles of public morals.
2. Labour rights shall be protected by the court or any other dispute resolution body in accordance with the procedure established by laws and in one of the following ways:
 - 1) by recognising the said rights;
 - 2) by restoring the situation that existed before the violation of the right and preventing performance of the acts which violate the right;
 - 3) by obligating to perform the duty;
 - 4) by terminating or modifying the legal relation;
 - 5) by making the person guilty of violation of labour rights repair the property or moral damage inflicted or, in the cases prescribed by law, also exacting from the above person penalty or default payment;
 - 6) in other ways established by laws.
3. By way of exception, only the courts shall have the prerogative to protect the labour rights under laws in the following ways:
 - 1) by recognising as invalid the acts adopted by state institutions, municipalities or individual officers if the said acts are contrary to laws;
 - 2) by not applying the act adopted by a state institution, municipality or individual officer, which is contrary to laws.

4. Labour rights shall be protected by trade unions according to the procedure established by the laws regulating their activities.
5. In the cases specially established by labour laws labour rights shall be protected according to the administrative procedure.
6. A person whose right has been violated may claim recovery of damages unless otherwise established by labour laws.
7. Labour honour and businesses repute shall be protected pursuant to the Civil Code except in cases where this Code or other laws establish other procedure and ways of protection of labour honour and business repute.

CIVIL CODE

Article 3.7. Concept of marriage

1. Marriage is a voluntary agreement between a man and a woman to create legal family relations executed in the procedure provided for by law.
2. A man and a woman who have registered their marriage in the procedure provided for in law shall be deemed to be spouses.

Article 3.13. Voluntary nature of marriage

1. Marriage shall be contracted by a man and a woman of their own free will.
2. Any threat, coercion, deceit or any other lack of free will shall provide the grounds on which the marriage declared null and void.

Article 3.14. Legal age of consent to marriage

1. Marriage may be contracted by persons who by or on the date of contracting a marriage have attained the age of 18.
2. At the request of a person who intends to marry before the age of 18, the court may, in a summary procedure, reduce for him or her the legal age of consent to marriage, but by no more than two years.
3. In the case of a pregnancy, the court may allow the person to marry before the age of 16.
4. While deciding on the reduction of a person's legal age of consent to marriage, the court must hear the opinion of the minor person's parents or guardians or curators and take into account his or her mental or psychological condition, financial situation and other important reasons why the person's legal age of consent to marriage should be reduced. Pregnancy shall provide an important ground for the reduction of the person's legal age of consent to marriage.
5. In the process of deciding on the reduction of the legal age of consent to marriage, the state institution for the protection of the child's rights must present its opinion on the advisability of the reduction of the person's legal age of consent to marriage and whether such a reduction is in the true interests of the person concerned.

Luxembourg

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Luxembourg which prohibits **slavery**, although article 12 of the Constitution guarantees individual liberty. Slavery may also form an element of the offence of trafficking under article 382-1 of the Penal Code.

ii) There appears to be **no legislation** in place in Luxembourg which prohibits **servitude**, although forced marriage is prohibited under article 389 of the Penal Code, and servitude and practices analogous to slavery may form an element of the offence of trafficking under article 382-1 of the Penal Code.

iii) There appears to be **no legislation** in place in Luxembourg which prohibits **forced labour**, although obligatory work or services may form an element of the offence of trafficking under article 382-1 of the Penal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code as amended by the 2009 Law on Trafficking in Human Beings which criminalises trafficking under article 382-1.

2) International Obligations: Luxembourg consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (24 July 1964, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: (1 May 1967, ratification)

1957 Abolition of Forced Labour Convention: (24 July 1964, ratification)

1966 ICCPR: (18 August 1983, ratification)

1998 Rome Statute of the ICC: (8 September 2000, ratification)

2000 Palermo Protocol (Trafficking in Persons): (20 April 2009, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Luxembourg appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

LUXEMBOURG
CONSTITUTION 1868
(WITH AMENDMENTS
THROUGH 2009)

Article 11

1. The State guarantees the natural rights of the human person and of the family.
4. The law guarantees the right to work and the State sees to [the] assurance to each citizen [of] the exercise of this right. The law guarantees the syndical freedom and organizes the right to strike.
5. The law regulates as to their principles[:] social security, the protection of health, the rights of workers, [and] the struggle against poverty and social integration of citizens affected by a handicap.

Article 12

Individual freedom is guaranteed. No one may be prosecuted except in the cases specified by the law and in the form which it prescribes. No one may be arrested or detained [plac] except in the cases specified by the law and in the form which it prescribes. Except in the case of flagrante delicto, no one may be arrested except by virtue of a substantiated order of a judge, which must be served, at the moment of the arrest, or at the latest within twenty-four hours. Every person must be informed without delay of the means of legal recourse [they] have at [their] disposal to recover their freedom.

PENAL CODE (AS
AMENDED BY THE
LAW OF 13 MARCH
2009 ON
TRAFFICKING IN
HUMAN BEINGS)

Article 382-1

(1) Constituting the infraction of trafficking in human beings is the act to recruit, transport, transfer, harbour, house a person, to pass or transfer control over them, in view of...

1. The commission against this person, acts of procurement or sexual abuse;
 2. The exploitation of labour or services of this person in the form of forced or obligatory work or services, servitude, slavery or analogous practices and in general in conditions contrary to human dignity;
 3. The removal of organs or tissues in violation of material legislation
 4. To make this person commit a crime, or an offence against his will
- (2) The previous infraction in the first paragraph is punished with a penalty of imprisonment for three to five years and a fine from 5,000-50,000 euros (3) The attempt to commit the infraction under paragraph 1 is punished with a penalty of imprisonment from one to three years and a fine of 5,000-10,000 euros

Article 382-2

(1) The offense provided for in article 382-1, paragraph 1, shall be punishable by imprisonment from five years to ten years and a fine of € 50,000 to € 100,000 in the following cases:

- (1) the offense deliberately or through gross negligence put the life of the victim in danger; or
- (2) the offense was committed by abusing the particularly vulnerable situation in which a person finds himself, in particular because of his illegal or precarious administrative situation, his precarious social situation, a state of pregnancy, a disease, infirmity or physical or mental disability; or
- (3) the offense was committed by threat of recourse or use of force or other forms of coercion, abduction, fraud, deceit; or
- (4) the offense was committed by an offer or acceptance of payments or benefits to obtain the consent of a person having authority over the victim; or

- (5) the offense was committed by a legitimate, natural or adoptive ascendant of the victim or by a person who has authority over it or abuses the authority conferred on him by his functions; or
- (6) the offense was committed by an officer or public officer, a depositary or a law enforcement official acting in the course of his duties.
- (2) The offense provided for in article 382-1, paragraph 1, shall be punishable by imprisonment from ten years to fifteen years and a fine of € 100,000 to € 150,000 in the following cases:
 - (1) the offense was committed by means of violence; or
 - (2) the offense was committed within the framework of an association of criminals or a criminal organization within the meaning of Articles 322 to 326 of the Criminal Code; or
 - (3) the offense was committed against a minor; or
 - (4) the offense was committed by torture; or
 - (5) the offense caused the victim's death without intent to give it.
- (3) The consent of a victim of trafficking in human beings does not exempt the perpetrator or accomplice from criminal responsibility in any of the offenses or attempted offenses under sections 382-1 And 382-2.
- (4) The consent of a victim of trafficking in persons shall not constitute a mitigating factor in any of the offenses or attempted offenses referred to in sections 382-1 and 382-2.

Article 389

Someone who, by violence or menace, constrains someone to contract a marriage or partnership, is punished by imprisonment from one year to four years and a fine of 20,000 euros to 40,000 euros, or one of these penalties only

LABOUR CODE

Chapter III.- Illegal Provision of Labor

Art. L. 133-1.

- (1) No activity shall be carried on outside the rules referred to in Chapters I and II of this Title by an employer which consists of placing employees engaged under a contract of employment at the disposal of third parties who use these Employees who exercise a part of the administrative and hierarchical authority normally reserved for the employer.
- (2) The following shall not be considered prohibited within the meaning of subsection (1):
 - 1. the activities of establishments, associations or institutions having legal personality and performing tasks of a social nature, provided that they have been approved by the Minister having the Labor in his / her attributions.
However, if the services responsible for monitoring the application of this Title find that the work or the making available by those services, establishments or institutions concerned are carried out on financial terms in excess of the conditions laid down by way of The ministerial approval may be withdrawn and the activity in question is to be regarded as unlawful within the meaning of subsection (1) of this section;
 - 2. the secondment of labor under the provisions of Article L. 631-2 (4) and the assignment of employees to extraordinary work of general interest in accordance with Book V, Title I, Chapter I, section 3 on extraordinary works of general interest.

Art. L. 133-2.

(1) The contract by which an employee is hired to be made available to a user in violation of the foregoing Article L. 133-1 is void.

(2) In the case referred to in the preceding paragraph (1), the user and the employee shall be deemed to be engaged in the employment relationship of an indefinite duration at the commencement of the worker's employment.

However, the employee may terminate the contract without notice or indemnity until termination of the provision of the user.

Art. L. 133-3.

In the event of violation of the provisions of Article L. 133-1, the user and the person making the employee available to the user are jointly and severally liable for the payment of wages and their accessories, Related social and tax charges

Chapter II. Child Labor

Art. L. 342-1.

It is prohibited to employ children within the meaning of Article L. 341-1 for work of any kind except in the cases and under the conditions provided for in Articles L. 342-3 and L. 342- 4.

Art. L. 342-2.

Child labor within the meaning of this Chapter means any paid work performed by children as well as any unpaid work performed in a recurring or regular manner.

Art. L. 342-3.

Not considered child labor, provided it does not involve hazards or risks to children, does not compromise their education or training, and is not harmful or detrimental to their health Or physical, psychological, mental, spiritual, moral or social development and does not entail the economic exploitation of children:

1. work in technical or vocational schools, provided that it is of an essentially educational nature, that it is not for commercial gain and that it is approved and supervised by the competent public authorities;
2. short-term, casual domestic service in the private household by children whose family, in whose service the work is carried out, assumes the burden in a sustainable manner.

Art. L. 342-4.

(1) The participation of children, whether for profit or professionally, in audiovisual or cultural, artistic, sports, advertising or fashion activities shall be prohibited.

The prohibition laid down in the first subparagraph above also applies to the participation of children, even on a non-profit or non-professional basis, in activities which are of a commercial nature or fall within the usual activity of the child, Organizer, promoter or company for which the children are engaged in the activity.

The prohibition laid down in the said paragraph 1 shall not apply to the participation of the child on a non-profit-making basis in the activities referred to therein, either as a member of a sports, cultural or artistic association or as part of activities associative.

(2) However, upon written request from the organizer of an activity referred to in the first two paragraphs of subsection (1), a written

authorization from the legal representative of the child may be issued by The Minister having Labor in his or her attributions, on the advice of the Director of the Labor and Mines Inspectorate or his delegate, the Ministers having the National Education, Vocational Training and the Family in their attributions and the attending physician. The Director of the Labor and Mines Inspectorate may also request the advice of a physician other than the attending physician.

For the purposes of this Article, the term "organizer of an activity" within the meaning of the preceding paragraph includes, in particular, persons, associations, companies and other bodies assuming any responsibility in fact or Organizing or financing the activity, as well as agencies, managers, impresarios and other persons, associations, companies or bodies concerned with the presence of the child in the activities referred to in this article.

(3) No authorization may be issued for variety shows or cabarets

4) Children shall not be permitted to participate in the activities referred to in this section except under the following conditions:

1. they must be at least six years of age, without prejudice to paragraph (3);
2. they can not participate in the activities after twenty-three hours;
3. they must enjoy an uninterrupted rest of at least 14 hours between two participations in one of the activities referred to in this Article;
4. the allowances to which the child is entitled must be paid into a locked-in savings account in the name of the child.

(5) Without prejudice to the foregoing, the Minister having the Labor in his or her attributions may waive the age requirement set out in subsection (4) of this section. It shall first consult the Minister responsible for the Family, the Labor and Mining Inspectorate, the attending physician and, if necessary, another physician for that purpose.

(6) The Director of the Labor and Mines Inspectorate or his or her delegate may, with respect to the granting of the authorization referred to in subsection (5), and during the activities, Of the child by the psycho-socio-educational staff of the Labor and Mines Inspectorate in the presence of the attending physician and, if necessary, another physician for that purpose and a psycho agent -socio-education of the Ministries of National Education and the Family.

(7) If children do not participate in the activities referred to in subsection (1), they must not engage in economic exploitation

Macedonia (Former Yugoslav Republic of)

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code at article 418 which criminalises placing or keeping a person in slavery as well as transporting, buying, selling, handing over, or mediating the buying, selling or handing over of a person, and instigating another to sell his freedom or the freedom of a person he is keeping or caring for.

ii) **Provisions** related to **servitude** are found in the Criminal Code at article 418 which criminalises placing or keeping a person in a relationship similar to slavery as well as transporting, buying, selling, handing over, or mediating the buying, selling or handing over of such a person.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 11. The Criminal Code also criminalises violation of the rights from a work relationship under article 166, voluntary entry into employment being protected under the Labour Relations Law, although these provisions do not specifically prohibit forced labour.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code at articles 418-a (trafficking in human beings) and 418-d (trafficking in juveniles).

2) International Obligations: Macedonia consents to:

1926 Slavery Convention: (18 January 1994, succession)
1930 Forced Labour Convention: (17 November 1991, ratification)
1953 Protocol to the 1926 Slavery Convention: (21 March 1955, accession as former Yugoslavia)
1956 Slavery Convention: (18 January 1994, succession)
1957 Abolition of Forced Labour Convention: (15 July 2003, ratification)
1966 ICCPR: (18 January 1994, succession)
1998 Rome Statute of the ICC: (6 March 2002, ratification)
2000 Palermo Protocol (Trafficking in Persons): (12 January 2005, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Macedonia appears to be:

- in breach of its obligations under the ICCPR in regards to forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF REPUBLIC OF
MACEDONIA 1991
(REV. 2011)

Article 11:

The human right to physical and moral dignity is irrevocable.
Any form of torture, or inhuman or humiliating conduct or punishment,
is prohibited.
Forced labour is prohibited.

Article 12:

The human right to freedom is irrevocable.
No person's freedom can be restricted except by court decision or in
cases and procedures determined by law.

REPUBLIC OF
MACEDONIA
CRIMINAL CODE
ENACTED: 23 1996

Article 139: Coercion:

(1) A person, who by force or with a serious threat forces another to
commit, not to commit, or to endure something, shall be punished with
a fine, or with imprisonment of up to one year.
(2) If the crime from item 1 is committed by an official person while
performing his duty, he shall be punished with imprisonment of six
months to five years.
(3) Prosecution is undertaken upon a private suit.

Article 141: Kidnapping:

(1) A person that commits a kidnapping of another, with the intention to
force him or someone else to commit, not to commit or to endure
something, shall be punished with imprisonment of one to ten years.
(2) A person that commits the crime from item 1 against a juvenile, or the
person who in order to achieve the aim of the kidnapping from item 1
threatens to kill the kidnapped person, or to inflict grave body injury,
shall be punished with imprisonment of at least three years.
(3) The offender of the crime from items 1 and 2, who of own volition
frees the kidnapped person before the demand is realized because of
which he committed the kidnapping, may be acquitted from
punishment.

Article 143: Mistreatment in performing a duty

A person who while performing his duty mistreats another, frightens
him, insults him, or in general, behaves towards him in a manner in
which the human dignity or the human personality is humiliated, shall be
punished with imprisonment of six months to five years.

Article 166: Violation of the rights from a work relationship

(1) A person who consciously does not abide by the law, some other
regulation or the collective agreement, about the establishing or
terminating of a work relationship, about the salary and reimbursements
from the salary, the work time, rest or absence, protection of the
woman, the youth and the disabled persons, or about the prohibition of
overtime or night work, and who herewith violates, takes away or limits
the right which belongs to the worker, shall be punished with a fine, or
with imprisonment of up to one year.
(2) If the crime stipulated in this article is committed by a legal entity, it
will be sentenced with a fine.

Article 170: Not undertaking measures for protection at work

(1) A responsible person in a legal entity who consciously does not abide
by the law, some other regulation or the collective agreement regarding

measures for protection at work, shall be punished with a fine, or with imprisonment of up to one year.

(2) When pronouncing a conditional sentence, the court may order the offender to act, within a determined time period, in conformity with the regulations regarding the measures of protection at work.

(3) If the crime stipulated in this article is committed by a legal entity, it will be sentenced with a fine.

Article 403-a: Crime against humanity

On who, with an intention for systematic destruction of civil population, order committing murders, severe body injuries, physical extermination, slavery, deportation or forced displacement of the population, imprisonment or other type of depriving of freedom against the international law, torture, rape, sexual exploitation or slavery, forced prostitution, forced pregnancy, forced sterilization or any other type of severe sexual violence, exile based on political, racial, national, ethnic, cultural, religious or gender basis, forced taking away and disappearing of persons, discrimination and separation based on racial, national, ethnic, political, cultural or other basis and other non-humane acts with deliberate causing physical or psychical suffer, or one that will commit some of the stipulated crimes with the same intention, shall be sentenced with imprisonment of at least ten years or life sentence.

Article 404: War crimes against the civil population

(1) A person who, by violating the rules of international law, during a war, armed conflict or occupation, orders an attack upon civil population, a settlement, certain civil persons or persons incapacitated for combat, which had as consequence death, serious body injury or serious disturbance to the health of the people; an attack without choosing the target, which strikes the civil population; to commit against the civil population murder, torture, inhuman acts, biological, medical or other scientific experiments, taking tissue or organs for the purpose of transplantation, inflicting grave suffering or injury to the body integrity or the health; resettlement and moving or forced denationalization or transfer to some other religion; coercion to prostitution or rape, sexual slavery or causing forced pregnancy, forced sterilization or other type sexual violence, the implementation of measures of fear and terror, taking hostages, collective punishment, illegal taking to concentration camps and other illegal arrests, depriving of the right to a proper and unbiased trial or implementation of sentence or execution without prior verdict issued by a legally based court in a procedure that provides the generally accepted court guarantees; coercion for service in the armed forces of the enemy or in its intelligence service or administration, enrolment and recruitment of minors under 15 years of age in the armed forces and their use through active participation in military activities; utilization of the presence of civilians or other protected persons as life shield in certain places or areas where the armed forces are acting coercion to forced labor, starving of the population, hindering of the approach to the humanitarian aid confiscation of property, pilfering of property of the population, illegal and self-willed destruction or usurpation of a larger extent of properties which is not justified by the military needs, taking an unlawful and excessive contribution and requisition, decreasing the

value of the domestic currency or unlawful issue of money ; or the person who commits some of the above mentioned crimes
- shall be punished with imprisonment of at least ten years, or with life imprisonment.

Article 418: Founding a slave relationship and transportation of persons in slavery

(1) A person who by violating the rules of international law places another in slavery or in some similar relationship, or keeps him under such relationship, buys him, sells him, hands him over to another, or mediates in the buying, selling or handing over of such a person, or instigates another to sell his freedom or the freedom of a person he is keeping or caring for, shall be punished with imprisonment of one to ten years.

(2) A person, who transports persons under a slavery or similar relationship from one country to another, shall be punished with imprisonment of six months to five years.

(3) A person, who commits the crime from items 1 and 2 against a juvenile, shall be punished with imprisonment of at least five years.

Article 418-a: Trafficking in Human Beings

(1) A person who by force, serious threat misleads or uses other forms of coercion, kidnapping, deceit and abuse of his/her own position or a position of pregnancy, weakness, physical or mental incapability of another person, or by giving or receiving money or other benefits in order to obtain agreement of a person that has control over other person or in any other manner, recruits, transports, transfers, buys, sells, harbors or accepts persons because of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, unlawful adoption, or similar relationship or illicit transplantation of human body parts, shall be punished with imprisonment of at least four years”.

(2) A person who destroys or takes away an ID, passport or other documents for identification with aim to commit the crimes set out in paragraph 1 of this article shall be punished with at least 4 years of imprisonment.

(3) A person who uses or enables another person to use sexual services or another type of exploitation from persons for whom he knew or was obliged to know that they were victims of human trafficking shall be punished with imprisonment of 6 months up to 5 years.

(4) If the crime referred to in paragraphs (1), (2) and (3) of this article is committed by an official person while performing his/her duties, he/she shall be sentenced to imprisonment of at least eight years.

(5) The consent of the human trafficking victim in relation to the intent for exploitation, as referred to in paragraph (1), shall not bear any importance regarding the existence of the criminal offence as referred to in paragraph (1).

(6) If the action in this article is committed by a legal entity it shall be fined.

(7) The real estate, the items and means of transport used for committing the crime shall be confiscated.

Article 418-d: Trafficking in juveniles

- (1) Any person who recruits, transports, transfers, buys, sells, harbours or accepts a juvenile for the purpose of exploitation by prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriage, forced fertilization, illegal adoption or similar relationship, or illegal transplantation of human organs, shall be sentenced to imprisonment of at least eight years.
- (2) Any person who commits the crime as referred to in paragraph (1) by using force, serious threats, delusion, or other form of coercion, abduction, deception, or abuses his or hers position or conditions of pregnancy, disability or physical or mental incapability of another person, or by giving or taking money or other benefits in order to get consent from a person who has control over another person, shall be sentenced to imprisonment of at least ten years.
- (3) Any person who uses or enables another person to use sexual services or other type of exploitation of a juvenile person, for whom he or she knew or was obliged to know that the person is a victim of human trafficking, shall be sentenced to imprisonment of at least eight years.
- (4) Any person who takes away or destroys a personal identification card, passport or other identification document that belongs to another person, for the purpose of committing the crime as referred to in paragraphs (1) and (2), shall be sentenced to imprisonment of at least four years.
- (5) If the crime referred to in paragraphs (1), (2), (3) and (4) of this article is committed by an official person while performing his/her duties, he/she shall be sentenced to imprisonment of at least ten years.
- (6) The consent of the juvenile person in relation to the activities as referred to in paragraph (1), shall bear no importance regarding the existence of the criminal offence as referred to in paragraph (1).
- (7) If the crime referred to in this article has been committed by a legal entity, it shall be punished with a monetary fine.
- (8) Any real estate and the items or transport vehicles used to commit the crime shall be seized.

LABOUR RELATIONS LAW

Article 3

The worker commences employment voluntarily, in the manner and under conditions determined by law and a collective agreement. Employment may terminate solely in procedures and under conditions determined by law.

Madagascar

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Madagascar which prohibits **slavery** although article 9 of the Constitution affirms the right to individual liberty. Slavery may also form an element of the offence of trafficking under articles 333B and 333C of the Penal Code.
- ii) There appears to be **no legislation** in place in Madagascar which prohibits **servitude**, although servitude and practices analogous to slavery may form elements of the offence of trafficking under articles 333B and 333C of the Penal Code.
- iii) **Provisions** related to **forced labour** are found in Labour Code which criminalises forced labour under article 4 with penalties specified under article 262. Decree 2007-563 also prohibits various forms of child labour, including prostitution, domestic slavery, and forced labour.
- iv) **Provisions** related to **trafficking in persons** are found in the are found in the Penal Code as amended by Law No 2007-038 although punishments are only prescribed only for sex trafficking.

2) International Obligations: Madagascar consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (1 November 1960, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: (29 February 1972, accession)
1957 Abolition of Forced Labour Convention: (6 June 2007, ratification)
1966 ICCPR: (21 June 1971, ratification)
1998 Rome Statute of the ICC: (14 March 2008, ratification)
2000 Palermo Protocol (Trafficking in Persons): (15 September 2005, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Madagascar appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery and servitude;
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 258

A Decree of 26 September 1896 abolished slavery in Madagascar for all time. Furthermore, such practices are contrary to the ideals of the Malagasy people, as affirmed in the preamble of the Constitution of 29 April 1959, i.e. a belief in God and the eminent dignity of the human person. It is stated in this preamble that “exploitation of man by man is and shall continue to be prohibited”.

Paragraph 260

The text of the Decree of 26 September 1896 follows:

“Article 1: All inhabitants of Madagascar are free.

“ ...

“2. Traffic in persons is prohibited. Any contract, in whatever form, written or verbal, which provides for the sale or purchase of persons shall be null and void and the parties to it shall be liable to a fine of from 500 to 2,000 francs and imprisonment for from two months to two years. In the event of a repetition of the offence, the penalties shall be trebled. The penalties shall be applicable also to the public official found guilty of having registered the contract or having helped to ensure its being carried out.

“3. Any person who uses force to entice another person out of his province with a view to selling him, and the public official who, being aware of such use of force, fails to exercise his authority to prevent it, shall be liable to the same maximum penalties.

CONSTITUTION OF MADAGASCAR 2010

Article 7

The individual rights and the fundamental freedoms are guaranteed by the Constitution and their exercise is organized by the law.

Article 9

All persons have the right to liberty and may not be subject to arrest or arbitrary detention.

No one may be prosecuted, arrested or detained except in cases determined by the law and accordingly to the forms prescribed by it. Any individual made a victim of illegal arrest or detention has the right to reparation.

Article 10

The freedoms of opinion and of expression, of communication, of the press, of association, of assembly, of circulation, of conscience and of religion are guaranteed to all and may only be limited by the respect for the freedoms and rights of others, and by the imperative of safeguarding the public order, the national dignity and the security of the State.

Article 12

Any national Malagasy has the right to leave the country and to return under the conditions set by law. Everyone has the right to move and settle freely throughout the territory of the Republic respecting the rights of others and the requirements of the law.

Article 17

The State protects and guarantees the exercise of the rights that assure the individual the integrity and the dignity of their person, and their full physical, intellectual and moral development.

Article 27

Work and professional training are, for all citizens, a right and a duty. Access to the public functions is open to all citizens without other conditions than those of capacity and aptitude. Nevertheless, the recruitment in the public function may be accompanied by contingencies per circumscription for a time period for which the duration and the modalities will be determined by the law.

Article 29

Every citizen has the right to a fair remuneration for their work assuring them, as well as their family, an existence in conformity with human dignity.

MADAGASCAR
PENAL CODE (AS
AMENDED BY LAW
NP 2007-038 ON
COMBATING
TRAFFICKING IN
PERSONS AND SEX
TOURISM)

Art.331 bis

Anyone who has attempted to morals by inciting, promoting or easier to satisfy the passions of another, debauchery, corruption and child prostitution in one or the other sex is punishable by hard labour.

Art. 333B

2. "Trafficking or trafficking in persons" means the recruitment, transportation, transfer, harboring or receipt of persons, By the threat of recourse or use of force or other forms of coercion, abduction, fraud, deception, abuse of authority or vulnerability, or by the offer or acceptance of payments Or advantages to obtain the consent of a person having authority over another for the exploitation or illegal adoption of a child by a so-called trafficker.

3. Exploitation includes the exploitation of the prostitution of others or other forms of sexual exploitation, unpaid work, forced labor or services, domestic child labor, slavery or Practices analogous to slavery, servitude or organ removal.

4. The sexual exploitation of a child, of either sex, for commercial purposes means the act by which an adult obtains the services of a child to engage in sexual intercourse in return for remuneration, compensation or compensation in kind or in cash paid The child or one or more third persons provided for in articles 334 to 335 bis of the Penal Code with or without the consent of the child. 7. The term 7. "Sale of children" means any act or transaction involving the transfer of a child from any person or group of persons to another person or group for remuneration or any other benefit.

The removal or non - return of a child is considered unlawful when it takes place in violation of a right of custody, attributed to a person, institution or other body, either alone or jointly, The State in which the child was habitually resident immediately before his removal or return.

Article 333C

Trafficking in persons, including children, as well as sex tourism and incest, constitute offenses.

The following persons are considered as child traffickers:

1. Anyone who recruits, transports, transfers, hosts or accepts a child in return for remuneration or any other benefit or promise of remuneration or benefit , To make it available to a third party, even unidentified, in order to allow the commission of the offenses of pimping provided for and repressed by articles 334 et seq., Sexual assault or sexual abuse, exploitation Begging, working or living conditions contrary to his or her

dignity, even if they do not use any of the means set out in Article 333 ter;

2. Whoever carries out the illegal transport and sale of children in any form and for any purpose, including sexual exploitation, forced labor, slavery, practices similar to slavery and Servitude, with or without the consent of the victim;

3. Anyone who, knowing fully the existence of procuring, sexual exploitation or sex tourism, has not reported or reported the facts to the competent authorities in accordance with the provisions of articles 69 and 70 of Law No. 2007-023 Of 20 August 2007 on the rights and protection of children, is considered to be an accomplice.

Acts of participation shall be considered as separate offenses.

Article 333D

Consent of the victim of trafficking in persons operation is deemed null and void, when one of the means set forth in Article 333 quarter was used.

Article 334

(1) Procuring by assisting or protecting the prostitution of another person or soliciting with a view to prostitution;

(2) Procuring by sharing the proceeds of prostitution;

(3) Procuring through life companionship with a person habitually engaged in prostitution;

(4) Procuring by recruiting, inveigling or maintaining with a view to debauchery;

(5) Procuring by giving another person over to prostitution or debauchery;

(6) Procuring by acting as an intermediary (canvassing, written or oral mediation, soliciting, procuring, touting for custom, etc).

Procuring is a criminal offence punishable by the following: - without aggravating circumstances: a term of imprisonment of from six months to two years and a fine of from 300,000 to 3,000,000 FMG;

With aggravating circumstances (minor victim, crime accompanied by violence, etc); a term of imprisonment of from two to five years and a fine of from 750,000 to 7,500,000 FMG.

Article 334 quinto

Anyone who has engaged in sexual intercourse with a child against any form of remuneration or other benefit shall be punished with imprisonment of two (2) to five (5) years' imprisonment and a fine of one 000,000 to 10,000,000 Ar., Or both.

The attempt is punished with the same penalties.

Article 335: The keeping of a Brothel.

All acts or attitudes of any owner, manager or person placed in charge of a hotel, boarding house, bar, club or dance hall who does not oppose the habitual presence of one or more persons engaging in prostitution in the premises are deemed to be criminal, whether or not the prostitute is a client, tenant.

Article 335.2:

Father and mother or other ascendants who directly or indirectly encourage child prostitution by allowing it to lead a liberal and

independent way of life, favoring the exploitation and / or sex tourism of the child, both at the national level and within the framework (5) to ten (10) years' imprisonment and a fine of 4,000,000 Ar to 20,000,000 Ar, or one of these two penalties only.

The same penalties shall be applied if the author is either the brother or sister of the minor victim or any person who occupies a similar position within the family or any person habitually or occasionally cohabiting with and having authority over the minor victim.

Article 335. 4:

Anyone who has transgressed the rules laid down by the provisions of the Adoption Act for illegal adoption constitutes trafficking, shall be punished with forced labor on time.

Article 335.5:

Any attempt to traffic, Sexual exploitation in any form whatsoever, sexual tourism and incest which may have been manifested by a commencement of execution, if it has not been suspended, or if it has failed in its effect only by circumstances Independent of the will of its author, shall be regarded as the act itself and shall be punished with the same penalties.

Article 335.8:

Penalties for offenses of trafficking, sexual exploitation, sex tourism and incest committed on the person of a child are pronounced regardless of the means used to exploit or abuse the victim.

DECREE 2007-563

Note: Prohibits various forms of child labour, including prostitution, domestic slavery, and forced labour.

LABOUR CODE

Article 4

Forced or compulsory labor is prohibited.

The term "forced or compulsory labor" means any work or service exacted from an individual under the threat of any penalty for which the individual has not voluntarily offered himself.

The provisions of the preceding paragraph shall not apply in the cases listed below:

Works, services, relief required in the circumstances of accidents, shipwrecks, floods, fires or other calamities, as well as in cases of brigandage, looting, flagrant offenses, public clamor or judicial execution.

Works of collective interest carried out pursuant to a convention freely consented by the members of the fokonolona or in the framework of minor village works and become enforceable.

Work of a purely military nature when required by the legislation on the organization of national defense and works of general interest carried out voluntarily within the framework of the National Service.

Any work exacted from an individual as a result of a conviction pronounced by a court decision, provided that such work or service is carried out under the supervision and control of the public authorities and is intended for realization of work, Public interest.

However, it is prohibited to impose work on persons in preventive detention as well as the free transfer of prison labor to private

individuals, companies or legal entities, even if they are responsible for the execution of Public works.

Article 262:

A fine of 1 tapitrisa Ariary or 5,000,000 Fmg shall be punished with 4 tapitrisa Ariary or 20,000,000 Fmg and with imprisonment of one (01) year to three (03) years or one Of these two sentences only:

Any person who, contrary to Article 4, by threat, violence, deceit, fraud or promise, has compelled or attempted to compel a worker to engage against his will or who, by the same means, has attempted to Prevent or have prevented him from hiring or fulfilling the obligations imposed by his contract;

Any person who, by using a fictitious contract or containing inaccurate information, has been hired or voluntarily substituted for another worker;

Any employer or officer or servant who knowingly brings to the employer's register or other document false certifications relating to the duration and conditions of work performed by the worker and any worker who has done so

Knowingly use these certificates;

Any person who has demanded or accepted from the worker any remuneration as an intermediary in the settlement or payment of wages, allowances, allowances and expenses of any kind.

Anyone who has been involved in illegal emigration of Malagasy workers outside the territory in violation of the provisions of Article 43 shall be liable to the same penalties.

Any person who has caused to work in the territory of Madagascar foreigners who have not obtained the prior authorization of the Minister of Labor and any foreigner who has agreed to work in the territory of Madagascar without the said prior authorization shall also be punished with the same penalties.

Malawi

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at articles 27(1) which declares that no person shall be held in slavery and 27(2) which prohibits slavery and the slave trade. The Penal Code also criminalises buying or disposing of any person as a slave (article 267), habitual dealing in slaves (article 268), and kidnapping with intent to subject to slavery (article 263).

ii) **Provisions** related to **servitude** are found in the Constitution at articles 27(1) which declares that no person shall be held in servitude and 27(4) that no person shall be subject to tied labour that amounts to servitude. Article 82 of the Child Care, Protection and Justice Act also criminalises pledging of a child as security.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 27(3) which declares that no person shall be subject to forced labour and the Penal Code which criminalises forced labour under article 269. The 2000 Employment Act also prohibits and criminalises forced labour under article 4.

iv) **Provisions** related to **trafficking in persons** are found in the 2015 Trafficking in Persons Act which criminalises trafficking in persons (section 14) and children (section 15). Child trafficking is also criminalised under article 79 of the 2010 Child Care, Protection and Justice Act.

2) International Obligations: Malawi consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (19 November 1999, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (2 August 1965, accession)
 1957 Abolition of Forced Labour Convention: (19 November 1999, ratification)
 1966 ICCPR: (22 December 1993, accession)
 1998 Rome Statute of the ICC: (19 September 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (17 March 2005, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Malawi appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 261

The relevant section of the Chapter of the Constitution of Malawi which relates to “Protection of Fundamental Rights and Freedoms of the Individual” (Chapter II, section 14) provides as follows:

Protection from slavery and forced labour

- (1) No person shall be held in slavery or servitude.
- (2) No person shall be required to perform forced labour.
- (3) For the purposes of this section, the expression ‘forced labour’ does not include:
 - a) Any labour required in consequence of the sentence or order of a court;
 - b) Labour required of any person while he is lawfully detained that, though not required in consequence of a sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
 - c) Any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;
 - d) Any labour required during any period when Malawi is at war or a declaration of emergency under section 26 of this Constitution is in force or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that emergency or calamity, for the purpose of dealing with that situation; or
 - e) Any labour reasonably required as part of reasonable and normal communal or other civic obligations.

Paragraph 262

This Constitution came into force on 6 July 1964 and affirms the previous position in law which had already been affirmed by the Affirmation of the Abolition of Slavery Ordinance enacted in 1930.

Various provisions of the Penal Code of Malawi punish acts relating to “slavery”, as defined in this questionnaire. In so far as “servile status” is concerned, it is an offence unlawfully to confine any person or to compel any person to labour against his will.

267. Any person who imports, removes, buys, sells, or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

268. Any person who habitually imports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years.

269. Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

CONSTITUTION OF
THE REPUBLIC OF
MALAWI 1994 (REV.
1999)

Article 12: constitutional principles

This Constitution is founded upon the following underlying principles:

iv. The inherent dignity and worth of each human being requires that the State and all persons shall recognize and protect fundamental human rights and afford the fullest protection to the rights and views of all individuals, groups and minorities whether or not they are entitled to vote.

Article 18: liberty

Every person has the right to personal liberty.

Article 19: human dignity and personal freedoms

1. The dignity of all persons shall be inviolable.
3. No person shall be subject to torture of any kind or to cruel, inhuman or degrading treatment or punishment.
6. Subject to this Constitution, every person shall have the right to freedom and security of person, which shall include the right not to be –
 - a. detained without trial;
 - b. detained solely by reason of his or her political or other opinions; or
 - c. imprisoned for inability to fulfil contractual obligations.

Article 22: family and marriage

2. Each member of the family shall enjoy full and equal respect and shall be protected by law against all forms of neglect, cruelty or exploitation.
3. All men and women have the right to marry and found a family. 4. No person shall be forced to enter into marriage.
5. Sub-sections (3) and (4) shall apply to all marriages at law, custom and marriages by repute or by permanent cohabitation.
6. No person over the age of eighteen years shall be prevented from entering into marriage.
7. For persons between the age of fifteen and eighteen years a marriage shall only be entered into with the consent of their parents or guardians.
8. The State shall actually discourage marriage between persons where either of them is under the age of fifteen years.

Article 23: rights of children

4. Children are entitled to be protected from economic exploitation or any treatment, work or punishment that is, or is likely to –
 - a. be hazardous;
 - b. interfere with their education; or
 - c. be harmful to their health or to their physical, mental or spiritual or social development.
5. For purposes of this section, children shall be persons under sixteen years of age

Article 27: slavery, servitude and forced labour

1. No person shall be held in slavery or servitude.
2. Slavery and the slave trade are prohibited.
3. No person shall be subject to forced labour.
4. No person shall be subject to tied labour that amounts to servitude.

Article 31: labour

1. Every person shall have the right to fair and safe labour practices and to fair remuneration.

2. All persons shall have the right to form and join trade unions or not to form or join trade unions.
3. Every person shall be entitled to fair wages and equal remuneration for work of equal value without distinction or discrimination of any kind, in particular on basis of gender, disability or race.
4. The State shall take measures to ensure the right to withdraw labour.

Article 39: freedom of movement and residence

1. Every person shall have the right of freedom of movement and residence within the borders of Malawi.
2. Every person shall have the right to leave the Republic and to return to it.

Article 44: limitations on rights

1. There shall be no derogation, restrictions or limitation with regard to:
 - a. the right to life;
 - b. the prohibition of torture and cruel, inhuman or degrading treatment or punishment;
 - c. the prohibition of genocide;
 - d. the prohibition of slavery, the slave trade and slave-like practices;
 - e. the prohibition of imprisonment for failure to meet contractual obligations;
 - f. the prohibition on retrospective criminalization and the retrospective imposition of greater penalties for criminal acts;
 - g. the right to equality and recognition before the law;
 - h. the right to freedom of conscience, belief, thought and religion and to academic freedom; or
 - i. the right to habeas corpus.

PENAL CODE

Article 140: Procuration

Any person who—

- (a) procures or attempts to procure any girl or woman under the age of twenty-one years to have unlawful carnal connexion, either in Malawi or elsewhere, with any other person or persons; or
 - (b) procures or attempts to procure any woman or girl to become, either in Malawi or elsewhere, a common prostitute; or
 - (c) procures or attempts to procure any woman or girl to leave Malawi with intent that she may become an inmate of or frequent a brothel elsewhere; or
 - (d) procures or attempts to procure any woman or girl to leave her usual place of abode in Malawi with intent that she may, for the purpose of prostitution, become an inmate or frequent a brothel either in the Republic or elsewhere,
- shall be guilty of a misdemeanour and, if a male person, may, at the discretion of the court, and in addition to any term of imprisonment awarded in respect of the said offence shall be sentenced to corporal punishment: Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

Article 142: House-holder, etc., permitting defilement of girl under thirteen years of age on his premises

Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, shall be guilty of a felony, and shall be liable to imprisonment for five years: Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

Article 143: Detention with intent or in brothel

Any person who detains any woman or girl against her will—

- (a) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or
- (b) in any brothel;

Shall be guilty of a misdemeanour.

Constructive detention by withholding clothes When a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connexion, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such persons withholds from such woman or girl any wearing apparel or other property belong to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the directions of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied. No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

Article 145: Male person living on earnings of prostitution or persistently soliciting

(1) Every male person who

- (a) knowingly lives wholly or in part on the earnings of prostitution; or
- (b) in any public place persistently solicits or importunes for immoral purposes,

Shall be guilty of a misdemeanour. In the case of a second or subsequent conviction under this section the court may, in addition to any term of imprisonment awarded, sentence the offender to corporal punishment.

(2) If it is made to appear to a magistrate by information on oath that there is reason to suspect that there is reason to suspect that any house or any part of a house is used by a woman or girl for purposes of prostitution, and that any person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the magistrate may issue a warrant authorizing any police officer to enter and search the house and to arrest that person.

(3) Where a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, he shall unless he shall satisfy the court to the

contrary be deemed to be knowingly living on the earnings of prostitution.

Article 146: Woman aiding, etc., for gain prostitution of another woman

Every woman who knowingly lives wholly or in part of the earning so prostitution, or who is proved to have, for the purpose of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any person, or generally, shall be guilty of a misdemeanour.

Article 147: Brothels

Any person who keeps a house, room, set of rooms, or place of any kind whatsoever for purposes of prostitution shall be guilty of a misdemeanour.

Article 257: Definition of kidnapping from the Republic

Any person who conveys any person beyond the limits of the Republic without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Malawi.

Article 259: Definition of abduction

Any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Article 262: Kidnapping or abducting with intent to confine person

Any person who kidnaps or abducts any persons with intent to cause that person to be secretly and wrongfully confined, shall be guilty of a felony, and shall be liable to imprisonment for seven years. 263. Kidnapping or abducting in order to subject person to grievous harm, slavery, etc. Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of shall be guilty of a felony and shall be liable to imprisonment for ten years.

Article 263: Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of shall be guilty of a felony and shall be liable to imprisonment for ten years.

Article 264: Wrongfully concealing or keeping in confinement kidnapped or abducted person

Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be guilty of a felony and shall be punished in the same manner as if he and kidnapped or abducted such person with the same intention or

knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement. 265. Kidnapping or abducting child under fourteen years with intent to steal from its person Any person who kidnaps or abducts any child under the age of fourteen years with the intention of taking dishonestly any movable property from the person of such child, shall be guilty of a felony and shall be liable to imprisonment for seven years. 266. Punishment for wrongful confinement Whoever wrongfully confines any person shall be guilty of a misdemeanour and shall be liable to a fine of £700 or to imprisonment for five years.

Article 266: Punishment for wrongful confinement

Whoever wrongfully confines any person shall be guilty of a misdemeanour and shall be liable to a fine of £700 or to imprisonment for five years.

Article 267: Buying or disposing of any person as a slave

Any person who imports, exports, removes, buys, sells, or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be guilty of a felony, and shall be liable to imprisonment for seven years.

Article 268: Habitual dealing in slaves

Any person who habitually imports, exports, removes, buys, sells traffics or deals in slaves shall be guilty of a felony, and shall be liable to imprisonment for ten years.

Article 269: Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person shall be guilty of a misdemeanour.

EMPLOYMENT ACT 2000

Article 3. Interpretation

In this Act, unless the context otherwise requires –

"forced labour" means any work or service that is exacted from any person under the threat of any penalty and is not offered voluntarily, but does not include--

(a) any compulsory military service or work, of a purely military character;

(b) any work or service that forms part of the normal communal or civil obligations of citizens of Malawi;

(c) any work or service exacted from a person as a consequence of a conviction by any court:

Provided the person is not hired, by or placed at the disposal of a private individual, company or association and the work or service is carried out under the supervision and control of a public authority;

(d) any work or service exacted in emergency situations where the life or well being of the whole or part of the population is endangered, but only to the extent that the requiring of such labour is reasonably justifiable, in the circumstances; or

(e) minor communal services of a kind performed by members of the community in the direct interest of the community;

Provided that the members of the community have been consulted concerning the need for such services;

Article 4. Prohibition against forced labour

- (1) No person shall be required to perform forced labour.
- (2) Any person who exacts or imposes forced labour or causes or permits forced labour shall be guilty of an offence and liable to a fine of K 10,000 and to imprisonment for two years.

TRAFFICKING IN PERSONS ACT 2015

Section 2. Interpretation

In this Act, unless the context otherwise requires –

“exploitation” includes –

- (a) forced labour or any extraction of work or services from a person
- (b) the forced participation of a person in all forms of commercial sexual activity such as prostitution, sexually-explicit performance, or in the production of pornography
- (c) the removal of body parts or the extraction of organs or tissue; or
- (d) any other practice in terms of which it cannot be said that the person participated willingly

“trafficking in persons” means recruiting, transporting, transferring, harbouring, receiving or obtaining another person, within or beyond the territory of Malawi, through —

- (a) threats or use of force or coercion;
- (b) abduction;
- (c) fraud or deception;
- (d) abuse or threats of abuse of power or position;
- (e) abuse or threats of abuse of position of vulnerability;
- (f) abuse or threats of abuse of the law or legal process;
- (g) giving or receiving of payments to obtain consent of a person having control of that other person, for the purpose of exploitation of that person.

Section 14. Trafficking in persons

- (1) A person who trafficks another person commits the offence termed trafficking in persons and shall, upon conviction, be liable to imprisonment for fourteen years without the option of a fine.
- (2) The consent of a trafficked person is immaterial where any of the means set out in section 2 have been used.

Section 15. Trafficking in children

- (1) Notwithstanding section 15, a person who trafficks a child, commits an offence termed trafficking in children and shall, upon conviction, be liable to imprisonment for twenty-one years without the option of a fine.
- (2) It is immaterial that at the time of commission of trafficking in children, the means set out in section 2 with respect to trafficking in persons were used or the child consented to the commission of the offence.

Section 16. Aggravated form of trafficking

- (1) An offence of trafficking in persons or trafficking in children is deemed to be aggravated if committed in any of the following circumstances—
- (a) the judicial processes of adoption, fosterage, guardianship or wardship have been used to recruit a child;
- (b) the accused is a relative of the trafficked person;
- (c) the trafficked person is of unsound mind;
- (d) the offence is committed by an organized criminal group;

- (e) the offence is committed by a public servant, a religious leader, a traditional leader or any person acting in an official capacity in the exercise of his duties;
- (f) the offence is committed by a person purporting to act, in the exercise of an official duty where such official acts in abuse of authority or moral ascendancy;
- (g) the offence is committed for the purpose of removing body parts or extracting, tissue or organs;
- (h) on occasion of the commission of the offence the trafficked person—
 - (i) dies;
 - (ii) develops a mental condition;
 - (iii) becomes pregnant or is forced to terminate a pregnancy;
 - (iv) suffers mutilation, disfigurement or permanent bodily injury; or
 - (v) is exposed to any other substantial health risk.
- (2) A person who commits the offence of trafficking in persons or trafficking in children in any of the circumstances in subsection (1), shall, upon conviction, be liable to imprisonment for life without the option of a fine.

Section 17. Trafficking in persons an offence involving dishonesty and moral turpitude

The offence of trafficking in persons or trafficking in children constitutes an offence of moral turpitude for the purposes of sections 51, 80 and 94 of the Constitution.

Section 20. Benefitting from exploitation of trafficked persons

A person who intentionally benefits from the exploitation of a trafficked person or causes or enables another person to benefit from exploitation of a trafficked person, commits an offence and shall, upon conviction, be liable to imprisonment for five years.

Section 21. Aiding or abetting trafficking in persons

- (1) Where an offence under this Act is committed, each of the following persons is deemed to have taken part in the commission of the offence and may be charged and convicted with the actual commission of the offence—
 - (a) a person who attempts to do the act or to make the omission which constitutes the offence;
 - (b) a person who does or omits to do any act for the purpose of aiding or enabling another person to commit the offences;
 - (c) a person who aids or abets another person to commit the offence;
 - (d) a person who counsels or procures any other person to commit the offence; or
 - (e) a person who being an employee or agent, acted in employment, or under instructions.
- (2) A conviction of aiding or abetting the commission of any offence under this Act entails the same consequences in all respects as a conviction of committing the offence.
- (3) Any person who procures another to do or commit to do any act of such nature that if he had himself done the act or made the omission, the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment, as if

he had himself done the act or made the omission and he may be charged with himself doing the act or making the omission.
as soon as is practicable, report this to the Police.

Section 25. Other acts that promote or facilitate trafficking

A person who for the purpose of the promotion of trafficking in persons and child trafficking, intentionally—

- (a) leases or subleases, uses or allows to be used any house, building or establishment;
- (b) produces, prints, broadcasts or distributes by any means including the use of information technology or the internet, any brochure, flyer or any other communication material that promotes trafficking in persons or children;
- (c) assists in misrepresentation or fraud for the purposes of procuring or facilitating the acquisition of necessary exit documents from the Department of Immigration for the purposes of trafficking in persons or children;
- (d) facilitates exit from or entry into Malawi, a person who is in possession of unissued, tampered or fraudulent travel documents for the purpose of trafficking in persons or children;
- (e) confiscates, withholds or destroys the passport, travelling documents or personal documents which belong to a trafficked person for the purposes of furthering trafficking in persons or children;
- (f) prevents a trafficked person from leaving Malawi or seeking redress from appropriate law enforcement authorities, commits an offence and shall, upon conviction, be liable to imprisonment for seven years without the option of a fine.

CHILD CARE, PROTECTION AND JUSTICE ACT 2010

Article 79. Child trafficking

- (1) A person who takes part in any transaction the object or one of the objects of which is child trafficking commits an offence and shall be liable to imprisonment for life.
- (2) For the purposes of this section, child trafficking means the recruitment, transaction, transfer, harbouring or receipt of a child for the purposes of exploitation.

Article 81. Forced marriage or betrothal

No person shall

- a) force a child into marriage; or
- b) force a child to be betrothed.

Article 82. Pledge of a child as security

No person shall

- a) sell a child or use a child as a pledge to obtain credit;
- b) use a child as surety for a debt or mortgage; or
- c) force a child into providing labour for the income of a parent, guardian or any other person.

Article 83. Offences

A person who contravenes sections 80, 81 and 82 commits an offence and shall be liable to imprisonment for ten (10) years.

Malaysia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Federal Constitution, which prohibits slavery at article 6, and the Penal Code which prohibits buying or disposing of any person as a slave (s 370), habitual dealing in slaves (s 371), and kidnapping or abducting in order to subject a person to slavery (s 367). Slavery may also form an element of an offence of trafficking under the Anti-Trafficking in Persons Act.

ii) There appears to be **no legislation** in place in Malaysia which prohibits **servitude**, although article 5 of the Constitution prohibits deprivation of personal liberty except in accordance with the law. Section 366 of the Penal Code makes it an offence to kidnap or abduct a woman to compel her to marriage and the Law Reform (Marriage and Divorce) Act 1976 makes it an offence to use force or threats to compel a person to marriage. Servitude and practices similar to slavery may also form elements of an offence of trafficking under the Anti-Trafficking in Persons Act.

iii) **Provisions** related to **forced labour** are found in the Constitution, which prohibits forced labour at article 6 and the Penal Code which criminalises unlawful compulsory labour. Forced labour may also form an element of an offence of trafficking under the Anti-Trafficking in Persons Act.

iv) **Provisions** related to **trafficking in persons** are found in the 2007 Anti-Trafficking in Persons Act which criminalises trafficking under articles 12 (trafficking in persons), 13 (trafficking in persons through specified means) and 14 (trafficking in children).

2) International Obligations: Malaysia consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (11 November 1957, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (18 November 1957, accession)
 1957 Abolition of Forced Labour Convention: (10 January 1990, denounced)
 1966 ICCPR: N/A
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (26 February 2009, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Malaysia appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 264

...article 6 of the Constitution of Malaysia that no person shall be held in slavery anywhere in Malaysia and that all forms of forced labour are prohibited.

FEDERAL CONSTITUTION INCORPORATING ALL AMENDMENTS UP TO 1 JANUARY 2006

5. Liberty of the person

- (1) No person shall be deprived of his life or personal liberty save in accordance with law.
- (2) Where complaint is made to a High Court or any judge thereof that a person is being unlawfully detained the court shall inquire into the complaint and, unless satisfied that the detention is lawful, shall order him to be produced before the court and release him.
- (3) Where a person is arrested he shall be informed as soon as may be of the grounds of his arrest and shall be allowed to consult and be defended by a legal practitioner of his choice.

6. Slavery and forced labour prohibited

- (1) No person shall be held in slavery.
- (2) All forms of forced labour are prohibited, but Parliament may by law provide for compulsory service for national purposes.
- (3) Work or service required from any person as a consequence of a conviction or a finding of guilt in a court of law shall not be taken to be forced labour within the meaning of this Article, provided that such work or service is carried out under the supervision and control of a public authority.
- (4) Where by any written law the whole or any part of the functions of any public authority is to be carried on by another public authority, for the purpose of enabling those functions to be performed the employees of the first-mentioned public authority shall be bound to serve the second-mentioned public authority, and their service with the second-mentioned public authority shall not be taken to be forced labour within the meaning of this Article, and no such employee shall be entitled to demand any right from either the first-mentioned or the second-mentioned public authority by reason of the transfer of his employment.

9. Prohibition of banishment and freedom of movement

- (1) No citizen shall be banished or excluded from the Federation.
- (2) Subject to Clause (3) and to any law relating to the security of the Federation or any part thereof, public order, public health, or the punishment of offenders, every citizen has the right to move freely throughout the Federation and to reside in any part thereof.
- (3) So long as under this Constitution any other State is in a special position as compared with the States of Malaya, Parliament may by law impose restrictions, as between that State and other States, on the rights conferred by Clause (2) in respect of movement and residence.

PENAL CODE

360. Kidnapping from Malaysia

Whoever conveys any person beyond the limits of Malaysia without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Malaysia.

362. Abduction

Whoever by force compels or by any deceitful means induces any person to go from any place, is said to abduct that person.

363. Punishment for kidnapping

Whoever kidnaps any person from Malaysia or from lawful guardianship, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

365. Kidnapping or abducting with intent secretly and wrongfully to confine a person

Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

366. Kidnapping or abducting a woman to compel her marriage, etc.

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or to a life of prostitution, or knowing it to be likely that she will be forced or seduced to illicit intercourse, or to a life of prostitution, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

367. Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

368. Wrongfully concealing or keeping in confinement a kidnapped person

Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or keeps such person in confinement, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge or for the same purpose as that with or for which he conceals or detains such person in confinement.

370. Buying or disposing of any person as a slave

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

371. Habitual dealing in slaves

Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

372. Exploiting any person for purposes of prostitution

(1) Whoever—

(a) sells, lets for hire or otherwise disposes of, or procures, buys or hires or otherwise obtains possession of, any person with such intention that the person is to be employed or used for the purpose of prostitution or of having sexual intercourse with any other person, either within or outside Malaysia, or knowing or having reason to believe that the person will be so employed or used;

(b) by or under any false pretence, false representation, or fraudulent or deceitful means made or used, either within or outside Malaysia, brings or assists in bringing into, or takes out or assists in taking out of, Malaysia, any person with such intention that the person is to be employed or used for the purpose of prostitution or of having sexual intercourse with any other person, either within or outside Malaysia, or knowing or having reason to believe that the person will be so employed or used;

(c) receives or harbours any person—

(i) who has been sold, let for hire or otherwise disposed of, or who has been procured, purchased, hired or otherwise obtained possession of in the circumstances as set out in paragraph (a); or

(ii) who has been brought into or taken out of Malaysia in the circumstances as set out in paragraph (b), knowing or having reason to believe that the person is to be employed or used for the purpose of prostitution or of having sexual intercourse with any other person, either within or outside Malaysia, and with intent to aid such purpose;

(d) wrongfully restrains any person in any place with such intention that the person will be used or employed for the purpose of prostitution or of having sexual intercourse with any other person;

(e) by means of any advertisement or other notice published in any manner or displayed in any place for prostitution service or a service which a reasonable person would understand it to be a prostitution service, offers any person for the purpose of prostitution or seeks information for that purpose or accepts such advertisement or notice for publication or display;

(f) acts as an intermediary on behalf of another or exercises control or influence over the movements of another in such a manner as to show that the person is aiding or abetting or controlling the prostitution of that order, shall be punished with imprisonment for a term which may extend to fifteen years and with whipping, and shall also be liable to a fine.

(2) For the purpose of paragraph (d) of subsection (1), it shall be presumed until the contrary is proved that a person wrongfully restrains a person if he—

(a) withholds from that person wearing apparel or any other property belonging to that person or wearing apparel commonly or last used by that person;

(b) threatens that person to whom wearing apparel or any other property has been let or hired out or supplied to with legal proceedings if he takes away such wearing apparel or property;

(c) threatens that person with legal proceedings for the recovery of any debt or alleged debt or uses any other threat whatsoever; or

(d) without any lawful authority, detains that person's identity card issued under the law relating to national registration or that person's passport.

(3) In this section and in sections 372A and 372B, "prostitution" means the act of a person offering that person's body for sexual gratification for

hire whether in money or in kind; and “prostitute” shall be construed accordingly.

374. Unlawful compulsory labour.

Whoever unlawful compels any person to labour against the will of that person, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both

ANTI-TRAFFICKING IN PERSONS AND ANTI-SMUGGLING OF MIGRANTS ACT 2007

2. Interpretation

In this Act, unless the context otherwise requires—

“exploitation” means all forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, any illegal activity or the removal of human organs;

“trafficked person” means any person who is the victim or object of an act of trafficking in persons;

“coercion” means—

(a) threat 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

“trafficking in persons” or “traffics in persons” means the recruiting, transporting, transferring, harbouring, providing or receiving of a person for the purpose of exploitation;

12. Offence of trafficking in persons

Any person, who traffics in persons not being a child, for the purpose of exploitation, commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding fifteen years, and shall also be liable to fine.

13. Offence of trafficking in persons by means of threat, force, etc.

Any person, who traffics in persons not being a child, for the purpose of exploitation, by one or more of the following means:

(a) threat;

(b) use of force or other forms of coercion;

(c) abduction;

(d) fraud;

(e) deception;

(f) abuse of power;

(g) abuse of the position of vulnerability of a person to an act of trafficking in persons; or

(h) the giving or receiving of payments or benefits to obtain the consent of a person having control over the trafficked person, commits an offence and shall, on conviction, be punished with imprisonment for a term not less than three years but not exceeding twenty years, and shall also be liable to fine.

14. Offence of trafficking in children

Any person, who traffics in persons being a child, for the purpose of exploitation, commits an offence and shall, on conviction, be punished with imprisonment for a term not less than three years but not exceeding twenty years, and shall also be liable to fine.

15. Offence of profiting from exploitation of a trafficked person

Any person who profits from the exploitation of a trafficked person commits an offence and shall, on conviction, be punished with

imprisonment for a term not exceeding fifteen years, and shall also be liable to a fine of not less than fifty thousand ringgit but not exceeding five hundred thousand ringgit.

16. Consent of trafficked person irrelevant

In a prosecution for an offence under section 12, 13 or 14, it shall not be a defence that the trafficked person consented to the act of trafficking in persons.

18. Fraudulent travel or identity documents

Any person who makes, obtains, gives, sells or possesses a fraudulent travel or identity document for the purpose of facilitating an act of trafficking in persons commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding ten years, and shall also be liable to a fine of not less than fifty thousand ringgit but not exceeding five hundred thousand ringgit.

19. Recruiting persons

Any person who knowingly recruits, or agrees to recruit, another person to participate in the commission of an act of trafficking in persons, commits an offence and shall, on conviction be punished, with imprisonment for a term not exceeding ten years, and shall also be liable to fine.

20. Providing facilities in support of trafficking in persons

Any person being— (a) the owner, occupier, lessee or person in charge of any premises, room or place, knowingly permits a meeting to be held in that premises, room or place; or (b) the owner, lessee or person in charge of any equipment or facility that allows for recording, conferencing or meetings via technology, knowingly permits that equipment or facility to be used, for the purpose of committing an offence under this Act, commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding ten years, and shall also be liable to fine.

21. Providing services for purposes of trafficking in persons

(1) Any person who, directly or indirectly, provides or makes available financial services or facilities— (a) intending that the services or facilities will be used, or knowing or having reasonable grounds to believe that the services or facilities will be used, in whole or in part, for the purpose of committing or facilitating the commission of an act of trafficking in persons, or for the purpose of benefiting any person who is committing or facilitating the commission of an act of trafficking in persons; or (b) knowing or having reasonable grounds to believe that, in whole or in any part, the services or facilities will be used by or will benefit any person involved in an act of trafficking in persons, commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding ten years, and shall also be liable to fine.

(2) For the purpose of subsection (1), “financial services or facilities” include the services or facilities offered by lawyers or accountants acting as nominees or agents for their clients.

22. Harboursing persons

(1) Any person who— (a) harbours a person; or (b) prevents, hinders or interferes with the arrest of a person, knowing or having reason to believe that such person has committed or is planning or is likely to commit an act of trafficking in persons, commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding ten years, and shall also be liable to fine. (2) In this section, “harbour” means supplying a person with shelter, food, drink, money or clothes, arms, ammunition or means of conveyance, or assisting a person in any way to evade apprehension.

CHILD ACT 2001 (ACT 611)

Note: protects girls against prostitution activities as well as provides for ‘protection homes

LAW REFORM (MARRIAGE AND DIVORCE) ACT (LRA) 1976, 22(6))

Note: the Registrar of Marriage must be satisfied that both parties freely consent to the marriage before solemnizing the marriage. It is an offence for a person to use force or threats to compel a person to marry against his or her will or to prevent a person who has attained the age of 21 from contracting a valid marriage. Invalidity of consent is also a ground for voidable marriage. Using force or threat to compel a woman to marry against her will or to prevent her from contracting a valid marriage once she attained the age of 16 is an offence punishable with fine or imprisonment. This provision clearly gives women the freedom to choose their own spouses.

EMPLOYMENT ACT 1955

Note: Provides minimum protection to employees with regard to their terms and conditions of service consisting of working hours, wages, holidays, retrenchment benefits, etc.

Section 99A. General Penalty

Any Person who commits any offence under, or contravenes any provision of, this Act, or any regulations, order, or other subsidiary legislation whatsoever made thereunder, in respect of which no penalty is provided, shall be liable, on conviction, to a fine not exceeding ten thousand ringgit.

Maldives

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2008 Constitution which prohibits slavery at article 25. The Penal Code also criminalises unlawful restraint (section 140) and criminal coercion (section 141).

ii) **Provisions** related to **servitude** are found in the 2008 Constitution which prohibits servitude at article 25. The Family Law of 2001 also sets the minimum age for marriage at 18, although allows exceptions at the discretion of the registrar, and the Prevention of Human Trafficking Act appears to prohibit debt bondage.

iii) **Provisions** related to **forced labour** are found in the 2008 Constitution which prohibits forced labour at article 25 and the Employment Act which prohibits forced employment although penalties are limited to fines and compensation.

iv) **Provisions** related to **trafficking in persons** are found in the Prevention of Human Trafficking Act which prohibits many forms of sex and labor trafficking although departs from the definitions established in the Palermo Protocol. Sale of human body parts is also an offence under section 624 of the Penal Code.

2) International Obligations: Maldives consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (4 January 2013, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (4 January 2013, ratification)
 1966 ICCPR: (19 September 2006, accession)
 1998 Rome Statute of the ICC: (21 September 2011, accession)
 2000 Palermo Protocol (Trafficking in Persons): (14 September 2016, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Maldives appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF THE REPUBLIC OF MALDIVES 2008

25. No slavery or forced labour

- (a) No one shall be held in slavery or servitude, or be required to perform forced labour.
- (b) Compulsory military service, service required in cases of emergency or calamity threatening the life or well-being of the community, or service required pursuant to a court order shall not be deemed to be contrary to article (a).

35. Special protection to children, young, elderly and disadvantaged people

- (a) Children and young people are entitled to special protection and special assistance from the family, the community and the State. Children and young people shall not be harmed, sexually abused, or discriminated against in any manner and shall be free from unsuited social and economic exploitation. No person shall obtain undue benefit from their labour.

Right to work 37.

- (a) Every citizen has the right to engage in any employment or occupation.
- (b) Everyone is entitled to just and safe conditions of work, fair wages, equal remuneration for work of equal value, and equal opportunity for promotion.
- (c) Everyone has the right to rest and leisure, including limits on hours of work and periodic holidays with pay.
- (d) everyone has the right to spend time at rest and leisure. In order to provide this right to each employed person, the maximum number of working hours have to be determined as well as the length of paid holidays.

41. Freedom of movement and establishment

- (a) Every citizen has the freedom to enter, remain in and leave the Maldives, and to travel within the Maldives.
- (b) Every citizen has the right to move to, and take up residence on, any inhabited island of the Maldives.
- (c) Every citizen shall have equal access to the receipt of rights and benefits from any island where he has established residency.

PENAL CODE (LAW NO 6/2014)

Section 140. Unlawful Restraint

- (a) Offense Defined. A person commits an offense if he without consent restrains another for a substantial period of time.
- (b) Definitions.
 - (1) "Restrain" means to confine another or to otherwise restrict another's freedom of movement.
 - (2) "Freedom of movement" means the opportunity to travel from one place to another that an ordinary person normally enjoys.
- (c) Grading.
 - (1) The offense is a Class 3 felony if the defendant restrains the person for the purpose of placing that person in involuntary servitude.
 - (2) The offense is a Class 4 felony if the person knowingly restrains another person for more than 1 day.
 - (3) Otherwise the offense is a Class 1 misdemeanor.
 - (4) Mitigation for Parents and Guardians. The offense is a Class 1 misdemeanor if the person reasonably believes that: (A) he is a parent or

legal guardian of the person restrained, and (B) the person restrained is not capable of consent.

Section 141. Criminal Coercion

(a) Offense Defined. A person commits an offense if, with the purpose of unlawfully restricting another person's freedom of action to that person's detriment, he threatens to:

- (1) commit any criminal offense; or
- (2) accuse anyone of a criminal offense; or
- (3) expose any secret tending to subject any person to hatred, contempt, or ridicule, or to impair his credit or business reputation; or
- (4) take or withhold action as a public official, or cause a public official to take or withhold action.

(b) Exception. A person does not commit an offense under Subsection (a)(2), (a)(3), or (a)(4) if:

- (1) he believes:
 - (A) the accusation or secret to be true, or
 - (B) the proposed official action justified in its nature, and
- (2) his purpose is limited to compelling the other person to behave in a way reasonably related to the circumstances that are the subject of the accusation, exposure, or proposed official action.

(c) Grading.

(1) Felonious Coercion. The offense is a Class 5 felony if:

- (A) the performance of conduct that the person purposes to compel would constitute a felony, if performed, or
- (B) the person threatens harm which would be a felony if performed.

(2) Criminal Coercion. Otherwise the offense is a Class 1 misdemeanor.

Section 620. Prostitution

(a) Offense Defined. A person commits an offense if he performs an act of sexual intercourse or sexual contact with a person not his spouse in exchange for anything of value.

(b) Grading. The offense is a Class 1 misdemeanor.

Section 621. Promoting or Supporting Prostitution

(a) Offense Defined. A person commits an offense if, to obtain anything of value, he:

- (1) compels a person to engage in an act or acts of prostitution; or
- (2) encourages, arranges, or otherwise facilitates an act or acts of prostitution; or
- (3) allows the use of a place, over which he exercises control, for an act or acts of prostitution.

(b) Grading.

(1) Promoting Child Prostitution. The offense is a Class 3 felony if the prostitution being promoted or supported is that of a minor.

(2) Promoting Prostitution. Otherwise the offense is a Class 4 felony.

Section 624 – Sale of Human Body Parts

(a) Offense Defined. A person commits an offense if he knowingly buys or sells a part of a human body.

(b) Exceptions. A person does not commit the offense if he gives or receives compensation for a human body part that is only:

- (1) reimbursement of actual expenses incurred in donating a body part or fluid for medical or scientific use; or

- (2) a payment provided under a plan of insurance or other health care coverage; or
 - (3) reimbursement of reasonable costs associated with the removal, storage, or transportation of a human body part or fluid for scientific purposes; or
 - (4) purchase or sale of drugs, reagents, or other substances made from human body parts, for use in medical or scientific research, treatment, or diagnosis.
- (c) Grading. The offense is a Class 1 misdemeanor.

EMPLOYMENT ACT

3 - Prohibition of forced employment

- a) No person shall be compelled or forced into employment.
- b) "Forced employment" shall mean any services or labour obtained from a person under threat of punishment, undue influence or intimidation, and does not include services or labour performed of his own volition by any person. The following are exempted from such definition:-
 - i. labour carried out by, or services obtained from a person under the control and supervision of the relevant State authority in pursuance of a court judgement; or
 - ii. labour or services obtained to the extent deemed reasonable in instances of emergencies which may pose risk to the life or well being of the entire populace or a section of the population.

5 – Contravention of basic principles

- a) Any person whose rights conferred pursuant to the basic principles specified in this Chapter have been affected, may submit such matter to the Tribunal specified in Section 10.
- b) Complaints submitted to the Tribunal in connection with a right conferred pursuant to the basic principles specified in this Chapter shall be dealt with expeditiously by the Tribunal. The complainant and the respondent shall both be afforded ample opportunity to make submissions and respond to arguments.
- c) Where the Tribunal deems that a complaint submitted to it is based on legitimate and valid grounds, it has the power to issue orders mandating compliance with the basic principles specified in this Chapter, including:-
 - i. an order to perform or cease performance of an act;
 - ii. an order to reinstate a dismissed employee;
 - iii. an order to restore a benefit or advantage that has been denied to a person; or
 - iv. an order providing for compensation.

6 – Minimum age

Minors under the age of sixteen years shall not be employed except in connection with training associated with their education or deportment. Minors under the age of sixteen years who participate in the family's line of work of their own will shall be exempted from this principle.

7 – Prohibition of employment of minors

- a) No minor shall be employed in any work or employment or in conditions of work or employment that may have a detrimental effect on his health, education, safety or conduct.
- b) All age limits stipulated in this Chapter shall be computed according to the Gregorian calendar. A child shall be deemed to be under eighteen

years of age as provided for in Law No 9/91 (The Law on the Protection of the Rights of the Child)

12 – Penalty

Any person contravening a provision of this Chapter shall be fined a sum not less than Mrf 1,000 and not more than Mrf 5,000.

62 – Minimum wage

(a) Any employer who pays an employee less than the minimum wage commits an offence. The employer shall be fined Mrf 1,000 the first time such offence is committed and shall be fined a sum that is not less than Mrf 1,000 and is not more than Mrf 3,000 the second time such offence is committed.

(b) The Tribunal shall order any employer who pays less than the minimum wage to an employee to make up the shortfall.

(c) Where the employer has paid an employee less than the minimum wage and the employee has consequently filed a complaint, the onus of proving that a minimum wage order issued by the Minister has not been contravened shall be on the employer.

PREVENTION OF HUMAN TRAFFICKING ACT 2013

Note: no text available.

The Act prohibits many, but not all, forms of sex and labour trafficking under articles 12, 13, 14, and 16. The law prohibits internal and transnational trafficking. However, in a departure from the 2000 UN TIP Protocol definition, it generally requires the acts of exploitation be predicated on movement and does not criminalize child sex trafficking in the absence of coercion. The law does prohibit debt bondage and some forms of child trafficking without requiring movement.

THE FAMILY LAW 2001

Note: 18 years of age as the minimum age of Marriage with under 18 marriages being allowed as an exception at the discretion of the registrar, based on the present physical development, financial capability and other factors.

Mali

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Mali which prohibits **slavery**, although article 1 of the Constitution guarantees the right to liberty. The Penal Code also criminalises pledging of people (article 243) and entering into an agreement to alienate the liberty of a third person (article 242). Slavery may also form an element of an offence of trafficking under article 7 of the Law on the Fight against Trafficking in Persons.

ii) There appears to be **no legislation** in place in Mali which prohibits **servitude**, although pledging of people (article 242) and abduction for the purpose of forced marriage (article 241) are criminalised under the Penal Code. Servitude and practices similar to slavery may also form elements of an offence of trafficking under article 7 of the Law on the Fight against Trafficking in Persons.

iii) **Provisions** related to **forced labour** are found in the Labour Code which prohibits forced labour at article 6 punishable with a fine of 20,000 to 100,000 francs and/or imprisonment of 15 days to 6 months under article 314. Forced labour may also form an element of an offence of trafficking under article 7 of the Law on the Fight against Trafficking in Persons.

iv) **Provisions** related to **trafficking in persons** are found in the 2012 Law on the Fight against Trafficking in Persons which criminalises trafficking under article 7. Child trafficking is also criminalised under article 244 of the Penal Code.

2) International Obligations: Mali consents to:

1926 Slavery Convention: (2 February 1973, succession)
 1930 Forced Labour Convention: (22 September 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: (2 February 1973, accession)
 1956 Slavery Convention: (2 February 1973, accession)
 1957 Abolition of Forced Labour Convention: (28 May 1962, ratification)
 1966 ICCPR: (16 July 1974, accession)
 1998 Rome Statute of the ICC: (16 August 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (12 April 2002, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Mali appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery, servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 286

In the matter of legislation, the relevant basic principles set forth in the Constitution of 22 September 1960 have been clarified, given effect and made applicable by subsequent organic laws relating to the problem of freeing one human from the bondage of another. The principal legislation is as follows:

The Penal Code Act No. 61-99 of 3 August 1961.

The Marriage and Guardianship Code Act No. 62-17 of 3 February 1962.

The Labour Code Act No. 62-67 of 9 August 1962 and the Social Welfare Code Act No. 62-68 of 9 August 1962.

Paragraph 293

(1) Slavery and institutions and practices similar to slavery are punishable under penl law; the punishment imposed on persons convicted thereof is set forth in articles 189 and 190 of the Penal Code as follows:

Article 189. Any person who has entered into an agreement whose object is to deprive a third person of his liberty, whether gratuitously or for gain, shall be liable to five to ten years' hard labour. All monies, merchandise and other objects of value received in execution of the agreement, or advance payments on any future agreement, shall be confiscated.

Any person who brings into the Republic of Mali another person for the purpose of such an agreement, or who has taken or attempts to have taken another person out of the Republic for the purpose of entering into such an agreement abroad, shall be liable to the same penalty.

The term of hard labour may be increased to twenty years if the person concerned, either within Mali or abroad, is a minor under the age of fifteen.

In the cases referred to in this article, the Court may also order the imposition of the disabilities prescribed in article 6 hereof.

One to twenty years' local banishment may also be ordered.

Article 190. The pawning of persons, for any reason, is prohibited.

Any agreement, of whatever form, relating to a marriage which pledges the future children of that marriage, shall be deemed to constitute pawning.

Any person who has given or received a person in pawn shall be liable to six months' to two years' imprisonment and a fine of from 20,000 to 100,000 francs.

However, if the person given in pawn is under the age of fifteen, the penalty shall be one to five years' imprisonment and a fine of from 50,000 to 500,000 francs.

The pawning of a person which compels that person to live with an individual from a different tribe, shall be deemed to constitute enslavement and punished accordingly.

...

Any person found guilty of inducing a woman or girl by promises, gifts, or any other means or persuasion or corruption, shall be liable to: three months' to two years' imprisonment and a fine of from 20,000 to 400,000 francs (see article 185 of the Penal Code).

(e) Mutilating or branding a slave or a person of servile status in order to indicate his status, or as a punishment, or for any other reason, constituted an offence under, and is punishable under, article 171 of the Penal Code...

REPUBLIC OF MALI
CONSTITUTION 1992

Article 1:

The human person is sacred and inviolable.
Every individual shall have the right to the life, to the liberty, to the security and to the integrity of his person.

Article 3:

No one shall be submitted to torture, nor to inhuman, cruel, degrading or humiliating treatment or brutality (especially from one under whose protection one falls).
Every individual, every agent of the state who by his actions is culpable of such acts, whether of his own initiative, or by instruction, shall be punished in conformity with the law.

Article 5:

The State recognizes and guarantees, within the conditions determined by law, the freedom to come and go, the free choice of residence, freedom of association, to assemble, to have a following and to demonstrate.

Article 17:

The right to work and to rest shall be recognized and shall be equal for all.

Work shall be an obligation for every citizen but no one shall be forced into specific occupation except in the case of accomplishment of an exceptional service of a general (public) interest, equal for all within the conditions determined by law.

Article 22

Every citizen shall work for the common good.
He shall fulfill all of his civic obligations and notably fulfill his obligations of fiscal contribution.

PENAL CODE 2002

Article 229: pimping and incitement to debauchery

Everyone who has excited, usually favored or facilitated the debauchery or corruption of the youth of one or the other sex, or, to satisfy the passions of others, entangled or diverted, even with His consent, a girl or a woman for the sake of debauchery, or be forcibly detained a person in a bawdy house, or forced to engage in prostitution, shall be punished from six months to three years' imprisonment And a fine of 20,000 to 1,000,000 francs and optionally one to ten years of residence ban.
Anyone who is convicted of having taken all or part of his means of subsistence from the prostitution of others shall be punished with imprisonment of between one and three years and a fine of between 20,000 and 1,000,000 francs. Moreover, the prohibition of residence from five years to ten years may be imposed.

Article 237: Unlawful arrest and kidnapping of persons - Hostage-taking

Five to twenty years 'imprisonment and optionally one to twenty years' prohibition of stay shall be imposed:

(1) those who, without an order from the public authorities, and except in cases where the law orders the seizure of the accused, in particular cases of crime or flagrante delicto have arrested, detained or sequestered any person;

(2) those who, knowingly, have lent a place to carry out the detention or the sequestration.

The perpetrators will face the death penalty if those arrested, detained or sequestered have been subjected to physical torture.

Article 240: abduction

Anyone who, by fraud, violence or threats, shall remove an individual from the place where he has been placed by those to whose authority he was subjected or entrusted, shall be punished by five to twenty years' imprisonment and optionally by one Year to twenty years of prohibition of stay.

Article 241:

Where the abduction of persons referred to in the preceding article has been committed without fraud, violence or threats, or if it has been committed with a view to marrying a woman without the consent of the latter, The offender will be punished by between one and five years 'imprisonment and, optionally, between five and twenty years' stay.

Where the kidnapping referred to in the preceding article has been committed without fraud, violence or threats, on the person of a child under the age of fifteen years, the punishment shall be five to ten years' imprisonment, and optionally five to twenty Years of interdiction.

Article 242: agreement depriving liberty

Any person who has concluded an agreement for the alienation, free of charge or for consideration, of the liberty of a third person shall be punished by five to ten years' imprisonment. Money, merchandise and other valuables received in execution of the agreement or deposit of an agreement to intervene shall be forfeited.

The same penalty shall be imposed on the introduction into the Republic of Mali of persons intended to be the subject of the aforementioned Convention or on the occasion of the removal or attempted removal of individuals from the Republic for the purpose of the said Convention To contract abroad.

However, the penalty of imprisonment may be extended to twenty years if the person concerned, either inside or outside Mali, is a child under fifteen years of age.

In the cases provided for in this article, the court may also,

The prohibition of the rights provided for in article 8 of the present Code.

The prohibition of residence from one to twenty years may also be imposed.

Article 243: pledging of persons

The pledging of persons, for whatever reason, is prohibited.

It is assimilated to pledging, any agreement, in whatever form, Concomitant with marriage and committing the fate of the children to be born of this marriage.

Anyone who has placed or received a person as a pledge will be punished by imprisonment of six months to two years and a fine of 20,000 to 100,000 FCFA.

However, the penalty shall be one to five years' imprisonment and from 50,000 to 500,000 FCFA in fine if the person pledged is under fifteen years of age.

It shall be considered as constituting a bondage, and punished as such, the pledging of a person when it will result in the latter having to reside with another person.

Article 244: child trafficking

Child trafficking is the whole process by which a child is moved, inside or outside of a country, under the conditions that transform it into a market value for one at Less the persons involved, and whatever the purpose of the child's displacement:

- any act involving the recruitment, transportation, possession or sale of children;
- any act that causes the child to move inside or outside a country.

Anyone convicted of trafficking in children shall be liable to imprisonment for five to twenty years.

LABOUR CODE

Article L.6:

Forceful or compulsory labor is absolutely forbidden. The term "forced or compulsory labor" means any work or service required of an individual under the threat of any penalty and for which the said person has not offered himself fully.

Article L314:

Will be punished with A fine of between 20,000 and 100,000 francs and imprisonment for a term of 15 days to six months, or one of these two sentences only, the offenders under Article 6.

LAW NO 2012-023 ON THE FIGHT AGAINST TRAFFICKING IN PERSONS AND ASSOCIATED PRACTICES

Article 1:

For the purposes of this Act, trafficking in persons means the recruitment, transportation, transfer, accommodation or receipt of persons inside or outside has a country by using the threat has the force or violence, kidnapping, fraud, deception, abuse of authority or of a position of vulnerability, the giving or receiving of payments or benefits to achieve the consent a person with authority over another for the purpose of exploitation which includes at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Article 2:

Like practices constitute human trafficking, the organized exploitation of others begging and smuggling of migrants.

Article 3:

The organized exploitation of the begging of another person is the act of any person or group of persons who organizes or exploits the begging of a person, causes or distracts a person to begging, A person who is under pressure to beg or continue to begging, shall be accompanied by one or more minor children with a view to obtaining, directly or indirectly, financial, material or other advantage.

Article 7:

A person is guilty of the crime of trafficking in persons and is punishable by the criminal reduction of crinq (05) to ten (10) years and optionally by

the prohibition of residence from one (01) to Whoever commits any of the acts provided for in article 1 of the present law.

The consent of the victim has no impact on the constitution of the offense.

The offense is committed when the recruitment, transport, transfer, accommodation or reception within or outside a country involves a minor, notwithstanding any of the means enumerated in Article 1 Above is used.

Article 8:

The penalty of imprisonment from ten (10) to twenty (20) years and, optionally, (5) to twenty (20) years' stay shall be imposed when the offense has been committed in any of the following circumstances:

- if the victim is a minor under fifteen years of age;
- if the victim is a particularly vulnerable person because of his or her age, health status or pregnancy, or a physical or mental impairment;
- if the victim is exposed to hazardous, hazardous or worst forms of child labor;
- if the result has been a disabling or incurable disease such as HIV / AIDS;
- whether the victim has been kidnapped, deprived of food or exposed to public or private recruitment;
- if the act is committed by resorting to torture, torture, To barbarism or to the removal of human organs;
- if the act is committed not using false quality, false titles, falsified or altered documents or false authorization;
- whether the author had an apparent or hidden weapon;
- whether the author has used an apparent or hidden weapon;
- if the author has made a wise use of a weapon;
- whether the perpetrator has used narcotic drugs or any substance likely to alter the will of the victim;
- whether the perpetrator is an ascendant or a person with authority over the victim;
- if the perpetrator committed sexual abuse on the victim;
- if the act committed is part of an organized criminal activity;
- if the number of victims is high.

Article 9:

Life imprisonment shall be imposed where:

- the victim dies
- the result has been a permanent dismemberment or disability for the victim;
- human organs were removed.

Article 10:

It is guilty of the offense of organized exploitation of the begging of others and punishable by imprisonment of two (02) to five (05) years and a fine of five hundred thousand francs (500,000 francs) to two million francs (2,000,000 francs) whoever commits one of the acts provided for in article 3 of this law.

Article 11:

The maximum penalty referred to above shall be imposed when the offense is committed on:

- a minor;
- a person who is particularly vulnerable on account of his age or of his state of health or of physical, psychological or physical infirmity;
- A person subjected to coercion, violence or deceitful maneuvers to engage in begging.

Article 12:

The attempt of the offense referred to above shall be punished as the offense itself.

CODE MARRIAGE AND GUARDIANSHIP LAW NO62 17 YEAR OF RM FEBRUARY 3, 1962

Article 1: The first marriage is a secular act. The promise of marriage is likely to no consumption forced.

Article 2: Is inadmissible any marriage proposal from a woman or a girl given to another with his consent. The rejected suitor in violation of the above provision may, in accordance with

Articles 18 and following, to object to the marriage, until the day where he has been reimbursed for his expenses and received payment of any damages set by the judge, without prejudice sanctions under the Penal Code against of dowry and gifts

Article 3: When required by custom, the dowry and the present for marriage shall in their totality than in worth twenty thousand francs in respect of the girl and ten thousand francs in respect of women. In the event of divorce to harm the woman's husband may require the return of the dowry and gifts. When the divorce has been issued against the husband, the dowry as well as other gifts remain with the wife. In case of divorce to blame each other of the spouses, the court determine the rate of refunds. Anyone who has seen or tried to collect a wedding gifts and dowry in excess that set in the first paragraph of this Article shall be sentenced to punishments laid down by Article 185 of the Code Criminal. The requirements for power marriage

Article 4: The for men before the age of eighteen, fifteen women before years of age cannot marry. However, the Minister of Justice may grant, by decision not subject to appeal, exemption from the age for serious reasons. A copy of this Decision shall be annexed to the act of celebration marriage.

Article 5: Any officer of the civil union will make people not the age, except in the case of exemptions granted under the conditions indicated above, will be fined not exceeding 120,000 francs and a prison sentence of six months to a year.

Article 6: Any minister of religion who will conduct the ceremonies a religious marriage without it being a justified act noting the celebration of civil marriage issued by the officer of civil status, shall be punished by a fine of 5,000 to 30,000 francs. In case of recidivism, he will incur a prison sentence which cannot be less than two months. Cases of prohibition and interdiction wedding

Article 7: A woman cannot contract a second marriage before the dissolution of the former. The same provisions apply to the man who opted for a monogamous marriage. However, human opting for monogamous marriage have the right to revise its contract with the express consent of the wife. Any woman who is engaged in the bonds of marriage, has contracted with another before the dissolution of previous shall be punished with imprisonment from six months to three years and

a fine of 12,000 to 1,200,000 francs. It will be of man who opted for marriage monogamous and one that has four legitimate wives, has contracted a fifth union. The public officer who has knowingly lent his ministry in these marriages will be same penalties.

Article 8: The man who has four legitimate wives can not contract a new marriage.

Article 10: (Law no63-19, January 25, 1963) There is no marriage where there is no consent. Consent must be made orally and in person before the registrar of vital statistics for each of the future husband. This is evidenced by signature or otherwise by affixing the fingerprints at the foot of the act. However, in case of removal, if one of the spouses residing outside the place where the marriage to be celebrated cannot appear personally before the officer of the civil, and prevented the party may consent by an act drawn up by the registrar of his residence. This act is passed by the relevant authority to the registrar responsible for carrying out the celebration of marriage. Marriage must be celebrated in this mandatory cases before a duly authorized representative of the husband

prevented. This representative must sign or otherwise to affix their fingerprints at the foot of the act of marriage. The consent of parents or legal guardians can be given as provided in paragraph 2 of this article. If unable to attend due to illness, separation or any other cause, the consent may be given by written in a document drawn up by the mayor or the head of the district administration of the residence of the person concerned. This act will be signed by or in the absence of fingerprints of the declarant.

Article 11: The son who has not attained the age of 21 years and daughter who has not attained the age of 18 years cannot marry without the consent of their father and mother. If the parent is deceased or if one of them is unable to express his will, he must consent of this parent and legal representative of another. If the intended spouses are deceased mother and father must

the consent of their guardian. The refusal of the latter may be brought before the chief administrative district acting without recourse.

Article 12: Where there is disagreement between parents divorced separated, the administrative authority shall act with account the interests of the child.

Article 13: An illegitimate child who, according to sex, has not attained the age 18 or 21 years, cannot marry without the consent of his father and mother who recognized and one or the other if it has been recognized by all two.

Article 14: An illegitimate child who has not been recognized and one that, after have been, lost his father and mother or whose father and mother can express their will and have not guardian, cannot by gender or by age 18 of age, before 21 years of age, marriage without special permission from the chief administrative district to home. The shipment of this license shall be attached to the act of marriage.

Article 15: Every officer of civil status who will make the celebration of marriages contracted by the son of age 21 or girls under eighteen is satisfied without the consent must be stated in the marriage, will, at the behest of interested parties or the Department public place where the marriage has been celebrated, condemned to a fine of 25,000 to 120,000

francs and a prison of at least six months and one year or a of these two penalties.

Article 16: The marriage will be celebrated publicly before the registrar of Vital nearest the home of one of the parties.

Article 17: Fifteen days before the celebration, the publication will be made the home of the future spouses and instead of celebrating the marriage. This publication will be made either by displays affixed to the door of the common house or office capital of the administrative unit or by any other appropriate means of publicity. The names, residences, occupations, ages bride and groom and date of solemnization of marriage will statements.

Article 18: Anyone who has legal authority may, within that period, oppose the celebration of the intended marriage without the consent required in the previous chapter. The opposition is addressed to the officer of civil status must celebrate the marriage, which shall forward it to the head of the district that statue, the Village Council heard. Decision is made subject to appeal.

Article 19: Every notice of opposition shall state the quality that gives the opponent the right to make. It will contain an address for service in the place where the marriage should be celebrated, it must also contain the reasons of the opposition.

Article 20: The spouse or the spouse against whom there was opposition present their means to the head of the district administrative. The opposition must be heard and decided within fifteen days of its receipt by the head of the district.

Article 21: If he had no objection or if the opposition was rejected, the officer of civil status makes the marriage. The celebration takes place in the presence of two witnesses major.

Article 22: Each of the spouses shall, if not already, replace the officer of civil status is an excerpt from his birth or judicial ruling or other deed.

Article 23: The officer of civil status gives the bride and groom read Articles 7, 8, 32, 34 and 35 of this Act. He asked if there was a marriage contract. Mention of response will be made on the marriage certificate, indicating the date and place of the contract and the officer who receives. It ensures that the intending spouses on pain sanctions provided for in section 104 of the Penal Code. Then all these formalities, it declares them by marriage.

Article 24: The marriage certificate shall state: 1. first names, names, ages and professions, homes or residences of the spouses; 2. the full name, occupation and residence of fathers and mothers of the spouses; 3. the consent of the fathers and mothers or representatives legal in cases where such consent is required; 4. first names, names of witnesses and the indication that they are major; 5. the declaration of contractors to take to spouses and the delivery of their union by the officer marital status; 6. the declaration of the marriage contract; 7. possibly the first names, names of previous spouses; 8. the full or partial payment or non-payment of the dot and the time allowed for this purpose; 9. possibly a commitment to monogamy provided section 43 below (no63-19 Law of 25 January 1963) or deed by which one party prevented gave consent.

Malta

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Malta which prohibits **slavery**, although article 32 of the Constitution recognises the right to liberty and enslavement may form an element of crimes against humanity under article 54C of the Criminal Code.

ii) There appears to be **no legislation** in place in Malta which prohibits **servitude**, although article 248DA of the Criminal Code criminalises 'improperly inducing consent to adoption of a minor for purposes of exploitation'.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 35.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking for the purpose of exploitation in the production of goods or provision of services (article 248A), exploitation in prostitution (article 248B), and removal of organs (article 248C). Trafficking in minors for all these purposes is also criminalised under article 248D. These provisions may not cover all the acts, means or purposes included in the Palermo Protocol.

2) International Obligations: Malta consents to:

1926 Slavery Convention: (3 January 1966, succession)
 1930 Forced Labour Convention: (4 January 1965, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (3 January 1966, succession)
 1957 Abolition of Forced Labour Convention: (4 January 1965, ratification)
 1966 ICCPR: (13 September 1990 (accession)
 1998 Rome Statute of the ICC: (29 November 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (24 September 2003, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Malta appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

CONSTITUTION OF MALTA ACT 1964 (WITH AMENDMENTS THROUGH 2014)

Paragraph 303

Section 36(1) [of the Constitution of Malta] lays down an entrenched human right that “no person shall be required to perform forced labour”.

7. Right to work

The State recognises the right of all citizens to work and shall promote such conditions as will make this right effective.

12. Protection of work

1. The State shall protect work.
2. It shall provide for the professional or vocational training and advancement of workers.

13. Hours of work

1. The maximum number of hours of work per day shall be fixed by law.
2. The worker is entitled to a weekly day of rest and to annual holidays with pay; he cannot renounce this right.

15. Minimum age for paid labour

The minimum age for paid labour shall be prescribed by law.

16. Safeguarding labour of minors

The State shall provide for safeguarding the labour of minors and assure to them the right to equal pay for equal work.

32. Fundamental rights and freedoms of the individual

Whereas every person in Malta is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed, sex, sexual orientation or gender identity, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely -

- a. life, liberty, security of the person, the enjoyment of property and the protection of the law;
- b. freedom of conscience, of expression and of peaceful assembly and association; and
- c. respect for his private and family life,

the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms, subject to such limitations of that protection as are contained in those provisions being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

34. Protection from arbitrary arrest or detention

1. No person shall be deprived of his personal liberty save as may be authorised by law in the following cases, that is to say –

35. Protection from forced labour

1. No person shall be required to perform forced labour.
2. For the purposes of this article, the expression "forced labour" does not include -
 - a. any labour required in consequence of the sentence or order of a court;

- b. labour required of any person while he is lawfully detained by sentence or order of a court that, though not required in consequence of such sentence or order, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained or, if he is detained for the purpose of his care, treatment, education or welfare, is reasonably required for that purpose;
- c. any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;
- d. any labour required during a period of public emergency or in the event of any other emergency or calamity that threatens the life or well-being of the community.

36. Protection from inhuman treatment

- 1. No person shall be subjected to inhuman or degrading punishment or treatment.

44. Protection of freedom of movement

- 1. No citizen of Malta shall be deprived of his freedom of movement, and for the purpose of this article the said freedom means the right to move freely throughout Malta, the right to reside in any part of Malta, the right to leave and the right to enter Malta.

MALTA CRIMINAL CODE

54A. General

- (1) It is a crime for a person to commit genocide, a crime against humanity or a war crime.
- (2) In this Title -
"crime against humanity" means a crime against humanity as defined in article 54C;
"war crime" means a war crime as defined in article 54D;
- (3) In interpreting and applying the provisions of this Title the court shall take into account the original text of the ICC Treaty and of any treaty and convention referred to in the ICC Treaty.

54C. Crimes against Humanity

- (1) A crime against humanity is committed where any of the following acts is committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - (c) enslavement;
 - (e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
 - (g) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (2) For the purpose of subarticle (1) -
- (c) "enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

54D. War crimes

- A war crime is committed where any of the following acts is committed:

- (b) other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
 - (xxii) committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 54C(2)(f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
- (e) other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
 - (vi) committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 54C(2)(f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;

204. Inducing, etc, persons under age into prostitution

(1) Whosoever in order to gratify the lust of any other person induces a person under age to practise prostitution, or instigates the defilement of such person, or encourages or facilitates the prostitution or defilement of such person, shall, on conviction, be liable to imprisonment for a term from eighteen months to four years, with or without solitary confinement:

Provided that the offence shall be punishable with imprisonment for a term from two to six years, with or without solitary confinement, in each of the following cases:

- (a) if the offence is committed to the prejudice of a person who has not completed the age of twelve years;
 - (b) if the offence is committed by deceit;
 - (c) if the offence is committed by any ascendant by consanguinity or affinity, by the adoptive father or mother, by the husband or wife or tutor of the minor, or by any other person charged, even though temporarily, with the care, education, instruction, control or custody of the minor;
 - (d) if the offence is committed habitually or for gain.
- (2) The provisions of article 197(4) shall also apply in the case of any offence under this article, when the offence is committed by the husband or the wife, by an ascendant or by the tutor.

204A. Instigation with violence of persons under age to prostitution or to participation in pornographic performance

(1) Whosoever -

(a) with violence compels a person under age into prostitution or into participating in a pornographic performance, or

(b) knowingly makes any gain or derives any benefit from the conduct referred to in paragraph (a),

shall, on conviction, be liable to imprisonment for a term from two to six years, with or without solitary confinement.

(2) The punishment for the offence in subarticle (1)(b) shall be increased by one degree, with or without solitary confinement, in each of the following cases:

(a) when the offender wilfully or recklessly endangered the life of the person under age;

(b) when the offence involves violence or grievous bodily harm on such person;

(c) when the offence is committed with the involvement of a criminal organisation within the meaning of article 83A(1).

204B. Inducing persons under age to prostitution or to participation in a pornographic performance

(1) Whosoever in order to gratify the lust of any other person engages a person under age to practise prostitution, or to participate in pornographic performances, shall, on conviction, be liable to imprisonment for a term from eighteen months to four years, with or without solitary confinement.

(2) The offence shall be punishable with imprisonment for a term from two to six years, with or without solitary confinement, in each of the following cases:

- (a) when the offender wilfully or recklessly endangered the life of the person under age;
- (b) when the offence involves violence or grievous bodily harm on such person;
- (c) when the offence is committed with the involvement of a criminal organisation within the meaning of article 83A(1).

205. Compelling or inducing person of age to prostitution

Whosoever in order to gratify the lust of any other person, by the use of violence, compels or, by deceit, induces a person of age, to practise prostitution, shall, where the act committed does not constitute a more serious offence, be liable, on conviction, to imprisonment for a term not exceeding two years, with or without solitary confinement:

Provided that the offence shall be punishable with imprisonment for a term from one to four years, if it is committed -

- (a) with abuse of authority, of trust or of domestic relations; or
- (b) habitually or for gain.

208B. Provisions applicable to articles 204 to 204C and 208A of the Code.

(4) The provisions of articles 13 and 14 of the White Slave Traffic (Suppression) Ordinance, shall apply mutatis mutandis.

248A. Traffic of a person of age for the purpose of exploitation in the production of goods or provision of services

(1) Whosoever, by any means mentioned in subarticle (2), trafficks a person of age for the purpose of exploiting that person in the production of goods or provision of services shall, on conviction, be liable to the punishment of imprisonment for a term from two to nine years.

For the purposes of this subarticle exploitation includes requiring a person to produce goods and provide services under conditions and in circumstances which infringe labour standards governing working conditions, salaries and health and safety.

(2) The means referred to in subarticle (1) are the following:

- (a) violence or threats, including abduction;
- (b) deceit or fraud;
- (c) misuse of authority, influence or pressure;
- (d) the giving or receiving of payments or benefits to achieve the consent of the person having control over another person.

248B. Traffic of a person of age for the purpose of exploitation in prostitution, etc.

Whosoever, by any means mentioned in article 248A(2), trafficks a person of age for the purpose of exploiting that person in prostitution or in pornographic performances or in the production of pornographic material shall, on conviction, be liable to the punishment laid down in article 248A(1).

248C. Traffic of a person of age for the purpose of exploitation in the removal of organs.

Whosoever, by any means mentioned in article 248A(2), trafficks a person of age for the purpose of exploiting that person in the removal of any organ of the body shall on conviction be liable to the punishment of imprisonment for a term from four to twelve years.

248D. Traffic of a minor for any of the purposes mentioned in articles 248A to 248C

Whosoever trafficks a minor for any of the purposes mentioned in articles 248A to 248C, both inclusive, shall, on conviction be liable to the same punishment laid down in those articles, as the case may be, even if none of the means mentioned in article 248A(2) has been used: Provided that where any of the means mentioned in article 248A(2) has been used in the commission of the offence under this article the punishment for the offence shall be increased by one degree.

248DA. Improperly inducing consent to adoption of a minor for purposes of exploitation

Whosoever, for any purpose referred to in articles 248A to 248C, both inclusive, acting as an intermediary for the adoption of a child improperly induces the consent of any person whose consent is required for the adoption shall on conviction be liable to the punishment laid down in article 248D.

248DB. Child Labour

Whosoever shall practice or engage in child labour for any of the purposes mentioned in article 248A shall, on conviction, be liable to the punishment established under article 248D.

For the purposes of this article child labour shall include the coercion of a person under age into forced or compulsory labour for any purpose whatsoever including the forced or compulsory recruitment of minors to take part in armed conflict.

248E. General provisions applicable to this sub-title

(1) In this sub-title, the phrase "trafficks a person" or "trafficks a minor" means the recruitment, transportation, sale or transfer of a person, or of a minor, as the case may be, including harbouring and subsequent reception and exchange of control over that person, or minor, and includes any behaviour which facilitates the entry into, transit through, residence in or exit from the territory of any country for any of the purposes mentioned in the preceding articles of this sub-title, as the case may be.

(2) Where any of the offences in articles 248A to 248D, both inclusive -
(a) is accompanied by violence; or

- (b) generates proceeds exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87); or
 - (c) is committed with the involvement of a criminal organisation within the meaning of article 83A(1); or
 - (d) is committed by a public officer or servant in the course of the exercise of his duties; or
 - (e) is committed against a vulnerable person within the meaning of article 204D(2); or
 - (f) when the offender willfully or recklessly endangered the life of the person trafficked,
- the punishment otherwise due shall be increased by one degree.

337A. Traffic in persons to enter or leave Malta illegally

- (1) Any person who with the intent to make any gain whatsoever aids, assists, counsels or procures any other person to enter or to attempt to enter or to leave or attempt to leave or to transit across or to attempt to transit across, Malta in contravention of the laws thereof or who, in Malta or outside Malta, conspires to that effect with any other person shall, without prejudice to any other punishment under this Code or under any other law, be liable to the punishment of imprisonment from six months to five years or to a fine (multa) of twenty-three thousand and two hundred and ninetythree euro and seventy-three cents (23,293.73) or to both such fine and imprisonment and the provisions of articles 21 and 28A and those of the Probation Act shall not apply:
- Provided that where the persons aided, assisted, counselled, procured or the object of the conspiracy as aforesaid number more than three the punishment shall be increased by one to three degrees:
- Provided also that where the offence is committed -
- (a) as an activity of a criminal organization; or
 - (b) while endangering the lives of the persons aided, assisted, counselled, procured or the object of the conspiracy as aforesaid,
- the punishment shall always be increased by two degrees even when the first proviso does not apply.
- (2) Without prejudice to the provisions of article 5, the courts in Malta shall also have jurisdiction over the offence in this article where -
- (a) the offence is committed even if only in part in the territory of Malta or on the sea in any place within the territorial jurisdiction of Malta;
 - (b) the offender is a Maltese national or permanent resident in Malta;
 - (c) the offence is committed for the benefit of a legal person established in Malta.

WHITE SLAVE
TRAFFIC
(SUPPRESSION)
ORDINANCE,
CHAPTER 63 OF THE
LAWS OF MALTA 1930

2. Inducing a person who has attained the age of twenty-one years to leave Malta or to come to Malta from elsewhere for purposes of prostitution.

- (1) Whoever, in order to gratify the lust of any other person, compels by means of violence or threats, or induces by deceit, a person who has attained the age of twenty-one years to leave Malta for purposes of prostitution elsewhere or to come to Malta from elsewhere for the purposes of prostitution in these islands, shall be liable, on conviction, to imprisonment for a term not exceeding two years, with or without solitary confinement:

Provided that the punishment shall be imprisonment for a term from two to ten years, with or without solitary confinement, if the offence is committed –

- (a) by an ascendant by consanguinity or affinity, by the adoptive father or mother, by the husband or the wife, or by a brother or sister; or
- (b) by means of abuse of authority, of trust or of domestic relations; or
- (c) habitually or for gain.

(2) A conviction under this article shall entail the forfeiture of every authority and right granted to the offender over the person or property of the person to whose prejudice the offence shall have been committed.

3. Inducing a person under the age of twenty-one years to leave Malta for purposes of prostitution.

(1) Whoever, in order to gratify the lust of any other person, induces a person under the age of twenty-one years to leave Malta or to come to Malta for purposes of prostitution elsewhere, or encourages or facilitates his departure from Malta or arrival in Malta for the same purpose, shall be liable, on conviction, to imprisonment for a term from two to five years, with or without solitary confinement:

Provided that the punishment shall be imprisonment for a term from three to ten years, with or without solitary confinement, if the offence is committed –

- (a) to the prejudice of a person who has not completed the age of twelve years; or
- (b) by means of violence or threats, or by deceit; or
- (c) by an ascendant by consanguinity or affinity, by the adoptive father or mother, by the husband or wife or tutor, or by any other person charged, even though temporarily, with the care, education, instruction, control or custody of the person under the age of twenty-one years; or
- (d) habitually or for gain.

(2) A conviction under this article shall entail the forfeiture of every authority and right granted to the offender over the person or property of the person to whose prejudice the offence shall have been committed, and, in the case of the tutor, his removal from the tutorship and his perpetual disability from holding the office of tutor.

5. Detention, etc., of a person against his will in a brothel, etc

(1) Whoever detains, or is wilfully a party to the detention of a person, against his will, in any brothel, or in or upon any premises used for purposes of habitual prostitution, even if such person may have resorted to such place of his own free will, and may have remained there to practice prostitution, and notwithstanding any obligation or debt which such person may have contracted with any person whomsoever, shall be liable, on conviction, to imprisonment for a term not exceeding two years, unless a higher punishment is applicable under any other provision of the Criminal Code or of any other law.

(2) A person shall be deemed to detain another person, for the purposes of this article, if, with intent to compel such other person to remain in a brothel or in or upon any premises used for purposes of habitual prostitution, he withholds from such other person any wearing apparel or other property belonging to the latter, or, where wearing apparel has been lent or otherwise supplied to such other person, he threatens such

other person with legal proceedings if the latter takes away with him the wearing apparel so lent or supplied.

(3) No legal proceedings, whether civil or criminal, shall be taken against such other person for taking away or being found in possession of any such wearing apparel as was necessary to enable such other person to leave such premises or brothel.

7. Punishment for living on the earnings of prostitution, etc

(1) Any person who knowingly lives, wholly or in part, on the earnings of the prostitution of any other person, shall be liable, on conviction, to imprisonment for a term not exceeding two years: Provided that where that other person has not attained the age of eighteen years, the offence shall be punishable with imprisonment for a term from eighteen months to four years.

(2) Any person who in any street or other public place or in any place exposed to the public loiters or solicits for the purpose of prostitution or for other immoral purposes, shall be liable, on conviction, to imprisonment for a term of not more than six months.

(3) A person shall be deemed, until the contrary is proved, to be knowingly living, wholly or in part, on the earnings of prostitution, if it is shown that he lives with, or is habitually in the company of, a person practising prostitution or that he has exercised control, direction or influence over the movements of that person in a manner as to show that he is aiding, abetting or compelling the prostitution of that person with any other person or generally.

8. Punishment for keeping, etc., brothels.

(1) Whoever shall keep or manage or share with others in the management of a brothel or of any house, shop or other premises or any part thereof which is or are, or is or are reputed to be resorted to for the purpose of prostitution or other immoral purposes shall be liable, on conviction, to imprisonment for a term not exceeding two years and to a fine (multa) not exceeding four hundred and sixty-five euro and eighty-seven cents (465.87).

(2) Whoever knowingly lets for hire or permits the use or shares in the profits of any vehicle used for the purpose of prostitution or other immoral purposes shall be liable, on conviction, to imprisonment for a term not exceeding six months and to a fine (multa) not exceeding one hundred and sixteen euro and forty-seven cents (116.47).

(3) A person shall be deemed to share in the management of a brothel or of any house, shop or other premises or any part thereof for the purpose of prostitution or other immoral purposes, if he partakes directly or indirectly of any of the profits of such management, or takes an active part in the management of such brothel, house, shop, premises or part thereof.

9. Punishment for use of shop, etc., for the purpose of prostitution.

Whoever keeps any shop, lodging-house or hotel or any private apartment and suffers or permits such shop, lodging-house, hotel or apartment or any part thereof to be used as a place of assignation for the purpose of prostitution or any other immoral purpose shall be liable, on conviction, to imprisonment for a term from one to six months.

10. Punishment for letting house, etc., for the purpose of prostitution

Whoever owns or has under his administration any house or other premises and knowingly lets or permits the use of the same for the purpose of prostitution or other immoral purposes, shall be liable, on conviction, to imprisonment for a term from one to six months.

11. Increase of punishment in case of second or subsequent conviction

On a second conviction for any of the crimes specified in the preceding articles the punishment may be increased by two degrees, and on a third or subsequent conviction, by three degrees.

12. Punishment in case of failure to take steps to eject person from premises used for immoral purposes.

(1) Whoever, after due notice in writing has been given to him by the Commissioner of Police that a house or other premises owned or administered by him, is or are used for the purpose of prostitution or other immoral purposes, fails, within six working days, to take the necessary steps before the competent court for the ejection therefrom of the person or persons occupying the same and to prosecute the proceedings with due diligence shall be liable to a fine (multa) in terms of the Criminal Code.

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT 2002

11. Protection of wages

(1) Except where otherwise expressly permitted by the provisions of this Act, the entire amount of the wages earned by, or payable to, any employee shall be paid to him in money being legal tender in Malta, and every payment of, or on account of, any such wages made in any other form and any covenant in any contract providing for other form of payment shall be null and void: Provided that payment of wages by cheque on a bank in Malta or payable to the Bank account of an employee shall be deemed to be payment in legal tender in cases in which payment in this manner is customary or necessary or is consented to by the employee concerned.

(2) Wages shall be paid directly to the employees to whom they are due except as may otherwise be provided by any law or in virtue of an order made by a competent court or where the employee or employees concerned agree to the contrary.

Marshall Islands

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution in article 2, section 2 which prohibits slavery. Section 212.3 of the Criminal Code also prohibits knowingly restraining a person so as to substantially interfere with that person's liberty.
- ii) **Provisions** related to **servitude** are found in the Constitution in article 2, section 2 which prohibits involuntary servitude and the Criminal Code which makes it an offence to hold a person in a condition of involuntary servitude at section 212.2.
- iii) **Provisions** related to **forced labour** are found in the Constitution in article 2, section 2 which prohibits forced or compulsory labour.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking in persons at section 251.7 and trafficking in children at section 251.8.

2) International Obligations: Marshall Islands consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: N/A
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: N/A
1966 ICCPR: N/A
1998 Rome Statute of the ICC: (7 December 2000, ratification)
2000 Palermo Protocol (Trafficking in Persons): N/A
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Marshall Islands appears to be:

- in breach of its obligations under customary international law with regards to slavery.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF THE
MARSHALL ISLANDS
1979 (REV. 1995)

Article II. Bill of rights

Section 2. Slavery and Involuntary Servitude

- (1) No person shall be held in slavery or involuntary servitude, nor shall any person be required to perform forced or compulsory labor.
- (2) For the purposes of this Section, the term 'forced or compulsory labor' does not include:
- (a) any labor required by the sentence or order of a court;
 - (b) any other labor required of a person lawfully detained if reasonably necessary for the maintenance of the place of detention;
 - (c) any service required by law in lieu of compulsory military service when such service has been lawfully required of others.

Section 11. Conscription and conscientious objection

No person shall be conscripted to serve in the armed forces of the Republic of the Marshall Islands except in time of war or imminent danger of war as certified by the Cabinet, and no person shall be conscripted if, after being afforded a reasonable opportunity to do so, he has established that he is a conscientious objector to participation in war.

CRIMINAL CODE 2011

Article 212 Kidnapping and related offenses; coercion

§212.2. Felonious Restraint.

A person commits a felony of the third degree if the person knowingly:

- (1) restrains another unlawfully in circumstances exposing such other person to risk of serious bodily injury; or
- (2) holds another in a condition of involuntary servitude.

§212.3. False Imprisonment.

(1) A person commits a misdemeanor if the person knowingly restrains another unlawfully so as to substantially interfere with such other person's liberty.

(2) This Section does not apply to shopkeepers, merchants, or police officers who detain suspected shoplifters for a reasonable amount of time.

Article 251. Prostitution and trafficking in persons

§251.0. Definitions.

In this Article, the definitions given in Section 213.0 apply unless a different meaning plainly is required, and:

- (5) The term "compelling" includes:
 - (a) the use of forcible compulsion;
 - (b) the use of a drug or intoxicating substance to render a person incapable of controlling his or her conduct or appreciating its nature; or
 - (c) withholding or threatening to withhold a narcotic drug from a drug dependent person.
- (6) "Trafficking in person" means the recruitment, transportation, transfer, harboring or receipt of person, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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. "Exploitation" shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor

or services, slavery or practices similar to slavery, servitude or the removable of organs.

§251.1. Engaging in Prostitution.

- (1) A person is guilty of engaging in prostitution if the person engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person.
- (2) Engaging in prostitution is a felony of the third degree.

§251.2. Patronizing Prostitution.

- (1) A person is guilty of patronizing prostitution if the person gives or agrees to give something of value to another person on an understanding that in return therefore that person or a third person will engage in sexual conduct with the person or with another.
- (2) Patronizing prostitution is a felony of the third degree.

§251.3. Promoting Prostitution in the First Degree.

- (1) A person is guilty of promoting prostitution in the first degree if the person knowingly:
 - (a) advances prostitution by compelling a person by criminal coercion to engage in prostitution, or profits from such coercive conduct by another; or
 - (b) advances or profits from prostitution by managing, supervising, controlling, or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprises involving prostitution activity by two or more prostitutes; or
 - (c) advances or profits from prostitution of a person less than eighteen years of age.
- (2) Promoting prostitution in the first degree is a felony of the second degree.

§251.4. Promoting Prostitution in the Second Degree.

- (1) A person is guilty of promoting prostitution in the second degree if the person knowingly advances or profits from prostitution.
- (2) Promoting prostitution in the second degree is a felony of the third degree.

§251.7. Trafficking in Person.

- (1) No person shall engage in trafficking in a person or be involved in the arranging of trafficking in a person, knowing that the person's entry into the Republic or any other state is or was arranged by specified means.
- (2) Trafficking in person is felony of the third degree.

§251.8. Trafficking in Children.

- (1) No person shall intentionally engage in trafficking in a person who is a child or be involved in the arranging of trafficking in a person who is a child, regardless of whether the child's entry into the Republic or any other state is or was arranged by specified means.
- (2) Trafficking in children is a felony of the second degree.

§251.9. Exploitation of people not legally entitled to work.

- (1) An employer who allows an unlawful employee to undertake employment in the employer's service must not take an action with the intention of preventing or hindering the employee from:
 - (a) leaving the Republic; or
 - (b) ascertaining or seeking that person's entitlement under the law of the Republic; or
 - (c) disclosing to any person the circumstances of that person's employment by the employer.
- (2) Without limiting the generality of subsection (1), the following are examples of actions of the kind mentioned in that subsection:
 - (a) taking or retaining possession or control of a person's passport, any other travel or identity document, or travel tickets;
 - (b) preventing or hindering a person from:
 - (i) having access to telephone; or
 - (ii) using a telephone; or
 - (iii) using a telephone privately; or
 - (iv) leaving premises; or
 - (v) leaving premises unaccompanied.
- (3) Preventing or hindering an immigration officer from entering or having access to any place or premises to which the person is entitled to have access under any law.
- (4) Exploiting of people not legally entitled to work is a felony of the fourth degree.

§251.10. Consent of trafficked person.

For the purposes of sections 251.7 and 251.8 it is not a defense:

- (a) that the trafficked person consented to the intended exploitation; or
- (b) that the intended exploitation did not occur.

PROSTITUTION PROHIBITION ACT

§503. Offenses and Penalties.

- (1) Any person who engages in prostitution commits a crime and shall upon conviction be punishable by a fine of up to \$5,000 or a term of imprisonment not exceeding two (2) years, or both.
- (2) Any person who patronizes prostitution commits a crime and shall upon conviction be punishable by a fine of up to \$5,000 or a term of imprisonment not exceeding two (2) years, or both.
- (3) Any person who promotes prostitution commits a crime and shall upon conviction be punishable by a fine of up to \$10,000 or a term of imprisonment not exceeding 5 years, or both.
- (4) In addition to all criminal penalties, the Foreign Investment Business License of a person convicted of any crime under this Section shall, where applicable, be revoked by the Registrar of Corporations.
- (5) A person convicted of a crime under the provisions of this Act shall forfeit to the Republic any proceeds of prostitution derived by such person in connection with the unlawful act for which the conviction was made.

MINIMUM WAGE ACT 1986

§403. Minimum wage.

- (1) The minimum wage for every employee of the Government of the Marshall Islands or any private employer shall be two dollars (\$2.00) per hour for every hour of work performed by such employee.
- (2) Non-citizen employees who are employed by a private employer who has been authorized by the Government to invest and conduct any

industry or business in the Republic of the Marshall Islands, and Marshallese trainees and apprentices learning any trade or skill under such employer, shall be exempt from the application of the minimum wage.

(3) Qualified export oriented projects may be exempted from the application of the minimum wage by the Cabinet. This exemption shall apply only to qualified export oriented projects commenced after the date of certification of this Chapter .

§404. Penalty.

Any private employer who pays any of his employees a wage which is below the minimum wage prescribed by Section 402 of this Chapter shall be guilty of an offense and shall, upon conviction before the High Court, be liable to a fine not exceeding \$1,000 or in default, to a term of imprisonment not exceeding six (6) months. In addition, the Court shall recover and pay to the said employee all wages in arrears as prescribed by Section 402 of this Chapter, as though such arrears were a fine imposed by that Court.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1988

§428. Requisites of a marriage.

In order to contract a valid marriage it shall be necessary:

- (a) that the male at the time of contracting the marriage be not less than eighteen (18) years of age and the female be not less than sixteen (16) years of age;
- (b) that where the female is not less than sixteen (16) years of age but less than eighteen (18) years of age one of her parents or her guardian shall consent to her marriage;
- (c) that the marriage between the two parties is not within the prohibited degrees of marriage by law or custom; and
- (d) that where either of the parties were married earlier, the former spouse of that party has died, or the prior marriage of that party was annulled or dissolved by a court of competent jurisdiction. [P.L. 1988-10, §28.]

§434. Customary marriages.

The provisions of this Part shall not apply to marriages contracted between citizens in accordance with recognized customary practice. And a marriage contracted between citizens in accordance with recognized customs, shall be valid.

Mauritania

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 13 which declares that no one shall be reduced to slavery and in the 2015 Law Criminalising Slavery and Penalising Slavery which criminalises slavery under article 7 and various acts against enslaved persons under articles 11-16.

ii) **Provisions** related to **servitude** are found in the Constitution at article 13 which declares that no one shall be reduced to any form of servitude. The 2015 Law Criminalising Slavery also criminalises servile marriage (article 8), serfdom (article 9), and debt bondage (article 10). Article 331 of the Penal Code also criminalises some acts relating to adoption 'in the spirit of lucre'.

iii) **Provisions** related to **forced labour** are found in the Labour Code which criminalises forced labour under article 5.

iv) **Provisions** related to **trafficking in persons** are found in the 2003 Law on the Suppression of Trafficking in Persons which criminalises trafficking under articles 4 and 5, although the definition of trafficking excludes the acts of harbouring and receipt of persons.

2) International Obligations: Mauritania consents to:

1926 Slavery Convention: (6 June 1986, accession)
 1930 Forced Labour Convention: (20 June 1961, ratification)
 1953 Protocol to the 1926 Slavery Convention: (6 June 1986, accession)
 1956 Slavery Convention: (6 June 1986, accession)
 1957 Abolition of Forced Labour Convention: (3 April 1997, ratification)
 1966 ICCPR: (17 November 2004, accession)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (22 July 2005, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Mauritania appears to be:

- in breach of its obligations under the 1956 Convention with regard to and servitude;
- in breach of its obligations under the ICCPR in regards to servitude;
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

MAURITANIA
CONSTITUTION 1991
(WITH AMENDMENTS
THROUGH 2012)

Preamble:

Strong from its spiritual values and from the radiation of its civilization, it also proclaims, solemnly, its attachment to Islam and to the principles of democracy as they have been defined by the Universal Declaration of the Rights of Man of 10 December 1948 and by the African Charter of the Rights of Man and of Peoples of 28 June 1981 as well as in the other international conventions to which Mauritania has subscribed.

Considering that the liberty, the equality, and the dignity of Man cannot be assured except in a society which consecrates the primacy of law, concerned by creating durable conditions for a harmonious social evolution, respectful of the precepts of Islam, sole source of law and open to the exigencies of the modern world, the Mauritanian people proclaim, in particular, the intangible guarantee of the following rights and principles:

- the right to equality;
- the fundamental freedoms and rights of the human person;
- the right of property;
- the political freedoms and the trade union [syndicales] freedoms;
- the economic and social rights;
- the rights attached to the family, basic unit of the Islamic society.

Article 10

The State guarantees to all citizens the public and individual freedoms, notably:

- the freedom to circulate and to establish themselves in all parts of the territory of the Republic;

Liberty cannot be limited except by the law.

Article 13

No one shall be reduced to slavery or to any form of servitude [asservissement] of the human being, or submitted to torture and other cruel, inhuman or degrading treatments. These practices constitute crimes against humanity and are punished as such by the law.

All persons are presumed innocent until the establishment of their culpability by a regularly constituted jurisdiction.

No one can be prosecuted, arrested, detained or punished except in the cases determined by the law and according to the forms that it prescribes.

The honor and the private life of the citizen, the inviolability of the human person, of his domicile and of his correspondence are guaranteed by the State.

LAW NO. 2015-031
CRIMINALIZING
SLAVERY AND
PENALIZING SLAVERY

Article 2

Slavery constitutes a crime against humanity. It is imprescriptible.

Discrimination in any form against an alleged slave is forbidden.

A national day is devoted to the fight against slavery practices.

The determination of the day and the means of its celebration will be defined by decree.

Article 3

Within the meaning of this law:

Slavery: the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

Slavery includes:

- All acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery, to sell or exchange him;
- All forms of serfdom or debt bondage;
- All forms of forced labour;
- All acts of trade or transport in slaves;
- Deprivation of property or inheritance rights, considering that the person is a slave;
- Deprivation of the right to go to court and to testify.

Placement: practice whereby:

- A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group;
- The husband of a woman or his family who transfers her or attempts to transfer her to another person for value received or otherwise;
- The transmission by inheritance of a woman, upon the death of her husband, to another person;
- The handing over of a child, by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

Serfdom: The condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status.

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

Slave: the individual over whom slavery is exercised.

Article 4

The perpetrators of the offences covered by this law are liable to a double penalty, imprisonment and a fine. They can, as well, be banned from exercising their civic rights, in conformity with the provisions of the penal code.

Article 5

Any attempt to commit or complicity in the committal of offences under this law shall be liable to the same penalties as those provided for the offences committed.

Article 7

Any person who reduces another person, or a person under their care or responsibility, to slavery or incites them to forfeit their liberty or dignity for the purpose of enslaving them is punishable by ten (10) to twenty (20) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 8

Any person who commits the offence of placement laid down in article 3 of this law is punishable by five (5) to seven (7) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 9

Any person who commits the offence of serfdom laid down in article 3 of this law is punishable by five (5) to seven (7) years' imprisonment a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 10

Any person who commits the offence of debt bondage laid down in article 3 of this law is punishable by five (5) to seven (7) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 11

Any person who violates the bodily integrity of a person, considering that he is a slave, is punishable by five (5) to seven (7) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 12

Any person who appropriates goods, earnings and revenue resulting from the labour of an alleged slave or extorts their assets is punishable by five (5) to seven (7) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 13

Any person who deprives a child who is an alleged slave of access to education is punishable by five (5) to ten (10) years' imprisonment and a fine of five hundred thousand (500,000) to seven million (7,000,000) ouguiyas.

Article 14

Any person who fraudulently deprives any alleged slave of inheritance is punishable by five (5) to seven (7) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 15

Any person who forces a woman to marry him or someone else or prevents her from marrying, a woman who is an alleged slave against her will is punishable by five (5) to eight (8) years imprisonment and a fine of five hundred thousand (500,000) to five million (5,000,000) ouguiyas. If the marriage is consummated, the spouse has the right to the dowry without prejudice to any damages and interest. The parenthood of the children is established with regard to the husband and she can demand the dissolution of the marriage.

The provisions of article 309 of the Penal Code apply to any person who rapes a woman who is an alleged slave.

Article 16

Any person who sexually assaults a woman who is an alleged slave is punishable by five (5) to eight (8) years' imprisonment and a fine of five hundred thousand (500,000) to five million (5,000,000) ouguiyas

Article 17

The author of a cultural or artistic production defending slavery is punishable by five (5) to six (6) years' imprisonment and a fine of two hundred thousand (200,000) to four million (4,000,000) ouguiyas. The production is confiscated and destroyed. The fine is raised to five million (5,000,000) ouguiyas if the production is created or disseminated by a legal entity (une personne morale). In addition to the penalty prescribed above, the legal entity may be forbidden from pursuing its activities partially or completely, temporarily or permanently.

Article 18

Any judicial police officer or agent who fails to investigate allegations of slavery practices that are brought to his attention is punishable by two (2) to five (5) years' imprisonment and a fine of five hundred thousand (500,000) to one million (1,000,000) ouguiyas.

Article 19

Any person who uses an offensive language against an alleged slave in public is punishable by six (6) months' to two (2) years' imprisonment and a fine of ten thousand (20,000) to two hundred thousand (250,000) ouguiyas.

PENAL CODE 1983

Article 331

Will be punished from ten days to six months of imprisonment and from 5,000 to 100,000 ouguiya of fine:

1. Whoever, in a spirit of lucre, has induced the parents or one of them to abandon their child, born or unborn;
2. Any person who has caused the adoption by the prospective parents, or one of them, of an act under which they undertake to abandon the unborn child, who has detained such an act, Shall have made use of it or attempted to make use of it;
3. Any person who, in a spirit of lucre, has brought or attempted to bring his or her assistance for the purpose of collecting or adopting a child.

Article 334

He who, without fraud or violence, will be removed or diverted or attempted to remove or away a person under 18 shall be punished by imprisonment of two to five years and a fine from 5,000 to 20,000 MUs. In all cases where 'the abductor would have married the girl he kidnapped, he can be prosecuted the complaint of those who, by law, have the right to request annulment of marriage or sentenced after the annulment of the marriage was pronounced.

LAW NO 017/2004 ON THE LABOUR CODE

Article 5. The principle of freedom to work

Forced or compulsory labor by which a work or service is required of a person under the threat of any penalty and for which the person has not offered himself voluntarily is prohibited. Any employment relationship, even if it is not the result of a contract of employment, in which a person provides work or a service for which he has not offered himself voluntarily, is also prohibited. Any infringement of these provisions is punishable by penal sanctions provided for by Law 2003-025 of 17/07/2003 on the punishment of trafficking in persons.

ACT NO 025/2003 ON
THE SUPPRESSION OF
TRAFFICKING IN
PERSONS

Article 1

Notwithstanding the definitions laid down in treaties and international conventions on human rights ratified by Mauritania, "Trafficking in persons" shall mean the recruitment, transportation, transfer of persons by force or use of force or threats or other forms of coercion, of abduction, deception, abuse of power or exploitation of a position of vulnerability or of the giving of the acceptance of payment or advantage to achieve the consent of a person having control over another person for exploitation. Exploitation shall include a minimum of unpaid work, labour or forced services and similar practices, the removal of organs for profit, exploitation of prostitution of others or other forms of exploitation sexual.

Article 2

The consent of a victim of human trafficking operation is deemed null and void when one of the means set forth in the preceding section was used.

Article 3

The recruitment, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in the Article 1.

Article 4

The commission of the acts set out in Articles 1, 2 and 3 constitutes the crime of human trafficking.

Article 5

In addition to the forfeiture of their civil and political rights, the perpetrators of human trafficking will be punished with hard labour for five to ten years and a fine of 500,000 to 1,000,000 UM. Will also be punished in the same sentence, those who have entered into an agreement whose purpose is to dispose of, either free or for remuneration, freedom of another person. Will be condemned to the same penalties and a fine of 600,000 to 1,200,000 ouguiyas the authors of the crimes belonging to an organized criminal group.

ACT NO 052/2001 ON
THE PERSONAL
STATUS CODE

Article 5

For a marriage to be contracted, the following elements must be present: two spouses, the guardian [weli], the dowry and the consent.

Article 6

Any person of sound mind who is at least 18 years old shall be able to marry. A disabled person may be married by her guardian [weli] if the guardian approves of the marriage.

Article 9

Guardianship [wilaya] is exercised in the interests of the woman. A woman who has reached the age of majority cannot be married without her consent and the presence of her guardian [weli]. Consent can be implied by silence.

Article 26

A marriage is contracted by the consent of the parties, expressed in sacred words or using any expression acceptable by usage. If a person is unable to express himself/herself, valid consent can be expressed either in writing or by any sign expressing willingness in some way.

Mauritius

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution at section 6(1) which declares that no person shall be held in slavery.
- ii) **Provisions** related to **servitude** are found in the Constitution at section 6(1) which declares that no person shall be held in servitude. Adoption through illegal means for the purpose of exploitation is also criminalised as trafficking under article 11 of the 2009 Combating of Trafficking in Persons Act.
- iii) **Provisions** related to **forced labour** are found in the Constitution at section 6(2) which declares that no person shall be required to perform forced labour.
- iv) **Provisions** related to **trafficking in persons** are found in the Combating of Trafficking in Persons Act which criminalises trafficking under article 11.

2) International Obligations: Mauritius consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (2 December 1969, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: (18 July 1969, succession)
1957 Abolition of Forced Labour Convention: (2 December 1969, ratification)
1966 ICCPR: (12 December 1973, accession)
1998 Rome Statute of the ICC: (5 March 2002, ratification)
2000 Palermo Protocol (Trafficking in Persons): (24 September 2003, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Mauritius appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION OF MAURITIUS 1968 (WITH AMENDMENTS THROUGH 2011)

Section 3: Fundamental rights and freedoms of the individual

It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms

a. the right of the individual to life, liberty, security of the person and the protection of the law;

b. freedom of conscience, of expression, of assembly and association and freedom to establish schools, and

c. the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation,

and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

Section 5: Protection of right to personal liberty

(1) No person shall be deprived of his personal liberty save as may be authorised by law

Section 6: Protection from slavery and forced labour

(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression 'forced labour' does not include –

(a) any labour required in consequence of the sentence or order of a court;

(b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;

(c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that person is required by law to perform in place of such service; or

(d) any labour required during a period of public emergency or in the event of any other emergency or calamity that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable, in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.

Section 7: Protection from inhuman treatment

(1) No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.

Section 15: Protection of freedom of movement

(1) No person shall be deprived of his freedom of movement, and for the purposes of this section, that freedom means the right to move freely throughout Mauritius, the right to reside in any part of Mauritius, the right to enter Mauritius, the right to leave Mauritius and immunity from expulsion from Mauritius.

CRIMINAL CODE

Section 253: Procuring, enticing and exploiting prostitute

- (1) Any person who, to gratify the passions of another and for gain –
- (a) procures, entices or leads away, for purposes of prostitution, another person;
 - (b) exploits, or is an accomplice in, the prostitution of another person, even with the consent of that person;
 - (c) draws a benefit from the prostitution of some other person, shares the earnings of, or receives subsidies from, another person who habitually indulges in prostitution,
- shall commit an offence.
- (2) Any person who commits, or is an accomplice in the commission of, any of the offences mentioned in subsection (1) shall commit an offence regardless of motives or gain where –
- (a) the person procured, enticed, led away, exploited, in relation to whose prostitution a benefit is drawn, whose earnings are shared or from whom subsidies are received is less than 18 years of age at the time of the offence;
 - (b) the person is procured, enticed, led away or exploited for the purpose of being sent abroad;
 - (c) the person is procured, enticed, led away or exploited by the use of fraud, deceit, threat, violence or any other means of duress.
- (3) No person shall be convicted of an offence under this section upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused.
- (4) Any person guilty of an offence under this section shall be liable on conviction to imprisonment for a term which, notwithstanding section 152 of the Criminal Procedure Act, shall be not less than 2 years nor more than 10 years together with a fine not exceeding 100,000 rupees.
- (5) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under this section.

CRIMINAL CODE (SUPPLEMENTARY) ACT

Section 90: Brothel keeping

- (1) Any person who –
- (a) keeps or manages, or assists in the keeping or management of a brothel;
 - (b) being the tenant, lessee or occupier, or person in charge of any premises, permits those premises or any part of them to be used as a brothel; or
 - (c) being the landlord or lessor of any premises or the agent of such landlord or lessor, lets or continues to let the premises or any part of them with the knowledge that the premises or any part of them are or is to be used as a brothel, or is wilfully a party to the continued use of the premises or any part of them as a brothel, shall commit an offence and shall, on conviction, be liable subject to subsection (2), to a fine not exceeding 200,000 rupees together with imprisonment for a term not exceeding 10 years.

(2)

(a) Notwithstanding sections 150 to 153 of the Criminal Procedure Act, a person charged under subsection (1)(b) for having permitted a minor to use the premises as a brothel shall, on conviction, be liable to imprisonment for a term of not less than 2 years.

(b) Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under paragraph (a).

(3) In this section, “brothel” means any premises or any part thereof resorted to by persons of both sexes for the purpose of prostitution.

(4) No prosecution shall be entered under this section except by direction of the Director

Section 91A: Importuning

Any person who solicits or importunes another person in a public place for an immoral purpose, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding 50,000 rupees.

COMBATING OF TRAFFICKING IN PERSONS ACT 2009

Section 2: Interpretation

In this Act –

“exploitation” includes –

(a) all forms of slavery or practices similar to slavery, including forced marriage;

(b) sexual exploitation;

(c) forced labour; and

(d) the illegal removal of body organs;

“forced labour” means labour or services obtained or maintained through threats, the use of force, intimidation or other forms of coercion, or physical restraint;

“sexual exploitation” means obtaining financial or other benefits through the involvement of another person in prostitution or in other kinds of sexual services, including pornographic acts or the production of pornographic materials, as a result of subjecting another person to one of the means listed in paragraph (a) of the definition of “trafficking”;

“slavery” means the exercise of any or all of the powers attaching to the right of ownership over a person;

“trafficking” means –

(a) the recruitment, sale, supply, procurement, capture, removal, transportation, transfer, harbouring or receipt of a person –

(i) by the use of threat, force, intimidation, coercion, abduction, fraud, deception, abuse of power or abuse of a position of vulnerability; or

(ii) by the giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or

(b) the adoption of a person facilitated or secured through illegal means, for the purpose of exploitation;

Section 11: Trafficking in persons

(1)

(a) Any person who traffics another person or allows another person to be trafficked shall commit an offence.

(b) It shall not be a defence to a charge under paragraph (a) that a person who is a victim of trafficking, or a person having control or

authority over a minor who is a victim of trafficking, has consented to the act which was intended to constitute trafficking.

(2) Any person who knowingly –

(a) leases a room, house, building or establishment or subleases or allows it to be used, for the purpose of harbouring a victim of trafficking; or

(b) advertises, publishes, prints, broadcasts, distributes, or causes the advertisement, publication, broadcast or distribution of, information which suggests or alludes to trafficking by any means, including the use of the internet or other information technology, shall commit an offence.

(3)

(a) Every internet service provider operating in Mauritius shall be under a duty to report to the Police forthwith any site on its server which contains information in contravention of subsection (2)(b).

(b) Any internet service provider who fails to comply with paragraph (a) shall commit an offence.

(4) Any person who knowingly benefits, financially or otherwise, from the services of a victim of trafficking or uses, or enables another person's usage of, the services of a victim of trafficking shall commit an offence.

Section 12: Possession or concealment of document

Any person who, without good cause, has in his possession, destroys, confiscates, conceals or tampers with any actual or purported identification document, passport or other travel document of a victim of trafficking shall commit an offence.

Section 14: Penalties

(1) Any person who commits an offence under section 11 shall, on conviction, be liable to penal servitude for a term not exceeding 15 years.

(2) Any person who commits an offence under section 12 shall, on conviction, be liable to imprisonment for a term not exceeding 5 years and to a fine not exceeding 100,000 rupees.

(3) The Community Service Order Act, Part X of the Criminal Procedure Act and the Probation of Offenders Act shall not apply to a person liable to be sentenced under subsection (1).

INTERNATIONAL CRIMINAL COURT ACT 2011

2. Interpretation

In this Act—

“crime against humanity” has the same meaning as in the Statute and in Part I of the Schedule;

“war crime” has the same meaning as in the Statute and in Part III of the Schedule.

4. International crimes

(1) Notwithstanding any other enactment, any person who commits—

(a) a crime against humanity;

(b) genocide; or

(c) a war crime,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 45 years.

(2) Any person who—

(b) contributes to the commission of an international crime by a group of persons acting with a common purpose, where such contribution is intentional and is either—

(i) made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the International Criminal Court; or

(ii) made in the knowledge of the intention of the group to commit the crime,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 45 years.

THE CHILD PROTECTION ACT (1995)

Section 14

(1) Any person who causes, incites or allows any child –

(a) to be sexually abused by him or another person;

(b) to have access to a brothel;

(c) to engage in prostitution,

shall commit an offence.

Under Subsection 2, for the purpose of subsection (1)(a), a child shall be deemed to be sexually abused when he has taken part whether as a willing or unwilling participant or observer in any act which is sexual in nature for the purpose of –

(a) another person's gratification;

(b) any activity of pornographic, obscene or indecent nature;

(c) any other kind of exploitation by any person.

Mexico

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 1 which forbids slavery and declares all persons entering Mexico to be free and the 2012 Law on the Prevention, Punishment and Eradication of Offenses in the Field of Trafficking Of Persons which criminalises having or maintaining a person in a situation of slavery under article 11.

ii) **Provisions** related to **servitude** are found in the 2012 Anti-Trafficking Law which criminalises debt bondage and serfdom under article 12. Articles 26 and 27 also criminalise exploitation of children, including through adoption, by parents, guardians, and adopters, and article 28 criminalises forced marriage including for consideration or for the purpose of prostitution, subjection to slavery, or similar.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 5 which declares the no one may be compelled to work or render personal services without fair compensation and full consent. Forced Labour is also criminalised under article 22 of the 2012 Anti-Trafficking Law and article 365 of the Criminal Code.

iv) **Provisions** related to **trafficking in persons** are found in the 2007 Law to Prevent and Punish Trafficking in Persons which criminalises trafficking under articles 5 and 6. Trafficking in children is also criminalised under article 366 ter of the Criminal Code.

2) International Obligations: Mexico consents to:

1926 Slavery Convention: (8 September 1934, accession)
 1930 Forced Labour Convention: (1 June 1959, ratification)
 1953 Protocol to the 1926 Slavery Convention: (3 February 1954, definitive signature)
 1956 Slavery Convention: (30 June 1959, ratification)
 1957 Abolition of Forced Labour Convention: (1 June 1959, ratification)
 1966 ICCPR: (23 March 1981, accession)
 1998 Rome Statute of the ICC: (28 October 2005, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (4 March 2003, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Mexico appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF MEXICO 1917 (REV. 2015)

Article 1

In the United Mexican States, all individuals shall be entitled to the human rights granted by this Constitution and the international treaties signed by the Mexican State, as well as to the guarantees for the protection of these rights. Such human rights shall not be restricted or suspended, except for the cases and under the conditions established by this Constitution itself.

The provisions relating to human rights shall be interpreted according to this Constitution and the international treaties on the subject, working in favor of the broader protection of people at all times.

All authorities, in their areas of competence, are obliged to promote, respect, protect and guarantee Human Rights, in accordance with the principles of universality, interdependence, indivisibility and progressiveness. As a consequence, the State must prevent, investigate, penalize and rectify violations to Human Rights, according to the law. Slavery shall be forbidden in Mexico. Every individual who is considered as a slave at a foreign country shall be freed and protected under the law by just entering the country.

Article 5

No person may be prevented from performing the profession, industry, business or work of his choice, provided that it is lawful. This right may only be banned by judicial resolution, when third parties' rights are infringed, or by government order, issued according to the law when society's rights are infringed. No one can be deprived of legal wages, except by a judicial ruling.

No one can be compelled to work or render personal services without obtaining a fair compensation and without his full consent, unless the work has been imposed as a penalty by a judicial authority, which shall be subjected to the provisions established in the Article 123, sections I and II.

Only the following public services may be mandatory, and always according to the respective law: military service, jury service, councilman service and positions granted through the direct or indirect vote. Electoral and census duties shall be mandatory and free; however, those services performed professionally shall be paid as provided by this Constitution and any applicable laws. Social professional services shall be mandatory and remunerated according to the law and with the exceptions established in it.

Any contract, pact or agreement, which purpose is the demerit, loss or irrevocable sacrifice of a person's liberty is prohibited.

Any contract by which a person agrees to his own proscription or exile, or by which he temporarily or permanently waives his right to practice certain profession, industry or business shall not be authorized either.

A work contract will oblige the person only to render the service mentioned in that contract during the term established by law, which may not exceed one year in detriment of the worker. The work contract cannot include the waiver, loss or damage of any political or civil right. In the event that the worker fails to fulfill said contract, he only may be subjected to civil liability, but never may be exerted any coercion on him.

Article 22

Penalties of death, mutilation, infamy, marks, physical punishments, torture, excessive fines, confiscation of assets, and other cruel

punishments are prohibited. Every penalty shall be in proportion to the crime committed and to the legally protected interest.

Article 123

Every person has the right to have a decent and socially useful job. Therefore, job creation and social organization of work shall be encouraged according to the law.

The Congress of the Union, without contravening the following basic principles, shall formulate labor laws, which shall apply as following:

FEDERAL CRIMINAL CODE

Article 149.

A person who violates the duties of humanity in the prisoners and hostages of war, in the wounded, or in hospitals of blood, shall be applied for that single act: imprisonment of three to six years, except as provided for Special cases, in military laws.

Article 201.

The offense of corruption commits, obligates , induces, facilitates or provides for one or more persons under the age of 18 or one or more persons who are unable to understand the meaning of the act or one or more persons who Do not have the capacity to resist it to carry out any of the following acts:

- A) Usual consumption of alcoholic beverages;
- B) Consumption of toxic substances or consumption of any of the narcotics referred to in the first paragraph of article 193 of this Code or the drug dependency;
- C) Begging for exploitation purposes;
- D) Commission of an offense;
- E) To be part of a criminal association; Y
- F) To perform acts of corporal or sexual exhibitions simulated or not, with lascivious or sexual purpose.

Whoever commits this crime shall be imposed: in the case of subsection a) or b) imprisonment of five to ten years and a fine of five hundred to one thousand days; In the case of subsection c) imprisonment from four to nine years and from four hundred to nine hundred days fine; In the case of subsection d), the provisions of article 52, of Chapter I, of Title Three, of this Code shall be in force; In the case of paragraph e) of a prison sentence of seven to twelve years and a fine of eight hundred to two thousand five hundred days.

When begging for poverty or neglect, it must be attended by social assistance.

Article 205a Trafficking in Persons Less Than Eighteen Years of Age or Persons Who Have No Ability to Understand the Meaning of Fact or Persons Who Have No Ability to Resist It

The sanctions indicated in articles 200, 201, 202, 203 and 204 shall be increased to double that of the corresponding when the author has to the victim, any of the following relations:

- A) Those who exercise parental authority, custody or custody;
- B) Ascendants or descendants without limit of degree;
- C) Collateral relatives up to fourth grade;
- D) Tutors or healers;

- E) The one exercised over the victim by virtue of an employment, educational, domestic, medical or any other relationship involving the subordination of the victim;
- F) Who uses public function to commit the crime;
- G) Who lives in the same address as the victim;
- H) To the minister of a religious cult;

Article. 206 .

The pimping is punishable by imprisonment from two to nine years and fifty to five hundred day fine.

Article 206 BIS.

Commits the crime of pimping:

- I.- Any person who exploits the body of another by means of the carnal trade, maintains of this commerce or obtains of him any profit;
- II. The person who induces or solicits a person so that with another, sexually with his body or provides him with the means to give himself to prostitution, and
- III.- To the one who regents, administers or sustains directly or indirectly, brothels, houses of appointment or places of concurrence expressly dedicated to exploit prostitution, or obtain any benefit with its products.

Article 364.

It shall be imposed from six months to three years imprisonment and from twenty-five to one hundred days fine: The individual who deprives another of his freedom.

If the deprivation of liberty exceeds twenty-four hours, the penalty of imprisonment shall be increased by one more month for each day.

It shall be imposed from six months to three years imprisonment and from twenty-five to one hundred days fine: The individual who deprives another of his freedom. If the deprivation of liberty exceeds twenty-four hours, the penalty of imprisonment shall be increased by one more month for each day.

It shall be imposed from six months to three years imprisonment and from twenty-five to one hundred days fine:

The individual who deprives another of his freedom. If the deprivation of liberty exceeds twenty-four hours, the penalty of imprisonment shall be increased by one more month for each day.

The penalty of imprisonment shall be increased by up to one half, when the deprivation of liberty is carried out with violence, when the victim is under the age of sixteen or over sixty years of age, or when under any circumstance, the victim is in a situation of inferiority Physical or mental with respect to who executes it.

Article 365.

They shall be imposed from three days to one year in prison and a fine of five to one hundred pesos:

- I.- To oblige another to render personal work or services without due remuneration, either by using physical or moral violence or by using deception, intimidation or any other means, and
- II.- To a person who concludes with another a contract that deprives the latter of freedom or imposes conditions that constitute a kind of

servitude or that seize some person and deliver it to another in order that the latter enters into such a contract .

Article 365Bis.

Any person who illegally deprives another of his or her liberty for the purpose of performing a sexual act shall be punished with one to five years' imprisonment.

If the perpetrator returns the victim to freedom without having performed the sexual act, within three days, the penalty will be from one month to two years in prison.

This offense will only be prosecuted for the offense of the offended person.

Article 366.

The one who deprives of freedom to another will be applied:

II. From twenty to forty years imprisonment and from two thousand to four thousand days fine, if in the deprivation of liberty referred to in the preceding section one or more of the following circumstances concur:

A) That is carried out in public way or in place unprotected or solitary;

B) That the author is or has been a member of a public security institution, or be held as such without being;

C) That those who carry out work in a group of two or more people;

D) That it is carried out with violence, or

E) That the victim is under sixteen or more than sixty years of age, or that for any other circumstance is in physical or mental inferiority with respect to the one who executes the deprivation of liberty.

III. Twenty-five to fifty years imprisonment and four thousand to eight thousand days fine shall apply, when the deprivation of liberty is carried out with the purpose of transferring a minor of sixteen years out of national territory, with the purpose of obtaining an undue profit For the sale or delivery of the child.

Article 366Ter.

Commits the offense of trafficking in children, who transfers a child under the age of sixteen or delivers it to a third party, illegally, outside the national territory, for the purpose of obtaining an undue economic benefit by the Transfer or delivery of the child.

They commit the crime referred to in the previous paragraph:

I. Those who exercise parental authority or custody over the child, even if it has not been declared, when materially carrying out the transfer or surrender or for having consented to do so;

II. Ancestors with no degree limit, collateral relatives and by affinity up to the fourth degree, as well as any third party who is not related to the minor.

It shall be understood that the persons referred to in the preceding paragraph act unlawfully when they are aware that:

A) Those who exercise parental authority or custody of the child have not given their express consent for the transfer or delivery, or

B) Those who exercise parental authority or custody of the child will obtain an undue economic benefit for the transfer or delivery.

III. The person or people who will receive the under-age.

Those who commit the offense referred to in this article shall be punished by three to ten years in prison and four hundred to a thousand days fine.

In addition to the sanctions indicated in the previous paragraph, the rights of parental authority, guardianship or custody shall be deprived of any rights to those who, when exercising them, commit the offense referred to in this article.

Up to two-thirds of the penalties referred to in this article shall apply, when the child is transferred or delivered in the national territory.

Article 366 quarter.

The penalties referred to in the previous article shall be reduced by one half when:

- I. The transfer or delivery of the child is carried out without the purpose of obtaining an undue economic benefit, or
- II. The person receiving the child has the intention of incorporating it into the family.

The penalties referred to in this article shall be imposed on the father or mother of a child under the age of sixteen who, unlawfully or without the consent of the person or persons exercising parental authority or custody of the child, without the purpose of obtaining an improper profit, Move it outside the national territory in order to change their habitual residence or prevent the mother or father, as the case may be, to live with the child

Or visit it. In addition, the rights of patria potestas, guardianship or custody shall be deprived of those who, if appropriate, Having the exercise of these commit the crime referred to in this article. In the cases referred to in this article, the offense shall be prosecuted at the request of an offended party.

GENERAL LAW ON THE PREVENTION, PUNISHMENT AND ERADICATION OF OFFENSES IN THE FIELD OF TRAFFICKING OF PERSONS AND FOR THE PROTECTION AND ASSISTANCE OF THE VICTIMS OF THESE OFFENSES 2012

Article 10.

Any intentional act or omission of one or more persons to capture, engage, transport, transfer, retain, deliver, receive or lodge one or more persons for the purpose of exploitation shall be subject to 5 to 15 years' imprisonment and From one thousand to twenty thousand days fine, without prejudice to the corresponding penalties for each of the crimes committed, provided for and sanctioned in this Law and in the corresponding penal codes.

A person's exploitation shall be understood as:

- I. Slavery, in accordance with article 11 of this Law;
- II. The status of serf, in accordance with article 12 of this Law;
- III. The prostitution of others or other forms of sexual exploitation, in the terms of articles 13 to 20 of this Law;
- IV. The labor exploitation, in the terms of article 21 of the present Law;
- V. Forced labor or services, in the terms of article 22 of this Law;
- VI. Forced begging, in the terms of article 24 of this Law;
- VII. The use of persons under the age of eighteen years in criminal activities, in the terms of article 25 of this Law;
- VIII. The illegal adoption of a person under the age of eighteen, under the terms of articles 26 and 27 of this Law;
- IX. Forced or servile marriage, in the terms of article 28 of this Law, as well as the situation provided for in article 29;
- X. Trafficking in organs, tissues and cells of living humans, in the terms of article 30 of this Law; And
- XI. Illicit biomedical experimentation on human beings, in the terms of article 31 of the present Law

Article 11.

Whoever has or maintains another person in a situation of slavery, will be punished with a penalty of 15 to 30 years imprisonment and a thousand to 20 thousand days fine.

Slavery is understood as the domination of one person over another, leaving it without the ability to freely dispose of its own person or property and exercise, in fact, attributes of the right of ownership.

Article 12.

Whoever has or maintains a person in the condition of a servant shall be punished with a penalty of 5 to 10 years in prison and a thousand to 20 thousand days fine.

He is a servant:

I. By debts: The condition that results for a person from the fact that a debtor has committed to provide his personal services, or those of someone over whom he exercises authority, as collateral of a debt, if the services rendered, equitably valued, Do not apply to the payment of the debt, or if its duration is not limited or the nature of said services is defined.

II. By soil [serfdom]: It is a servant for a land that:

A) It is prevented from changing its condition to live or to work on a land belonging to another person;

(B) Is obliged to provide services, whether paid or not, without being able to leave the land belonging to another person;

C) Exercise property rights of a land that also implies rights over persons who can not leave the property.

Article 13.

A fine shall be punishable by 15 to 30 years' imprisonment and a fine of 1,000 to 30,000 days, which shall benefit from the exploitation of one or more persons through prostitution, pornography, public or private exhibitions Of sexual order, sex tourism or any other remunerated sexual activity through:

I. The deception;

II. Physical or moral violence;

III. Abuse of power;

IV. The use of a situation of vulnerability;

V. Serious damage or threat of serious injury; or

VI. The threat of denouncing him to authorities regarding his immigration status in the country or any other abuse of the use of the law or legal procedures, which causes the taxpayer to submit to the requirements of the asset.

In the case of persons who are minors or persons who do not have the capacity to understand the meaning of the act, verification of the means referred to in this article shall not be required.

Article 14.

A fine will be sanctioned with a sentence of 10 to 15 years of imprisonment and of a thousand to 30 thousand days fine, to which it subjects to a person or it benefits of subjecting a person to carry out pornographic acts, or to produce or benefit from The production of pornographic material, or deceives or engages in deceiving a person to perform sexual services or perform pornographic acts.

Article 16.

A penalty of 15 to 30 years of imprisonment and of 2,000 to 60,000 fine shall be imposed, as well as confiscation of the objects, instruments and proceeds of crime, including destruction of the resulting materials, which seeks, promotes, Obliges, publicizes, manages, facilitates or induces, by any means, a person under eighteen years of age, or who does not have the capacity to understand the

Meaning of the fact, or does not have the capacity to resist the conduct, to perform sexual acts or exposicionismo corporal, for sexual purposes, real or simulated, in order to produce material through video to record them, record them, photograph them, film them, display them Or describe them through print advertisements, computer systems, electronic or substitutes, and financially benefit from the exploitation of the person.

If force, deception, physical or psychological violence, coercion, abuse of power or vulnerability, addictions, a hierarchical or trust position, or the granting or receipt of payments or benefits are used To obtain the consent of a person having authority over another or any other circumstance that diminishes or eliminates the will of the victim to resist, the penalty provided in the previous paragraph shall be increased by one half.

The same penalties provided for in the first paragraph of this article shall be imposed on the person who finances, manufactures, stores, distributes, markets, leases, exhibits, advertises, distributes, acquires, exchanges or shares, by any means, the material Refer to the above behaviors.

Article 18.

A penalty of 15 to 25 years of imprisonment and a thousand to 20 thousand days shall be imposed, which promotes, publicizes, invites, facilitates or manages by any means that one or more persons travel to the interior or exterior of the territory National for the purpose of engaging in any kind of sexual activity, real or simulated, with one or more persons under eighteen years of age, or with one or more persons who are unable to understand the meaning of the act or with one or more People who do not have the capacity to resist it, and benefit economically from it.

Article 19.

A fine will be sanctioned with a sentence of 5 to 10 years of imprisonment and of 4 thousand to 30 thousand days fine, the one that contracts a person or offers a work other than the sexual services and induces to realize them, under deceit in any of The following circumstances:

- I. That the agreement or contract includes the provision of sexual services; or
- II. Nature, frequency and specific conditions; or
- III. The extent to which the person will be free to leave the place or area in exchange for performing such practices; or
- IV. The extent to which the person will be free to leave work in exchange for the performance of such practices; or
- V. The extent to which the person will be able to leave his place of residence in exchange for the performance of those practices; or

VI. If it is alleged that the person has contracted or will incur a debt in relation to the agreement: the amount, or the existence of the amount owed or supposedly owed.

Article 20.

A fine will be sanctioned with a sentence of 5 to 10 years of imprisonment and of 4 thousand to 30 thousand days fine, which, obtaining economic benefit for itself or for a third party, contract even lawfully, another for the provision of sexual services In the circumstances of fractions II to VI of the previous article.

Article 21.

A penalty of 3 to 10 years in prison, and from 5,000 to 50,000 days a fine, will be sanctioned with one or more persons.

There is labor exploitation when a person obtains, directly or indirectly, unjustifiable economic or other benefit, in an illegal way, through the work of others, subjecting the person to practices that violate his dignity, such as:

- I. Dangerous or unhealthy conditions, without the necessary protections according to the labor legislation or the existing norms for the development of an activity or industry;
- II. Existence of a manifest disproportion between the amount of work performed and the payment made by it, or
- III. Salary below what is legally established.

Article 22.

A penalty of 10 to 20 years of imprisonment and a fine of 5,000 to 50,000 days shall be sanctioned, who has or maintains a person in forced labor.

There is forced labor when it is obtained by:

- I. Use of force, threat of force, physical coercion, or threats of physical coercion to that person or to another person, or using the force or threat of force of a criminal organization;
- II. Serious harm or threat of serious harm to the person who places it in vulnerable condition;
- III. The abuse or threat of denunciation to the authorities of their illegal immigration situation in the country or of any other abuse in the use of the law or legal process that causes the taxpayer to submit to unfair conditions or that violate their dignity .

Article 23.

No forced labor or service or labor exploitation shall be considered when:

- I. Required under the laws on compulsory military service;
- II. Form part of the normal civic obligations of the citizens towards the Federation, the Federal District or its territorial demarcations, the states or municipalities;
- III. A person is required by virtue of a sentence pronounced by a court judgment, or under the terms of Article 21 of the Constitution as work in favor of the community, provided that this work or service is performed under the supervision and control of public authorities , And that said person is not transferred or made available to private individuals, companies or legal entities;

IV. The works are voluntary and performed by members of a community for the direct benefit of the community and therefore can be considered as normal civic obligations that belong to members of the local community, national or an international organization, groups or associations of society Civil and public or private charitable institutions.

Article 24.

A prison sentence of 4 to 9 years and a fine of 500 to 20 thousand days will be sanctioned, whoever uses a person to perform acts of begging. Exploitation of the begging of others means gaining a benefit by forcing a person to seek alms or charity against his will, by resorting to the threat of serious injury, serious injury or the use of force or other forms of coercion, or The deceit.

If persons who are under the age of eighteen, over seventy, pregnant women, persons with injuries, illnesses or physical or psychological disabilities are used for the purposes of the first paragraph of this article, a sentence of 9 to 15 years' imprisonment and a Thousand to 25 thousand days fine.

Article 26.

A fine of 20 to 40 years of imprisonment and of 2 thousand to 20 thousand days fine shall be imposed on the father, mother, guardian or person having authority over whom the conduct that is delivered or received in an illegal, illicit, Irregular or even by adoption, a person under eighteen years of age in order to abuse or exploit it sexually or any of the forms of exploitation referred to in article 10 of this Law.

In all cases in which this behavior is proven, adoption will be declared void.

Article 27.

A fine of 3 to 10 years in prison and a fine of 500 to 2 thousand days shall be imposed, which he or she shall deliver as a parent or guardian or person who has authority over whom the conduct is carried out or receives for pecuniary interest, in Their status as adopter in an illegal, unlawful or irregular manner, to a person under the age of eighteen. In all cases in which this behavior is proven, adoption will be declared void.

It will not be proceeded against who in good faith has received a person in irregular condition, in order to integrate it as part of their family nucleus with all its consequences.

Article 28.

A sentence of 4 to 10 years of imprisonment and of 200 to 2 thousand days fine will be imposed, in addition to the declaration of nullity of marriage, to which:

- I. Obligate to contract marriage to a person, free of charge or in exchange for payment in cash or in kind delivered to his parents, guardian, family or any other person or group of persons exercising an authority over it;
- II. It forces a person to marry a person for the purpose of prostitution or subjection to slavery or similar practices;
- III. Transfer or transfer a person to a third party, for consideration, free of charge or otherwise.

Article 29.

A penalty of 20 to 40 years of imprisonment and of 2,000 to 30 thousand days will be imposed, to which sexual exploitation taking advantage of the marriage relationship or concubinage. In all cases in which this conduct is proven, the marriage will be declared void.

Article 30.

A penalty of 15 to 25 years of imprisonment, and of 2,000 to 30 thousand days fine, shall be imposed on anyone who carries out the removal, removal or procurement of a living organ, tissue or cells, in exchange for a benefit Or through a commercial transaction, not including the legal medical procedures for which the proper consent has been obtained, under the terms established by the General Health Law.

Micronesia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at section 10 which prohibits slavery except to punish crime, while section 701 of the Criminal Code makes deprivation of rights a crime punishable by imprisonment for up to ten years. Slavery may also form an element of the offence of trafficking under sections 615 and 616 of the Criminal Code.

ii) **Provisions** related to **servitude** are found in the Constitution at section 10 which prohibits involuntary servitude except to punish crime. Practices similar to slavery may also form an element of the offence of trafficking under sections 615 and 616 of the Criminal Code.

iii) There appears to be **no legislation** in place in Micronesia which prohibits **forced labour** although Section 3 of the Constitution prohibits deprivation of liberty without due process of law. Forced labour or services may also form an element of the offence of trafficking under sections 615 and 616 of the Criminal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code as amended by the 2012 Trafficking in Persons Act which criminalises trafficking under sections 615 (trafficking in persons) and section 616 (trafficking in children).

2) International Obligations: Micronesia consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: N/A
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: N/A
1966 ICCPR: N/A
1998 Rome Statute of the ICC: N/A
2000 Palermo Protocol (Trafficking in Persons): N/A
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Micronesia appears to be:

- in breach of its obligations under customary international law with regards to slavery.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE FEDERATED
STATES OF
MICRONESIA 1978
(REV. 1990)

Article 4. Declaration of Rights

Section 1.

No law may deny or impair freedom of expression, peaceable assembly, association, or petition.

Section 3.

A person may not be deprived of life, liberty, or property without due process of law, or be denied the equal protection of the laws.

Section 10.

Slavery and involuntary servitude are prohibited except to punish crime.

Section 12.

A citizen of the Federated States of Micronesia may travel and migrate within the Federated States.

Section 13.

Imprisonment for debt is prohibited.

REVISED CODE OF
THE FEDERATED
STATES OF
MICRONESIA, TITLE 11
CRIMES (AS
AMENDED BY THE
TRAFFICKING IN
PERSONS ACT 2012)

SUBCHAPTER II Trafficking in Persons

§ 611. Citation.

This Act shall be known and may be cited as "Trafficking in Persons Act of 2012."

§ 612. Definitions.

(3) "Exploitation" means:

- (a) the obtaining of financial or other material benefit from the prostitution of another person;
- (b) the exaction of forced labor or services, or the obtaining of labor or services through deceit, fraud, or by means of a material misrepresentation;
- (c) slavery or practices similar to slavery.

§ 615. Offense of human trafficking.

A person who knowingly recruits, transports, transfers, harbors or receives another person for the purpose of exploitation, by threat, use of force, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person shall be guilty of human trafficking. Upon conviction, a person guilty of this offense shall be imprisoned for not more than 15 years, or fined not less than \$5,000 but not more than \$25,000, or both.

§ 616. Offense of trafficking in children.

A person who knowingly recruits, transports, transfers, harbors, or receives a child by any means for the purpose of exploitation shall be guilty of child trafficking. Upon conviction, a person guilty of this offense shall be imprisoned for not more than 30 years, or fined not less than \$5,000 but not more than \$50,000, or both.

§ 617. Offense of aggravated human trafficking.

A person who engages in human trafficking as defined under section 615 of this chapter or trafficking in children as defined in section 616 of this

chapter shall be guilty of aggravated human trafficking if any of the following circumstances are present:

- (1) the offense involves serious injury or death of the victim or another person;
- (2) the offense involves a victim who is particularly vulnerable, including a pregnant woman;
- (3) the offense exposed the victim to a life threatening illness, including HIV/AIDS;
- (4) the victim is physically or mentally handicapped;
- (5) the offense involves more than one victim;
- (6) the crime was committed as part of the activity of an organized criminal group;
- (7) drugs, medications or weapons were used in the commission of the crime;
- (8) a child was adopted for the purpose of trafficking;
- (9) the offender has been previously convicted for the same or similar offenses;
- (10) the offender is a public official;
- (11) the offender is a spouse or the conjugal partner of the victim;
- (12) the offender is in a position of responsibility or trust in relation to the victim;
- (13) the offender is in a position of authority concerning a child victim.

Upon conviction, a person guilty of this offense shall be imprisoned for not more than 30 years, or fined not less than \$5,000 but not more than \$50,000, or both.

Source: PL 17-38 § 9.

§ 618. Offense of exploiting a trafficked person.

A person who knowingly engages or participates in or profits from the exploitation of a trafficked person shall be guilty of an offense. Upon conviction, a person guilty of this offense shall be imprisoned for not more than ten years, or fined not less than \$5,000 but not more than \$20,000, or both.

Source: PL 17-38 § 10.

§ 619. Consent of trafficked or smuggled person irrelevant.

Consent to the act or acts constituting an offense on the part of a smuggled person under sections 613 and 614 of this chapter, or a trafficked person under sections 616, 617, and 618 of this chapter, is not a legal defense.

§ 701. Deprivation of rights.

(1) A person commits a crime if he or she willfully, whether or not acting under the color of law, deprives another of, or injures, oppresses, threatens, or intimidates another in the free exercise or enjoyment of, or because of his or her having so exercised any right, privilege, or immunity secured to him by the Constitution or laws of the Federated States of Micronesia, the laws of the Trust Territory of the Pacific Islands, or the Constitution or laws of the United States of America which are applicable to the Federated States of Micronesia.

(2) A person convicted under this section shall be imprisoned for not more than ten years.

(3) A person who deprives another of any right or privilege protected under this section shall be civilly liable to the party injured in an action at

law, suit in equity, or other proper proceeding for redress, without regard to whether a criminal case has been brought or conviction obtained. In an action brought under this section, the court may award costs and reasonable attorney's fees to the prevailing party.

PROTECTION OF
RESIDENT WORKERS
ACT AMENDING
TITLE 51 OF THE
CODE OF THE
FEDERATED STATES
OF MICRONESIA

§ 167. Penalties for violation of chapter.

- (1) Any employer who willfully violates any of the provisions of this chapter or any of the rules and regulations issued pursuant thereto shall, upon conviction thereof, be fined not more than \$2,000, or imprisoned for not more than six months, or both.
- (2) Any nonresident worker who fails to comply with the provisions of section 138(3) of this chapter shall, upon conviction thereof, be fined not more than \$50, or imprisoned for not more than five days, or both.

Monaco

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Monaco which prohibits **slavery**, although the Constitution guarantees personal freedom under article 19.
- ii) There appears to be **no legislation** in place in Monaco which prohibits **servitude**, although article 294-2 of the Penal Code criminalises adoption 'in the spirit of lucre'.
- iii) There appears to be **no legislation** in place in Monaco which prohibits **forced labour** although the 2015 Human Rights Report notes that all forms of forced and compulsory labour are prohibited.
- iv) There appears to be **no legislation** in place in Monaco which prohibits **trafficking in persons**.

2) International Obligations: Monaco consents to:

1926 Slavery Convention: (17 January 1928, accession)
1930 Forced Labour Convention: *N/A*
1953 Protocol to the 1926 Slavery Convention: (12 November 1954, signature)
1956 Slavery Convention: *N/A*
1957 Abolition of Forced Labour Convention: *N/A*
1966 ICCPR: (28 August 1997, ratification)
1998 Rome Statute of the ICC: (18 July 2008, signature)
2000 Palermo Protocol (Trafficking in Persons): (5 June 2001, ratification)
2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Monaco appears to be:

- in breach of its obligations under the 1926 Convention with regard to slavery;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

MONEGASQUE
CONSTITUTION 1962
(REV. 2002)

Article 19

Individual freedom and security are guaranteed. No one may be prosecuted except in cases provided for by law, before legally appointed judges and in the manner prescribed by law.

Apart from cases of flagrant offence, an arrest may be carried out only pursuant to the well-founded order of the judge, which must be notified at the arrest or at the latest within twenty-four hours. Any detention must be preceded by an examination.

Article 25

Freedom of work is guaranteed. Its practice is determined by law. Priority is granted to Monegasques for the obtainment of public and private positions in the circumstances prescribed by law or international conventions.

PENAL CODE

Article 265

punished by imprisonment for a period of six months to three Years and the fine provided for in paragraph 3 of Article 26:

- (1) anyone who expects morals, usually inciting the debauchery or corruption of minors of either sex, or by generally promoting or facilitating such conduct. The same penalties apply if the attack is perpetrated, even occasionally, on a minor under the age of sixteen years;
 - (2) a person who, in order to satisfy the passions of another person, hires, drags on or, even with his consent, withholds a minor for the purpose of debauchery;
 - (3) any person who, in order to satisfy the passions of others, hires, causes or distracts, by fraud or by violence, threats, abuse of authority or any other means of compulsion, a person of full age with a view to debauchery ;
 - (4) any person who organizes or facilitates the sexual exploitation of minors in the territory or outside the territory of the Principality.
- These two penalties will be incurred even though the various acts which constitute the constituent elements of the offenses have been committed in different countries.

The attempt and preparation of the offenses provided for in this article shall be punished with the same penalties as the offenses themselves.

Article 268

The following persons shall be considered as pimps and shall be punished by imprisonment of six months to three years and by the fine provided for in article 26, paragraph 3, in any way whatsoever:

- (1) hiring, dragging or hijacking a person for prostitution or exerting pressure on him or her to prostitute or continue to prostitute;
- (2) assisting or assisting or protecting the prostitution of others;
- (3) share the proceeds of prostitution or knowingly receive in any form subsidies from persons engaged in prostitution;
- (4) can not justify resources corresponding to their mode of existence while being in habitual relationship with one or more persons engaged in prostitution.

It is assimilated to procuring, and punished by the same penalties, the fact, by anyone, in any way whatsoever:

- (1) to act as an intermediary between two persons, one of whom engages in prostitution and the other exploits or pays for the prostitution of others;
- (2) to facilitate the justification of fictitious resources for a procurer.

Article 269

Pimping is punishable by five to ten years' imprisonment and by the fine provided for in Article 26 (3) when committed:

- (1) in respect of a minor;
- (2) in respect of a person whose particular vulnerability, in particular because of his age, illness, infirmity, physical or mental disability or pregnancy, is Apparent or known to its author;
- (3) in respect of several persons;
- (4) by a legitimate, natural or adoptive ascendancy of the person who prostitutes himself or by a person who has authority over him or abuses the authority conferred on him by his duties or the state of material or psychological dependence in which Finds himself placed before her by the person who prostitutes himself;
- (5) with the use of coercion, violence or fraudulent tactics;
- (6) by several persons acting as author or accomplice, without constituting an organized gang.

Pimping is punishable by ten to twenty years' imprisonment and by the fine provided for in article 26, paragraph 4, when committed in respect of a minor under the age of sixteen years or In an organized band.

Article 269-1

The use of a minor for the purpose of sexual activity, by offering or promising money or any other form of remuneration, payment or benefit, whether such remuneration, payment, promise or benefit is To a minor or to a third person, shall be punished with imprisonment of three to five years and with the fine provided for in article 26, paragraph 3.

Article 275

A person who, without an order from the constituted authorities, and in cases where the law orders the seizure of the accused, has arrested, detained or sequestered a person, shall be punished by imprisonment of ten to twenty years.

Anyone who lent a place to execute detention or forcible confinement will suffer the same penalty.

Article 276

If the detention or sequestration lasts more than one month, the penalty shall be that of the maximum of the imprisonment in time.

Article 290

Anyone who, by fraud or violence, has abducted or caused to be abducted a minor, or has caused him to be dragged, diverted or displaced, or has caused him to be dragged, diverted or moved from places where he was placed by the authorities Or to the direction of which he was subject or entrusted, shall be liable to imprisonment for five to ten years.

Article 291

If the minor thus abducted or embezzled was less than sixteen years of age, the punishment shall be that of imprisonment of ten to twenty years.

The maximum of the same penalty shall be imposed, irrespective of the age of the minor, if the perpetrator has been paid or was intended to be paid a ransom.

However, in the cases provided for in the two preceding paragraphs, the penalty shall be five to ten years' imprisonment if the minor is found safe and sound before the conviction has been delivered.

The crime will carry the penalty of life imprisonment, if followed by the death of the minor.

Article 293

In the case where the abductor has married the abducted or misappropriated minor, he may be prosecuted only on the complaint of persons entitled to request the annulment of the marriage, and sentenced only after the marriage has been null and void. Been pronounced.

Article 294-2

Shall be punished by imprisonment from 3 months to 1 year and by the fine provided for in article 26, paragraph 3, whoever has, in a spirit of lucre, brought or attempted to bring his assistance to obtain or adopt a child.

Article 294-5

Shall be punished with imprisonment of three to five years and with the fine provided for in article 26, paragraph 3:

- (1) compelling a minor to watch or participate in pornographic scenes or performances or to profit from or exploit a minor in any other way for that purpose;
- (2) recruiting, with the use of coercion, violence or fraudulent acts, a minor to assist or participate in pornographic scenes or performances or to encourage the participation of a minor in Such spectacles;
- (3) attending pornographic performances involving the participation of minors.

The same penalties for intentionally bringing a minor to attend or participate in sexual activities are punishable by the same penalties.

2015 HUMAN RIGHTS REPORT

Section 7. Worker Rights

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor. Information regarding the adequacy of resources, remediation effort, inspection sufficiency, and penalties for violations was not available.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16. Employment between the ages of 16 and 18 is subject to severely restricted conditions. The government effectively enforced the child labor law.

Government resources, inspections, and remediation efforts were adequate. Persons employing children under 16 may be subject to a fine under the law.

Mongolia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code at article 133 which prohibits the sale and purchase of humans.

ii) There appears to be **no legislation** in place in Mongolia which prohibits **servitude**, although article 16(11) of the Constitution states that marriage is based on equality and mutual consent of spouses and article 116 of the Criminal Code prohibits switching or illegal adoption of children.

iii) **Provisions** related to **forced labour** are found in the 1992 Constitution in article 16(4) which prohibits unlawful forced work. Section 7 of the Labor Code also prohibits 'illegal forced work' although penalties are limited to fines. Article 121 of the Criminal Code also prohibits 'illegally forcing a child to labor'.

iv) **Provisions** related to **trafficking in persons** are found in the 2012 Law on combating Trafficking in Persons. Although no text of this legislation is available, it appears that these provisions do not cover all the forms of exploitation included in the Palermo Protocol.

2) International Obligations: Mongolia consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (15 March 2005, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: (20 December 1968, accession)

1957 Abolition of Forced Labour Convention: (15 March 2005, ratification)

1966 ICCPR: (18 November 1974, ratification)

1998 Rome Statute of the ICC: (11 April 2002, ratification)

2000 Palermo Protocol (Trafficking in Persons): (27 June 2008, accession)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Mongolia appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

MONGOLIA
CONSTITUTION 1992
(WITH AMENDMENTS
THROUGH 2001)

Article 16

The citizens of Mongolia shall be guaranteed to exercise the following rights and freedoms:

4) The right to free choice of employment, to be provided with the enabling conditions for labor, to receive salary and remuneration, to rest and leisure, and to engage in private enterprise. No one shall be illegally forced to work.

11) Men and women shall enjoy equal rights in political, economic, social, cultural fields and in marriage. The marriage shall be based on the equality and consensual relationship of the spouses who have attained the age determined by law. The State shall protect the interests of a family, motherhood and the child.

13) The right to personal liberty and safety. No one shall be searched, arrested, detained, persecuted or restricted of liberty, except on grounds and procedures prescribed by law. No one shall be subjected to torture, inhuman, cruel or degrading treatment. Whenever the person is arrested, his/her family and advocate (legal counsel) shall be notified within a period of time prescribed by law of the reasons for and grounds of such arrest. The privacy of citizens, their families, confidentiality of correspondence and communication, and the inviolability of home residence shall be protected by law.

18) The right to freedom of movement and residence within the country, to travel and reside abroad and to return to their motherland. The right to travel and reside abroad may be limited exclusively by law for the purpose of ensuring the national and population security, and for protecting the public order.

CRIMINAL CODE OF
MONGOLIA

Article 101. Illegal taking of human blood, organs or tissues

101.1. Taking of human blood, organs or tissues by use of violence or threat with such shall be punishable by imprisonment for a term of up to 4 years with or without deprivation of the right to hold specified positions or engage in specified business for up to 3 years.

101.2. The same crime committed against a person who knowingly is unable to defend oneself, or using own material or other superiority over the victim shall be punishable by imprisonment for a term of up more than 5 to 10 years with or without deprivation of the right to hold specified positions or engage in specified business for up to 3 years.

Article 102. Preparation or transplantation of human blood, blood product, organ or tissue in the inadequate conditions

102.1. Illness, disability or death of a human in consequence of preparation or transplantation of human blood, blood product, organ or tissue in the inadequate conditions shall be punishable by imprisonment for a term of up to 3 years with or without deprivation of the right to treat for a term of up to 3 years.

Article 109. Illegal detention

109.1. Illegal detention that has no signs of a crime of malfeasance or a crime against the administration of justice, as well as those of kidnapping or taking a hostage specified in this Code, or taking of a hostage or kidnapping shall be punishable by a fine equal to 51 to 70 amounts of minimum salary amount or by incarceration for a term of more than 3 to 6 months.

109.2. The above crime committed:

- 109.2.1. in a group or by a group at an advance agreement;
- 109.2.2. with violence dangerous to the victim's life and health;
- 109.2.3. with use of a firearm or other items as an arm;
- 109.2.4. against two or more persons;
- 109.2.5. against knowingly a minor person or a pregnant woman shall be punishable by imprisonment for a term of up to 5 years.
- 109.3. The same crime committed by an organized group or a criminal organization, or if it has caused a grave harm shall be punishable by imprisonment for a term of more than 5 to 10 years.

Article 113. Sale and purchase of humans

- 113.1. Sale or acquisition of humans shall be punishable by a fine equal to 51 to 250 amounts of minimum salary, 300 to 500 hours of forced labor or imprisonment for a term of up to 3 years.
- 113.2. The same crime committed:
 - 113.2.1. with the purpose of taking human blood, tissues or organs;
 - 113.2.2. with the purpose of engaging the victim into prostitution;
 - 113.2.3. repeatedly;
 - 113.2.4. against two or more persons;
 - 113.2.5. against a person under the legal age;
 - 113.2.6. in a group, by a group at an advance agreement shall be punishable by imprisonment for a term of more than 5 to 10 years.
- 113.3. The same crime committed on a permanent basis, by trafficking, by an organized group or a criminal organization or if it has entailed grave harm shall be punishable by imprisonment for a term of more than 10 to 15 years.

Article 116. Switching or illegal adoption of children

- 116.1. Intentional switching or illegal adoption of a child shall be punishable by a fine equal to 51 to 200 amounts of minimum salary, incarceration for a term of more than 3 to 6 months or by imprisonment for a term of 2 to 5 years.

Article 121. Forcing a child to labor

- 121.1. Illegally forcing a child to labor shall be punishable by a fine equal to 51 to 250 amounts of minimum salary or imprisonment for a term of up to 4 years.

Article 123. Advertising and dissemination of pornography and prostitution

- 123.1. Preparation, dissemination, sale, display to the public, crossing of the state frontier of the press, literature, films, video tapes and other items advertising pornography shall be punishable by a fine equal to 31 to 50 amounts of minimum salary or by incarceration for a term of 1 to 3 months.
- 123.2. Inducing a person under 16 to engage in the same crime shall be punishable by a fine equal to 71 to 100 amounts of minimum salary amount or by incarceration for a term of more than 3 to 6 months.
- 123.3. The same crime committed by use of violence against a minor, by a person who previously was sentenced for this crime, by an organized group or by a criminal organization shall be punishable by imprisonment for a term of up to 5 years.

Article 124. Inducing others to engage in prostitution and organizing of prostitution

124.1. Inducing a others to engage in prostitution by physical violence, threat of violence or deception shall be punishable by a fine equal to 150 to 250 amounts of minimum salary or by incarceration for a term of more than 3 to 6 months.

124.2. Setting up, running, financing of bordels, soutenering, provision of means of transport or premises for engaging in prostitution shall be punishable by a fine equal to 200 to 250 amounts of minimum salary, 300 to 400 hours of forced labor or imprisonment for a term of up to 3 years.

124.3. The same crime committed by an organized group shall be punishable by imprisonment for a term of more than 3 to 5 years.

LAW ON COMBATING TRAFFICKING IN PERSONS 2012

No text available.

In January 2012, Mongolia passed a new Law on Combating Trafficking in Persons.(32) The new Law expands the definition of trafficking to include forced prostitution and the prostitution of minors, assigns responsibilities for trafficking enforcement to Government agencies, and mandates coordination among the agencies. ..."Following the passage of the 2012 Law on Trafficking, Parliament amended articles on trafficking in the Criminal Code to ensure consistency between the legislation.(22) Forced labor, human trafficking, sexual exploitation, and use of children in other illegal activities are prohibited in the Criminal Code.(29, 34)

LABOR CODE OF MONGOLIA 1999

Section 7. Prohibiting the establishment of discrimination, limitations or privileges in labour relations

7.1. No one shall be illegally forced to work.

7.2. The establishment of discrimination, limitation, or privilege based on nationality, race, sex, social origin or status, wealth, religion, or point of view is prohibited.

7.3. When hiring a citizen, in the course of the labour relationship, due to the peculiarities and requirements of the work or duty, an employer has limited an employee's rights and freedom, and then he shall be obligated to prove the basis for doing so.

7.4. When hiring a citizen, if it is not related to a peculiarity of the work or duty to be performed, asking questions related to private life, personal opinion, marital status, political party membership, religious beliefs, or pregnancy shall be prohibited.

7.5. If section 7.4 has been violated, and a prohibited question has been asked, an employee shall not be obligated to respond.

Section 141. Liabilities to be imposed on law violators

141.1 If a breach of the labour law is not claimed to be a breach imposing criminal liability, the following punishments shall be imposed on the guilty person:

141.1.1. An official who has illegally forced an employee to work shall be fined 5,000-30,000 to *gogs*; a business entity or organisation - 100,000-250,000 to *gogs*;

141.1.6. If an employer has forced women or minors to perform a labour prohibited by law, or to lift or carry the load exceeding the prescribed limits, or has forced an employee under 18 years age to work in a working place harmful to his mental development and health or under

abnormal or special conditions, or to perform overtime work or to work on public holidays or weekends, or has violated Section 74 of this law - i.e. an employee was compelled to work overtime - the state labour inspector shall fine that employer 15,000-30,000 to grogs;

Section 109. Employment of minors

108.1 A person who reaches 16 years of age has a right to enter into a labour contract.

108.2 If it does not contradict with Subsection 109.5 of this law, person who reaches 15 years of age may enter into a labour contract, with the permission of parents or guardians.

109.3 A person who reaches 14 years of age may enter into a labour contract for the purpose of imparting vocational guidance and work experience, but only with the consent of his/her parents or guardians and the state administrative organisation in charge of labour issues.

109.4 It is prohibited to employ a minor in a job which would negatively affect intellectual development and health.

109.5 A list of jobs which are prohibited for a minor shall be approved by the member of government in charge of labour issues.

Montenegro

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2007 Constitution at article 28 which declares that no one can be kept in slavery and the Criminal Code which criminalises: submitting a person to slavery; keeping a person in such a condition; buying, selling or surrendering a person; mediating the buying, selling, surrendering of a person; inciting a person to sell his freedom or that of his dependent; or transporting a person in a position of slavery.

ii) **Provisions** related to **servitude** are found in the Constitution at article 28 which declares that no one can be kept in a servile position. Article 71 also affirms that marriage must be based upon free consent of both parties and article 446 of the Criminal Code criminalises transporting a person in a position similar to slavery.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 63.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking in persons under article 444 and trafficking in children for adoption under article 445.

2) International Obligations: Montenegro consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (3 June 2006, ratification)

1953 Protocol to the 1926 Slavery Convention: (23 October 2006, succession)

1956 Slavery Convention: (23 October 2006, succession)

1957 Abolition of Forced Labour Convention: (3 June 2006, ratification)

1966 ICCPR: (23 October 2006, succession)

1998 Rome Statute of the ICC: (23 October 2006, succession)

2000 Palermo Protocol (Trafficking in Persons): (23 October 2006, succession)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Montenegro appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude;
- in breach of its obligations under the ICCPR in regards to servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION OF THE REPUBLIC OF MONTENEGRO 2007

Article 28. Dignity and inviolability of a person

The dignity and security of a man shall be guaranteed. The inviolability of the physical and mental integrity of a man, and privacy and individual rights thereof shall be guaranteed. No one can be subjected to torture or inhuman or degrading treatment. No one can be kept in slavery or servile position.

Article 29. Deprivation of liberty

Everyone shall have the right to personal liberty.
Deprivation of liberty is allowed only for reasons and in the procedure provided for by law.

Article 39. Movement and residence

The right to freedom of movement and residence shall be guaranteed, as well as the right to leave Montenegro. Freedom of movement, residence and leaving Montenegro may be restricted if required so for conducting the criminal procedure, prevention of contagious diseases spreading or for the security of Montenegro. Movement and residence of foreigner citizens shall be regulated by the law.

Article 62. Right to work

Everyone shall have the right to work, to free choice of occupation and employment, to fair and human working conditions and to protection during unemployment.

Article 63. Prohibition of forced labor

Forced labor shall be prohibited.
The following shall not be considered forced labor: labor customary during the serving of sentence, deprivation of liberty; performance of duties of military nature or duties required instead of military service; work demanded in case of crisis or accident that threatens human lives or property.

Article 64. Rights of the employed

The employed shall have the right to adequate salary.
The employed shall have the right to limited working hours and paid vacation.
The employed shall have the right to protection at work.
Youth, women and the disabled shall enjoy special protection at work.

Article 71. Marriage

Marriage may be entered into only on the basis of a free consent of a woman and a man.
Marriage shall be based on equality of spouses.

CRIMINAL CODE

Article 162. Unlawful Deprivation of Liberty

- (1) Anyone who unlawfully incarcerates, keeps in custody, or in any other manner unlawfully deprives another person of liberty or limits his freedom of movement shall be punished by a prison term up to one year.
- (2) Where the offence under para. 1 above was committed by a public official by virtue of his official position or authority, he shall be punished by a prison term from six months to five years.
- (3) Where the offence of unlawful deprivation of liberty lasts longer than thirty days, or where it is conducted in a cruel manner, or where the

health of a person unlawfully deprived of liberty is seriously impaired or where other grave consequences occur, the perpetrator shall be punished by a prison term from one to eight years.

(4) Where the offences under paras 1 and 3 above resulted in the death of the person unlawfully deprived of his liberty, the perpetrator shall be punished by a prison term from two to twelve years.

(5) An attempted offence under para. 1 above shall be subject to punishment.

Article 163. Violation of Freedom of Movement and Residence

(1) Anyone who unlawfully denies or restricts the right of another person to freedom of movement or residence in the territory of Montenegro shall be punished by a fine or a prison term up to one year.

(2) Where the offence under para. 1 above was committed by a public official while acting in his official capacity, the public official shall be punished by a prison term up to three years.

Article 164. Abduction

(1) Anyone who, by use of force, threat, deception or in other manner takes away or keeps someone with the intention to extort money or other pecuniary gain from that person or to force him or other person to act, refrain from acting, or endure something shall be punished by a prison term from one to eight years.

(2) Anyone who in view of accomplishing the aim of abduction threatens by murder or serious bodily injury to the abductee shall be punished by a prison term from two to ten years.

(3) Where the abductee is kept for more than ten days or is treated with cruelty or where the abductee's health is heavily impaired or where other grave consequences occur, or where the offence referred to in para. 1 above was committed against a minor, the perpetrator shall be punished by a prison term from two to twelve years.

(4) Where, due to the acts referred to in paras 1, 2 and 3 above, the abductee dies or where the offence was committed by several persons in an organized manner, the perpetrator shall be punished by a prison term from five to fifteen years.

Article 165. Coercion

(1) Anyone who by use of force or threat compels someone to act or refrain from acting or to endure something shall be punished by a prison term from three months to three years.

(2) Anyone who commits the act referred to in para. 1 above in a cruel manner or by threat of murder or serious bodily injury or abduction shall be punished by a prison term from six months to five years.

(3) Where, due to the acts referred to in paras 1 and 2 above, a serious bodily injury is inflicted or other grave consequences occur, the perpetrator shall be punished by a prison term from one to eight years.

(4) Where, due to the acts referred to in paras 1 and 2 above, the person under coercion dies, or where the offence was committed by several persons in an organized manner, the perpetrator shall be punished by a prison term from two to twelve years.

Article 224. Breach of Labor Rights

Anyone who knowingly does not abide by laws or other regulations, collective agreements and other general legal acts on labor rights and

occupational health of youth, women and persons with a disability and thereby denies or limits the statutory right of another person shall be punished by a fine or a prison term up to two years.

Article 427. Crimes against Humanity

Anyone who by breaching the rules of international law, within the limits of a wider or systematic attack against civilian population, orders any of the following:

enslavement;

coercion to prostitution;

or any other similar inhuman acts intended to cause serious suffering or seriously harm health;

or who commits any of the said offences

shall be punished by a prison term not shorter than five years or by a forty year prison term.

Article 428. War Crime against Civilian Population

(1) Anyone who, in breach of the rules of international law, in state of war, armed conflict or occupation orders an attack upon civilian population, settlement, individual civilians, persons incapacitated for combat or members or facilities of humanitarian organizations or peace-keeping missions ;

coercion to prostitution or rape;

compelling to service in armed forces of an enemy force or its

intelligence service or administration;

forced service in armed forces of persons under the age of seventeen;

forced labour;

or who commits any of the said offences

shall be punished by a prison term not shorter than five years.

(5) Anyone who threatens to commit one or more of the offences under paras 1 and 2 above shall be punished by a prison term from six months to five years.

Article 444. Trafficking in Persons

(1) Anyone who by use of force or threat, deceiving or keeping in deception, abuse of power, trust, dependence, position of vulnerability of another person, dispossession of personal documents or giving or receiving payments or other undue advantage to achieve the consent of a person having control over another person commits any of the following: recruits, transports, transfers, surrenders, sells, buys, mediates in sale, conceals or keeps another person for the purpose of exploitation of his labour, forced labour, submission to servitude, commission of criminal activity, prostitution or other type of sexual exploitation, beggary, exploitation for pornographic purposes, unlawful extraction of organs for transplantation, or for exploitation in armed conflicts shall be punished by a prison term from one to ten years.

(2) The acts under para. 1 above shall constitute criminal offences when committed against minors even where the perpetrator did not use force, threat or any other of the methods listed above.

(3) Where the offence under para. 1 above was committed against a minor, the perpetrator shall be punished by a prison term not shorter than three years.

- (4) Where the offence under paras 1 to 3 above resulted in a serious bodily injury, the perpetrator shall be punished by a prison term from one to twelve years.
- (5) Where the offence under paras 1 and 3 above resulted in the death of one or more persons, the perpetrator shall be punished by a prison term not shorter than ten years.
- (6) Anyone who regularly engages in the commission of the criminal offences under paras 1 to 3 above or where the offence was committed by several persons in an organised manner shall be punished by a prison term not shorter than ten years.
- (7) Anyone who uses the services of a person knowing that the person is a victim of the offence under para. 1 above shall be punished by a prison term from six months to five years.
- (8) Where the offence under para. 7 above was committed against a minor, the perpetrator shall be punished by a prison term from three to fifteen years.

Article 445. Trafficking in Children for Adoption

- (1) Anyone who abducts for adoption a person who has not reached the age of fourteen in breach of valid regulations or anyone who adopts such a person or mediates in such adoption or whoever for that purpose buys, sells or surrenders another person who has not reached the age of fourteen or who transports, provides accommodation for or conceals such a person shall be punished by a prison term from one to five years.
- (2) Anyone regularly engages in the commission of the offences referred to in para. 1 above or participates in their organized commission together with several other persons shall be punished by a prison term not shorter than three years.

Article 446. Submission to Slavery and Transportation of Enslaved Persons

- (1) Anyone who, in breach of rules of international law, submits another person to slavery or other similar position or keeps another person in such a position, or who buys, sells, surrenders to another person or mediates in buying, selling or surrendering of such a person or who incites another person to sell his own freedom or freedom of persons he supports or cares for shall be punished by a prison term from one to ten years.
- (2) Anyone who transports persons in the position of slavery or other similar position from one country to another shall be punished by a prison term from six months to five years.
- (3) A perpetrator who commits the offences under paras 1 and 2 above against a minor shall be punished by a prison term from five to fifteen years.

LABOUR LAW

Article 68

- (1) An employee has the right to a guaranteed earnings amounting to the minimal wage rate defined in accordance with the need of employee and his family, general level of wages in the Republic of Montenegro (hereinafter referred to as: the Republic), cost of living, economic factors and the productivity level.
- (2) The minimal wage rate is determined in away and under the method defined in the General Collective Agreement.

(3) Tan employee shall be paid guaranteed earnings for full time engagement or the equivalent time or, in case of short time engagement, the part of the guaranteed earnings in proportion to the time spent at work or working performance based on norms, standards and other criteria.

Morocco

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Morocco which prohibits **slavery**, although article 467-1 of the Penal Code criminalises selling or acquiring a child.
- ii) There appears to be **no legislation** in place in Morocco which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the Labour Code which prohibits forced labour at articles 10 and 12, although penalties are limited to a fine. Exploitation and forced labour of children under fifteen years is also criminalised under article 467-2 of the Penal Code although penalties are also limited to fines.
- iv) **Provisions** related to **trafficking in persons** are found in the 2016 Law on the Prevention of Human Trafficking which appears to criminalise all forms of trafficking although no text is available.

2) International Obligations: Morocco consents to:

1926 Slavery Convention: (11 May 1959, accession)
 1930 Forced Labour Convention: (20 May 1957, ratification)
 1953 Protocol to the 1926 Slavery Convention: (11 May 1959, accession)
 1956 Slavery Convention: (11 May 1959, accession)
 1957 Abolition of Forced Labour Convention: (1 December 1963, ratification)
 1966 ICCPR: (3 May 1979, ratification)
 1998 Rome Statute of the ICC: (8 September 2000, signature)
 2000 Palermo Protocol (Trafficking in Persons): (25 April 2011, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Morocco appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: reference below.

ENGEN REPORT

Paragraph 21 (Morocco Protectorate)

'The public [slave] markets were prohibited in 1913 and in 1917 the *adouts* were prohibited by a *dahir* to register any deeds of sale relating to slaves.'

MOROCCAN CONSTITUTION 1996

Article 6

The public powers work for the creation of the conditions permitting the effectiveness of liberty and of the equality of citizens [feminine] and citizens [masculine] to be made general [generaliser], as well as their participation in political, economic, cultural and social life.

Article 21

All have the right to the security of their person and of their kin [proches], and to the protection of their assets.

The public powers assure the security of the populations and of the national territory within respect for the fundamental freedoms and rights guaranteed to all.

Article 22

The physical or moral integrity of anyone may not be infringed, in whatever circumstance that may be, and by any party that may be, public or private.

No one may inflict on others, under whatever pretext there may be, cruel, inhuman, [or] degrading treatments or infringements of human dignity.

The practice of torture, under any of its forms and by anyone, is a crime punishable by the law.

CRIMINAL CODE

Article 436

Shall be punished by imprisonment of five to ten years, those who, without orders from the constituted authorities, and except in cases where the law allows or directs individuals to enter, remove, arrest, detain or kidnap any person. If the detention or confinement lasted thirty days or more, the penalty is imprisonment from ten to twenty years. If the arrest or abduction was carried out with either a uniform or insignia prescribed or appearing in such under section 384 or under a false name or a false order of the public authority or with the use of motorized transport, or with threats of a crime against persons or property, the penalty is imprisonment from twenty to thirty years. The penalty in the third paragraph above is applicable when the person committing the act is one of the persons exercising public authority or a person under section 225 of this Code if the act is committed to achieve an objective or satisfy personal desires [144]. If the offender is charged or has been aimed to get paid a ransom by people under the authority or control where the minor was placed, the penalty, whatever the age of the minor, is life imprisonment. However, if the minor is found alive has ever been made before the conviction, the penalty is imprisonment from ten to twenty years.

Article 467-1

Any person who sells or acquires a child under the age of eighteen years is liable to imprisonment for two to ten years and a fine of five thousand to two million dirhams.

"Sale of children" means any act or transaction involving transfer of a child from one or more persons to one or more other persons for any consideration whatsoever.

The penalty provided for in the first paragraph of this article shall be applicable to any person who:

- causes the parents or any of them, the kafil, the testamentary guardian, the dative guardian, the person having authority over him or the person in charge of his protection to sell a child under the age of eighteen, Assists or facilitates such sale;
- acts as an intermediary, facilitates or assists in the sale or purchase, by any means whatsoever, of a child under the age of eighteen years.

Article 467-2

Without prejudice to more severe penalties, a person who carries on a child under fifteen years of age for the purpose of carrying out work shall be punished with imprisonment from one year to three years and a fine of between five thousand and twenty thousand dirhams Forced, acts as an intermediary, or causes such exploitation.

Forced labor, as defined in the preceding paragraph, means the compulsion of a child to perform work prohibited by law or to perform work that is prejudicial to his health, safety, morals or training.

Article 475

Who, without violence, threats or fraud, or turn away, or attempts to remove or divert a minor under eighteen years of age [176], is punishable by imprisonment of one to five years and to a fine of 200 [177] to 500 dirhams. When a nubile and removed or diverted married her captor, it may be prosecuted on the complaint of people entitled to apply for annulment of marriage and cannot be sentenced until after the cancellation of marriage the final decision.

Article 497

Anyone who excites, encourages or facilitates the prostitution or debauchery of minors under the age of eighteen years shall be punished by imprisonment of two to ten years and a fine of twenty thousand to two hundred thousand dirhams [191].

Article 498

Is punished by imprisonment of one to five years and a fine of five thousand to one million dirhams, unless the fact constitutes a more serious offense who knowingly

- 1) in any way aids, assists, or protects the prostitution of others or soliciting for prostitution;
- 2) in any form, by knowingly receives a share of the avails of prostitution or debauchery of others or receiving money from a person who habitually engages in prostitution or debauchery;
- 3) lives, knowingly, with a person who habitually engages in prostitution;
- 4) hiring, leads, delivers, protects, even with their consent or puts pressure on a person for prostitution or debauchery, or to continue to engage in prostitution or debauchery;
- 5) acts as an intermediary in any capacity between persons engaged in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others;

- 6) with one who exploits the prostitution or debauchery of others to provide false justifications of its financial resources;
- 7) is unable to justify the source of its revenue, considering the standard of living while living with a person who habitually engages in prostitution or debauchery, or having relations with a suspicious person or persons engaged in prostitution or debauchery;
- 8) hinders the actions of prevention, control, assistance or rehabilitation undertaken by the sectors, agencies or organizations authorized to do so vis-à-vis those who engage in prostitution or debauchery or are exposed.

Article 499

The penalties prescribed in the preceding article shall be brought to the imprisonment of two to ten years and a fine of from 10,000 to 2,000,000 dirhams when:

- 1) the offense was committed against a minor under the age of eighteen years;
- 2) the offense was committed against a person in a difficult position because of his age, illness, disability or physical or mental weakness, or against a pregnant woman, her pregnancy was apparent or known by the guilty;
- 3) the offense was committed against several persons;
- 4) the offender is a spouse or a member of one of the categories enumerated in Article 487 of this Code;
- 5) the offense was caused by stress, abuse of authority, or fraud, or when on the means of photographing, filming or recording was used.
- 6) the offense is committed by a person who, because of its function, to participate in the fight against prostitution or debauchery [193], protection of health and youth, or maintenance of the public order;
- 7) the offender was carrying a weapon or latent;
- 8) the offense was committed by several people as perpetrators, conspirators or accomplices without constituting a band;
- 9) the offense was committed through messages sent through the media or to an unrestricted public or specific individuals.

Article 499-1

Offenses under section 499 above shall be punished by imprisonment of ten to twenty years and a fine of 100,000 to 3,000,000 dirhams if committed by a conspiracy [195].

Article 499-2

Offences under sections 499 and 499-1 are punishable by life imprisonment if committed by torture and barbarous acts [196].

Article 501

Is punished by imprisonment of four to ten years and a fine of five thousand to two million dirhams anyone who has committed himself or through a third party, one of the following:

- 1) own, manage, operate, manage, finance or participate in the financing of a local or an institution usually for debauchery or prostitution;
- 2) own, manage, operate, manage, finance or participate in the financing of any facility open to the public or usually frequented by the public by accepting the usual presence of a person or group of persons engaged in debauchery or in prostitution or looking for clients for this purpose

within the institution or its annexes, by tolerating such practices, or promoting sex tourism;

3) to the premises or locations not used by the public or make available one or more persons that they should be for debauchery or prostitution. The same penalty applies to the assistants of the aforementioned persons to previous paragraphs of this article. In all cases, the decision must order the withdrawal of the license which the convicted person is a beneficiary. He may also order the temporary or permanent closure of the local.

THE LABOUR CODE

Article 10.

It is forbidden to requisition employees for forced labor or against their will.

Article 12

Anyone who contravenes the provisions of Article 10 above shall be liable to a fine of between 25,000 and 30,000 dirhams.

Recidivism is punishable by a fine of twice as much and imprisonment of six days to three months or one of these two penalties only.

THE FAMILY CODE

Note: Men and women who are of sound mind may lawfully contract marriage upon reaching 18 years of age. However, special authorization to contract marriage may be granted to a young man or woman who has not yet reached that age. The decision to grant such authorization rests with the family court judge competent to perform marriages. The judge issues his decision, stating the grounds therefor, after hearing the persons wishing to contract marriage and their representatives.

LAW 27.14 ON THE PREVENTION OF HUMAN TRAFFICKING 2016

Text Not Available.

Note: The government enacted anti-trafficking law 27.14 in September 2016, which prohibits all forms of trafficking. The law prescribes penalties of five to 30 years imprisonment, which are sufficiently stringent, consistent with the UN Convention Against Transnational Organized Crime, and commensurate with other serious crimes, such as rape.

Mozambique

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code at article 196 which criminalises alienating, enticing, acquiring, ceding or seizing any person or reducing them to a condition of a slave.

ii) There appears to be **no legislation** in place in Mozambique which prohibits **servitude**, although article 12 of the 2008 Law on Preventing and Combating the Trafficking of People prohibits adoption for illicit purposes. Involuntary servitude and debt bondage may also form an element of an offence of trafficking under article 198 of the Penal Code and article 10 of the Law on Preventing and Combating the Trafficking of People.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 84. Forced labour may also form an element of an offence of trafficking under article 198 of the Penal Code and article 10 of the Law on Preventing and Combating the Trafficking of People.

iv) **Provisions** related to **trafficking in persons** are found in Law on Preventing and Combating the Trafficking of People which criminalises trafficking under article 10 and the Penal Code under article 198.

2) International Obligations: Mozambique consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (16 June 2003, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (16 June 1977, ratification)
 1966 ICCPR: (21 July 1993, accession)
 1998 Rome Statute of the ICC: (28 December 2000, signature)
 2000 Palermo Protocol (Trafficking in Persons): (20 September 2006, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Mozambique appears to be:

- in breach of its obligations under the ICCPR in regards to servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
MOZAMBIQUE 2004
(REV. 2007)

Article 59. Right to liberty and to security

1. In the Republic of Mozambique everyone has the right to security and nobody shall be detained and put on trial except in accordance with the law.

Article 84. Right to work

1. Work shall be a right and a duty of every citizen.
2. All citizens shall have the right freely to choose their profession.
3. Forced labour shall be prohibited, except where the work is performed within the framework of penal legislation.

Article 85. Right to retribution and to safety at work

1. All workers shall have the right to fair remuneration, rest and vacation and to retirement in accordance with the law.
2. Workers shall have the right to protection, health and safety at work.
3. Workers may be dismissed only in the cases and in accordance with the terms provided for by law.

Article 119. Family

1. The family is the fundamental unit and the basis of society.
2. The State shall, in accordance with the law, recognise and protect marriage as the institution that secures the pursuit of family objectives.
3. In the context of the development of social relations based on respect for human dignity, the State shall guarantee the principle that marriage is based on free consent.
4. The law shall establish forms in which traditional and religious marriage shall be esteemed, and determine the registration requirements and effects of such marriage.

Article 121. Childhood

1. All children have the right to protection from the family, from society and from the State, having in mind their full development.
2. Children, in particular orphans and disabled and abandoned children, shall be protected by the family, by society and by the State against all forms of discrimination, ill treatment and the abusive use of authority within the family and in other institutions.
3. Children shall not be discriminated against on the grounds of their birth, nor shall they be subjected to ill treatment.
4. Child labour shall be prohibited, whether the children are of compulsory school going age or any other age.

PENAL CODE

Article 196 (Slavery)

Anyone who alienates, entices, acquires, or cedes any person, or seizes it, reducing it to the condition of a slave, will be sentenced to imprisonment of more than eight to twelve years.

Article 197 (Physical coercion)

He who employs acts of bodily injury to compel another to do something, or prevent him from doing so, shall be sentenced to imprisonment from one month to one year, and may also be condemned in the corresponding fine.

Article 198 (Trafficking of persons)

Any person who recruits, transports, receives, receives or receives a person under the pretext of employment, training or learning for the purpose of prostitution, forced labor, slavery, involuntary servitude or debt bondage shall be punished with a sentence of sixteen to twenty years' imprisonment larger.

Article 199 (Abduction)

1. Any person who, by means of violence, threat or any fraud, abducts another person for the purpose of subjecting him to extortion, rape, redemption, reward, embarrassing public authority or third party to an action or omission, or Support an activity, shall be punished with imprisonment of more than twenty to twenty-four years.
2. The penalty provided in the previous number will be aggravated if the abduction is:
 - A) preceded or accompanied by a serious offense to the physical integrity of the victim;
 - B) accompanied by torture or other cruel, degrading or inhuman treatment;
 - C) practiced against a defenseless person due to age, illness, disability or pregnancy;
 - D) practiced by simulation of quality of public authority, by public servant with serious abuse of authority;
 - E) accompanied by crime against the sexual freedom of the victim;
 - F) followed by suicide of the victim.
3. If deprivation of liberty results in the death of the victim, the agent shall be punished in accordance with article 160.

Article 419 (Establishment of employment relationship with illegal immigrant)

Those who hire or broker the hiring, directly or indirectly, even if precarious, illegal immigrant, shall be punished with imprisonment from three months to one year and fine.

LAW NO 6/2008 ON PREVENTING AND COMBATING THE TRAFFICKING OF PEOPLE

Article 10 (Trafficking of persons)

Anyone who recruits, transports, welcomes, supplies or receives a person, for any means, including under the pretext of domestic or foreign employment or training or learning, for the purposes of prostitution, forced labor, slavery, involuntary servitude or bondage shall be punished with a penalty of sixteen to twenty years in prison.

Article 11 (Pornography and sexual exploitation)

Anyone who traffics persons for the purpose of obtaining money, profit or any other

Advantage, a Mozambican citizen to a foreign citizen, in order to marry the

Purchase, offer, sell or exchange the person for

Pornography, sexual exploitation and forced labor, slavery, involuntary servitude and

Servitude for debts, shall be punished with the penalty of twelve to sixteen years of greater imprisonment.

Article 12 (Adoption for illicit purposes)

Anyone who adopts or facilitates the adoption of persons for the purpose of involvement in prostitution, sexual exploitation and forced

labor, slavery, servitude and debt bondage, shall be punished by the penalty of sixteen to twenty years of jail time.

Article 13 (Transportation and abduction)

Anyone who recruits, hires, adopts, transports or abducts a person, Threat, use of force, fraud, deception, coercion or intimidation, with the Purpose of removal or sale of organs of said person, shall be punished with the penalty

From sixteen to twenty years in prison.

Article 14 (Rental of property for traffic purposes)

Anyone who knowingly leases or subleases, or allows the use of Any establishment or establishment for the purpose of promoting trafficking in persons, it is punished with eight to twelve years in prison.

Article 15 (Advertising and traffic promotion)

Anyone who advertises, prints, transmits or distributes, or causes to advertise, publish, print, trans mission or distribute, by any means, including the use of information technology and the internet, or any brochure or advertising material which Promotes trafficking in persons, will be punished with a sentence of two to eight years in prison.

Article 16 (Destruction of travel documents)

Anyone who confiscates, conceals or destroys the passport, travel documents, documents or personal belongings of the victims of trafficking in order to prevent them from leaving the country or seeking assistance from the Government or competent authorities, shall be punished with a penalty of two Eight years in prison.

Article 17 (Financial benefit)

Anyone who consciously benefits financially or otherwise or makes use of the work or services of a person subject to a condition of involuntary servitude, forced labor or slavery shall be punished by eight to twelve years in prison.

Article 18 (Consent of the offended)

The consent of the offended person does not exclude or attenuate the criminal responsibility of the agents of the crimes foreseen in this Law.

Myanmar

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 358 which prohibits enslaving persons and in the Penal Code at article 370 which prohibits importing, exporting, removing, buying, selling or disposing of a person as a slave and article 367 prohibiting kidnapping or abducting a person in order to subject them to slavery. Article 8 of the Constitution also prohibits the exploitation of 'man by man'.

ii) There appears to be **no legislation** in place in Myanmar which prohibits **servitude**, although article 366 of the Penal Code prohibits kidnapping or abducting any woman to compel her to marriage against her will.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 359 which prohibits forced labour and the Penal Code at article 374 which criminalises unlawfully compelling any person to labour against their will.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution at article 358 which prohibits trafficking and the 2005 Anti-Trafficking in Persons Law which criminalises trafficking under articles 24 (women and children) and 25 (persons other than women and children).

2) International Obligations: Myanmar consents to:

1926 Slavery Convention: (29 April 1957, signature)
1930 Forced Labour Convention: (4 March 1955, ratification)
1953 Protocol to the 1926 Slavery Convention: (29 April 1957, acceptance)
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: N/A
1966 ICCPR: N/A
1998 Rome Statute of the ICC: N/A
2000 Palermo Protocol (Trafficking in Persons): (30 March 2004, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Myanmar appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF THE
UNION OF MYANMAR
2008

Article 21.

(a) Every citizen shall enjoy the right of equality, the right of liberty and the right of justice, as prescribed in this Constitution.

Article 358.

The Union prohibits the enslaving and trafficking in persons.

Article 359.

The Union prohibits forced labor except hard labor as a punishment for crime duly convicted and duties assigned by the Union in accord with the law in the interest of the public.

THE PENAL CODE

Article 359.

Kidnapping is of two kinds kidnapping from the Union of Burma, and kidnapping from lawful guardianship.

Article 360.

Whoever conveys any person beyond the limits of the Union of Burma without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from the Union of Burma.

Article 361.

Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Explanation.-- The words "lawful guardian" in this section include any person lawfully entrusted with the care or custody of such minor or other person. Exception.-- This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

Article 362.

Whoever by force compels, or by any deceitful means induces, any person to go from any place is said to abduct that person.

Article 365.

Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Article 366.

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will~ or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal

intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

Article 366B.

Whoever imports into the Union of Burma from any country outside the Union of Burma, any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, [whether by himself or by another person,] shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

Article 367.

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

368. Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

Article 368.

Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

Article 370.

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Article 371.

Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Article 372.

Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any

such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Article 373.

Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation 1. - Any prostitute or any person keeping or managing a brothel who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution. Explanation 2.-- "Illicit intercourse" has the same meaning as in section 372.

Article 374.

Whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment, of either description for a term which may extend to one year, or with fine, or with both.

THE ANTI TRAFFICKING IN PERSONS LAW 2005

Article 3.

The expressions contained in this Law shall have the meanings given hereunder:-

(a) Trafficking in Persons means recruitment, transportation, transfer, sale, purchase, lending, hiring, harbouring or receipt of persons after committing any of the following acts for the purpose of exploitation of a person with or without his consent:

- (1) threat, use of force or other form of coercion;
- (2) abduction;
- (3) fraud;
- (4) deception;
- (5) abuse of power or of position taking advantage of the vulnerability of a person;
- (6) giving or receiving of money or benefit to obtain the consent of the person having control over another person.

Explanation (1) Exploitation includes receipt or agreement for receipt of money or benefit for the prostitution of one person by another, other forms of sexual exploitation, forced labour, forced service, slavery, servitude, debt-bondage or the removal and sale of organs from the body.

Explanation (3) Debt-bondage means the pledging by the debtor of his / her personal labour or services or those of a person under his/ her control as payment or security for a debt, when the length and nature of service is not clearly defined or when the values of the services as reasonably assessed is not applied toward the liquidation of the debt.

Article 24.

Whoever is guilty of trafficking in persons especially women, children and youth shall, on conviction be punished with imprisonment for a term

which may extend from a minimum of 10 years to a maximum of imprisonment for life and may also be liable to a fine.

Article 25.

Whoever is guilty of trafficking in persons other than women, children and youth shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine.

Article 26.

Whoever is guilty of any of the following acts shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 3 years to a maximum of 7 years and may also be liable to a fine:

- (a) adopting or marrying fraudulently for the purpose of committing trafficking in persons.
- (b) causing obtaining unlawfully the necessary documentary evidence documents or seal for enabling a trafficked victim to depart from the country or enter into the country.

Article 27.

Whoever is guilty of making use or arranging with a trafficked victim for the purpose of pornography shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine.

Article 28.

Whoever:

- (a) is guilty of trafficking in persons with organized criminal group as provided in section 24 shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 20 years to a maximum of imprisonment for life and may also be liable to a fine;
- (b) is guilty of trafficking in persons with organized criminal group as provided in sections 25, 26 or 27 shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 10 years to a maximum of imprisonment for life and may also be liable to a fine;
- (c) is found to be a member of an organized criminal group shall, on conviction be punished with imprisonment under sub-section (a) or subsection (b) whether he has personally taken part or not in the commission of the offence.

Article 32.

Whoever prepares, attempts, conspires, organizes, administers or abets, or provides financial assistance to commit or in commission of any such offence shall be liable to the punishment provided in this Law for such offence.

Namibia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 9(1) which declares that no person shall be held in slavery. Slavery may also form an element of the offence of trafficking under article 15 of the Prevention of Organised Crime Act.

ii) **Provisions** related to **servitude** are found in the Constitution at article 9(1) which declares that no person shall be held in servitude. Servitude and practices similar to slavery may also form elements of the offence of trafficking under article 15 of the Prevention of Organised Crime Act.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 9(2) which declares that no person shall be required to perform forced labour and the 2007 Labour Act which criminalises forced labour under article 4. Forced labour may also form an element of the offence of trafficking under article 15 of the Prevention of Organised Crime Act.

iv) **Provisions** related to **trafficking in persons** are found in the 2004 Prevention of Organised Crime Act which criminalises participating in, aiding or abetting trafficking under article 15.

2) International Obligations: Namibia consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (15 November 2000, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (15 November 2000, ratification)
 1966 ICCPR: (28 November 1994, accession)
 1998 Rome Statute of the ICC: (25 June 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (16 August 2002, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Namibia appears to be:

- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION 1990
(WITH AMENDMENTS
THROUGH 2010)

Article 7. Protection of liberty

No persons shall be deprived of personal liberty except according to procedures established by law.

Article 8. Respect for human dignity

1. The dignity of all persons shall be inviolable.
2. a. In any judicial proceedings or in other proceedings before any organ of the State, and during the enforcement of a penalty, respect for human dignity shall be guaranteed.
- b. No persons shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.

Article 9. Slavery and forced labour

1. No persons shall be held in slavery or servitude.
2. No persons shall be required to perform forced labour.
3. For the purposes of this Article, the expression "forced labour" shall not include:
 - a. any labour required in consequence of a sentence or order of a Court;
 - b. any labour required of persons while lawfully detained which, though not required in consequence of a sentence or order of a Court, is reasonably necessary in the interests of hygiene;
 - c. any labour required of members of the defence force, the police force and the correctional service in pursuance of their duties as such or, in the case of persons who have conscientious objections to serving as members of the defence force, any labour which they are required by law to perform in place of such service;
 - d. any labour required during any period of public emergency or in the event of any other emergency or calamity which threatens the life and well-being of the community, to the extent that requiring such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation;
 - e. any labour reasonably required as part of reasonable and normal communal or other civic obligations.

Article 14. Family

1. Men and women of full age, without any limitation due to race, colour, ethnic origin, nationality, religion, creed or social or economic status shall have the right to marry and to found a family. They shall be entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 15. Children's rights

2. Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development. For the purposes of this Sub-Article children shall be persons under the age of sixteen (16) years.
3. No children under the age of fourteen (14) years shall be employed to work in any factory or mine, save under conditions and circumstances

regulated by Act of Parliament. Nothing in this Sub-Article shall be construed as derogating in any way from Sub-Article (2) hereof.

4. Any arrangement or scheme employed on any farm or other undertaking, the object or effect of which is to compel the minor children of an employee to work for or in the interest of the employer of such employee, shall for the purposes of Article 9 hereof be deemed to constitute an arrangement or scheme to compel the performance of forced labour.

Article 21. Fundamental freedoms

1. All persons shall have the right to:
 - f. withhold their labour without being exposed to criminal penalties;
 - g. move freely throughout Namibia;
 - j. practise any profession, or carry on any occupation, trade or business.

LABOUR ACT 2007

3. Prohibition and restriction of child labour

(1) A person must not employ or require or permit a child to work in any circumstances prohibited in terms of this section.

(2) A person must not employ a child under the age of 14 years.

(3) In respect of a child who is at least aged 14, but under the age of 16 years, a person -

(a) must not employ that child in any circumstances contemplated in Article 15(2) of the Namibian Constitution;

(b) must not employ that child in any circumstances in respect of which the Minister, in terms of subsection (5)(a), has prohibited the employment of such children;

(c) must not employ that child in respect of any work between the hours of 20h00 and 07h00; or

(d) except to the extent that the Minister by regulation in terms of subsection (5)(b) permits, must not employ that child, on any premises where -

(i) work is done underground or in a mine;

(ii) construction or demolition takes place;

(iii) goods are manufactured;

(iv) electricity is generated, transformed or distributed;

(v) machinery is installed or dismantled; or

(vi) any work-related activities take place that may place the child's health, safety, or physical, mental, spiritual, moral or social development at risk.

(4) In respect of a child who is at least aged 16 but under the age of 18 years, a person may not employ that child in any of the circumstances set out in subsection (3)(c) or (d), unless the Minister has permitted such employment by regulation in terms of subsection (5)(c).

(5) The Minister may make regulations to -

(a) prohibit the employment of children between the ages of 14 and 16 at any place or in respect of any work;

(b) permit the employment of children between the ages of 14 and 16 in circumstances contemplated in subsection (3)(d), subject to any conditions or restrictions that may be contained in those regulations;

(c) permit the employment of children between the ages of 16 and 18 in circumstances contemplated in subsections (3)(c) or (d), subject to any conditions or restrictions that may be contained in those regulations.

(6) It is an offence for any person to employ, or require or permit, a child to work in any circumstances prohibited under this section and a person who is convicted of the offence is liable to a fine not exceeding N\$20 000, or to imprisonment for a period not exceeding four years, or to both the fine and imprisonment.

4. Prohibition of forced labour

- (1) A person must not directly or indirectly cause, permit or require any individual to perform forced labour.
- (2) Forced labour does not include any labour described in Article 9(3)(a) to (e) of the Namibian Constitution and, for the purposes of this Act, 'forced labour' includes –
 - (a) any work or service performed or rendered involuntarily by an individual under threat of any penalty, punishment or other harm to be imposed or inflicted on or caused to that individual by any other individual, if the first mentioned individual does not perform the work or render the service;
 - (b) any work, performed by an employee's child who is under the age of 18 years, if the work is performed in terms of an arrangement or scheme in any undertaking between the employer and the employee;
 - (c) any work performed by any individual because that individual is for any reason subject to the control, supervision or jurisdiction of a traditional leader in that leader's capacity as traditional leader.
- (3) It is an offence for any person to directly or indirectly, cause, permit or require an individual to perform forced labour prohibited under this section and a person who is convicted of the offence is liable to a fine not exceeding N\$20 000, or to imprisonment for a period not exceeding four years or to both the fine and imprisonment

PREVENTION OF ORGANISED CRIME ACT 2004

1. Definitions and interpretation

"trafficking in persons" means the recruitment, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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 and includes any attempt, participation or organising of any of these actions. Exploitation includes, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; and

15. Trafficking in persons

Any person who participates in or who aids and abets the trafficking in persons, as contemplated in Annex II of the Convention, in Namibia or across the border to and from foreign countries commits an offence and is liable to a fine not exceeding N\$1 000 000 or to imprisonment for a period not exceeding 50 years.

Nauru

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2016 Crimes Act which prohibits slavery including various acts related to 'dealing with a person as a commodity'.

ii) **Provisions** related to **servitude** are found in the Crimes Act in section 257 which prohibits slavery, defined to include debt-bondage and serfdom, and makes it an offence to permit 'a child, for whom the person is a parent or guardian, to be put under the care or control of another person so that the child may be exploited'. Section 257 also criminalises causing a person to marry without their consent in exchange for material benefit.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 6 which prohibits forced labour. Section 257 of the Crimes Act also defines 'slave' to include people in forced labour and criminalises related conduct.

iv) There appears to be **no legislation** in place in Nauru which prohibits **trafficking in persons**, although section 257 of the Crimes Act may cover various elements of the offence.

2) International Obligations: Nauru consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: N/A
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: N/A
 1966 ICCPR: (12 November 2001, signature)
 1998 Rome Statute of the ICC: (25 June 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (date)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Nauru appears to be:

- in breach of its obligations under the ICCPR in regards to servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION OF NAURU 1968

Preamble 3.

Whereas every person in Nauru is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following freedoms, namely:-

(a) life, liberty, security of the person, the enjoyment of property and the protection of the law;

the subsequent provisions of this Part have effect for the purpose of affording protection to those rights and freedoms, subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by a person does not prejudice the rights and freedoms of other persons or the public interest.

5. Protection of personal liberty

(1.) No person shall be deprived of his personal liberty, except as authorised by law in any of the following cases:

6. Protection from forced labour

(1.) No person shall be required to perform forced labour.

(2.) For the purposes of this Article, "forced labour" does not include-

(a) labour required by the sentence or order of a court;

(b) labour required of a person while he is lawfully detained, being labour that, though not required by the sentence or order of a court, is reasonably necessary for the purposes of hygiene or for the maintenance of the place at which he is detained;

(c) labour required of a member of a disciplined force in pursuance of his duties as such a member; or

(d) labour reasonably required as part of reasonable and normal communal or other civic obligations.

7. Protection from inhuman treatment

No person shall be subjected to torture or to treatment or punishment that is inhuman or degrading.

CRIMES ACT 2016

88 Deprivation of liberty

(1) A person (the 'defendant') commits an offence if:

(a) the defendant intentionally takes or detains another person; and

(b) the defendant intends to unlawfully cause the other person to be confined or imprisoned; and

(c) either of the following applies:

(i) the other person is an adult and does not consent to being confined or imprisoned, and the defendant is recklessly indifferent to consent of the other person;

(ii) the other person is a child.

Penalty:

(i) if the other person is a child—10 years imprisonment; or

(ii) in any other case—7 years imprisonment.

(2) Strict liability applies to subsection (1)(c)(ii).

109 Compelling prostitution and giving of earnings from prostitution

(1) A person (the 'defendant') commits an offence if:

(a) the defendant engages in conduct; and

- (b) the conduct is intimidatory conduct; and
- (c) the conduct substantially contributes to another person entering into, or remaining in, prostitution; and
- (d) the defendant intended the other person to enter into, or remain in, prostitution.

Penalty: 25 years imprisonment.

(2) A person (the 'defendant') commits an offence if:

- (a) the defendant engages in conduct; and
- (b) the conduct is intimidatory conduct; and
- (c) the conduct substantially contributes to another person ('person B') giving the defendant or someone else any payment or reward earned by person B from prostitution; and
- (d) the defendant intended person B to give any payment or reward earned by person B from prostitution.

Penalty: 25 years imprisonment.

(3) In this section:

'intimidatory conduct' means an explicit or implicit threat or promise that the defendant will:

- (a) improperly use, to the detriment of any other person, any power or authority arising out of:
 - (i) an occupational or vocational position held by the defendant; or
 - (ii) a relationship between the defendant and the other person; or
- (b) commit an offence punishable by imprisonment; or
- (c) make an accusation or disclosure (whether true or false):
 - (i) about an offence committed by any person; or
 - (ii) about any other misconduct that is likely to seriously damage the reputation of any person; or
- (iii) that any person is unlawfully in Nauru; or
- (d) supply, or withhold supply of, any drug.

119 Engaging child to provide commercial sexual services

(1) A person commits an offence if:

- (a) the person intentionally asks, engages, employs, causes or permits another person to provide a commercial sexual service; and
- (b) the other person is a child.

Penalty:

- (i) if the child is under 13 years old or aggravating circumstances apply—life imprisonment; or
 - (ii) in any other case—25 years imprisonment.
- (2) Strict liability applies to subsection (1)(b).

120 Obtaining benefits from commercial sexual services with child

(1) A person commits an offence if:

- (a) the person intentionally makes an arrangement; and
- (b) the arrangement provides that the person will obtain a benefit because another person provides a commercial sexual service; and
- (c) the other person is a child.

Penalty:

- (i) if the child is under 13 years old—17 years imprisonment; or
 - (ii) in any other case—12 years imprisonment.
- (2) A person commits an offence if:
- (a) the person intentionally obtains a benefit; and
 - (b) the person knows that the benefit is proceeds of the provision of commercial sexual service by another person; and

(c) the other person is a child.

Penalty:

(i) if the child is under 13 years old—17 years imprisonment; or

(ii) in any other case—12 years imprisonment.

(3) Strict liability applies to subsection (1)(c) and (2)(c).

257 Dealing with person as a commodity

(1) A person commits an offence if the person:

(a) deals with a person (the ‘affected person’) as, or for the purpose of making the affected person, a slave; or

(b) permits another person to deal with a person (the ‘affected person’) as, or for the purpose of making the affected person, a slave; or

(c) induces a person (the ‘affected person’) to deal with:

(i) themselves as, or for the purpose of making the affected person, a slave; or

(ii) any other person as, or for the purpose of making the affected person, a slave; or

(d) in exchange for material benefit:

(i) causes a person, without the person’s consent, to marry another person; or

(ii) gives a person, without the person’s consent, to another person under an inheritance or otherwise; or

(e) permits a child, for whom the person is a parent or guardian, to be put under the care or control of another person so that the child may be exploited; or

(f) deals with transport for the purpose of any activity mentioned in paragraphs (a) to (e).

Penalty: 25 years imprisonment.

(2) In this section: ‘deal’ with:

(a) a person includes:

(i) sell, buy, transfer, barter, let, hire, employ or otherwise use the person; or

(ii) detain, take, receive, transport or import the person; and

(b) transport includes build, fit out, sell, buy, transfer, let, hire, use, operate, navigate or work on the transport.

‘debt-bondage’ means the status or condition arising from a person promising their personal services, or the personal services of another person under the person’s care or control, as security for a debt if:

(a) the value of the services, as reasonably assessed, is not applied to the discharge of the debt; or

(b) the period in which the services are to be provided, and the nature of the services, are not limited or defined.

‘forced labour’ means the status or condition of a person who provides labour or personal services in circumstances in which a reasonable person in the same circumstances would not consider the person to be free to:

(a) stop providing the labour or services; or

(b) leave the place where the labour or services are provided, even if escape from the place is practically possible or the person has previously attempted escaping.

‘serfdom’ means the status or condition of a person who is by law, custom or agreement:

(a) required to live and work on land belonging to another person; and

(b) required to provide some determined service to the other person; and

(c) not free to change that status or condition.

‘slave’ means a person:

- (a) over whom another person claims, and purports to exercise, a right of ownership; or
- (b) in debt-bondage; or
- (c) in forced labour; or
- (d) in serfdom.

Nepal

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the General Code at chapter 11(3) which prohibits making a person a slave and the Human Trafficking and Transportation (Control) Act which criminalises selling or purchasing a person under section 3. Unlawful deprivation of personal liberty and exploitation are also prohibited under articles 17 and 29 of the 2015 Constitution and kidnapping, abducting or taking hostage for the purpose of enslavement is criminalised under chapter 8A, number 3 of the General Code.

ii) There appears to be **no legislation** in place in Nepal which prohibits **servitude**, although the Constitution prohibits bonded labour (article 29) and the General Code prohibits making another person a bonded labourer (chapter 11(3)) and forced marriage (chapter 17(7)).

iii) **Provisions** related to **forced labour** are found in the 2015 Constitution at article 29 which prohibits forced labour except compulsory service for public purposes enacted by law. Kidnapping, abducting or taking hostage for the purpose of compelling to work is also criminalised under chapter 8A, number 3 of the General Code.

iv) **Provisions** related to **trafficking in persons** are found in the Human Trafficking and Transportation (Control) Act which criminalises trafficking under section 3, although the definition of trafficking under section 4 does not align with the Palermo Protocol. Human trafficking is also criminalised under chapter 11, number 1 of the General Code although this offence required movement outside Nepal to sell the person.

2) International Obligations: Nepal consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (3 January 2002, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (7 January 1963, accession)
 1957 Abolition of Forced Labour Convention: (30 August 2007, ratification)
 1966 ICCPR: (14 May 1991, accession)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): N/A
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Nepal appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 305

The institution of slavery in the Kingdom of Nepal was abolished during the Prime Ministership of Chandra Shumsher Jang Bahadur Rana on 13 April 1926. Section 17 of the Mulki Ain (code of Nepal Laws) (Chapter of Human Exploitation) as amended reads:

“Whereas the Government, with a view to abolish the cursed institution of slavery from the country, has after preparing a list of slaves in the capital, the plains and the mountainous regions (that is, in the whole of Nepal), and paying out their debts, emancipated them all and abolished the system of losing community status and repealed the Provision of the aw in this respect, no person after the first day of Baisakh, 1982 (13 April 1926) shall sell or buy these emancipated persons or their progenies as slaves, nor shall there be any other kind of trade with regard to these persons, nor shall any person be brought (to Nepal) from any foreign country and kept or bought or sold as slave.”

Paragraph 307

The Constitution of Nepal provides:

“Article 13: Right against exploitation

Traffic in human beings slavery and forced labour are prohibited.”

Paragraph 308

The new Mulki Ain which came into effect on Bhadra 1, 2020 provides for the punishment of persons trading in or keeping slaves.

Chapter 309

Chapter on human traffic and trade

Section 1. No person shall, with the intention of trading in human beings, entice another person out of the territory of Nepal or having so removed him trade in such person. Any person arrested before such trade is completed within foreign territory shall be punished with imprisonment extending from three to seven years. In case the buyer is found within the territory of Nepal, he shall be liable for punishment equal to that of the seller.

Section 3. No person shall render another person a slave: neither shall any person sell or buy another person as slave. In case any person is so rendered or sold or bought, the person committing such act of rendering another person a slave or of selling or buying, shall be liable to punishment for every such person so rendered with imprisonment extending from five to seven years.

ENGEN REPORT

Paragraph 75

...slavery for debt has... been suppressed in Nepal under the Constitution of 1948...

CONSTITUTION OF NEPAL 2015

17. Right to Freedom:

(1) Except as provided for by law no person shall be deprived of her/his personal liberty.

(2) Every citizen shall have the following freedoms:

(e) freedom to move and reside in any part of Nepal; and

(f) freedom to engage in any occupation or be engaged in employment, establish and operate industry, trade and business in any part of Nepal.

29. Right against exploitation:

- (1) Every person shall have the right against exploitation.
- (2) No person shall be subjected to any kind of exploitation on the basis of religion, custom, tradition, culture, practices or any other bases.
- (3) No person shall be subjected to human trafficking or bonded labor, and such an act shall be punishable by law.
- (4) No person shall be subjected to forced labor.
Provided that nothing in this clause shall prevent the enactment of a law requiring citizens to be engaged in compulsory service for public purposes.
- (5) Any act contrary to clause (3) and (4) shall be punishable by law and the victim of such an act shall have the right to compensation from the perpetrator.

33. Right to employment:

- (1) Every citizen shall have the right to employment. Terms and conditions of employment and unemployment benefits shall be as determined by Federal law.
- (2) Every citizen shall have the right to select employment.

34. Right regarding labor:

- (1) Every laborer shall have the right to proper work practices.
Explanation: For the purpose of this Article, "laborer" means a worker or laborer who offers physical or mental work for an employer for remuneration.
- (2) Every laborer shall have the right to appropriate remuneration, facilities and contribution-based social security.
- (3) Every laborer shall have the right to form trade union, participate in it, and organize collective bargaining.

38. Right of women:

- (3) There shall not be any physical, mental, sexual or psychological or any other kind of violence against women, or any kind of oppression based on religious, social and cultural tradition, and other practices. Such an act shall be punishable by law and the victim shall have the right to be compensation as provided for in law.

THE MULUKI AIN (GENERAL CODE)

Chapter 8A. Kidnapping/Abduction and Hostage Taking Number 1.

No person shall compel another person to go to any place by using force or threatening to use force or showing fear or threat or overpowering (Jorjulum) or showing weapons or by using deceitful means or by using intoxicating or stimulant/psychotropic substance or by seizing or controlling any means of transportation by any means or take a person to any place without his or her consent, or in the case of a minor or a mentally unsound person, without the consent of his or her father or mother or guardian for the benefit of the minor or unsound person. If any person does such an act, the person shall be deemed to have committed the offence of kidnapping.

Number 2.

Except in cases where a mentally unsound person is detained in good faith, and in the interest of such person, with the consent of his or her father or mother or guardian, no person shall detain another person, by

using force or threatening to use force or showing fear and threat, or by overpowering (Jorjulum) or by any deceitful means (Chhal, Kapat, Jhukkyan) or by using intoxicating or stimulant substance, or by seizing or illegally controlling any means of transportation or any place. If any person does such an act, the person shall be deemed to have committed the offence of taking hostage.

Number 3.

If a person kidnaps/abducts or takes hostage of another person, as referred to in Number 1 or Number 2 of this Chapter, with intention to kill somebody else, to cause hurt by battering, to rape or to have unnatural sexual intercourse, to sell, to enslave a person, to deploy somebody in work forcefully, to cause torture, to engage into prostitution, to compel to work or cause to work, to get ransom or to receive the property of the abducted person or his or her successor (Hakwala), to cause to hand over (Samarpan) business or to cause to commit an offence punishable by the prevailing laws, the person who commits, or causes to be committed, such an act, shall be liable to the punishment of imprisonment for a term ranging from Seven years to Fifteen years and a fine from Fifty Thousand Rupees to Two Hundred Thousand Rupees; and the person, who kidnaps/abducts or takes hostage for any purpose or intention other than those mentioned above, shall be punished with imprisonment for a term ranging from Four years to Eight years and also a fine from Twenty Five Thousand to One Hundred Thousand Rupees.

Number 4.

A person, who abets, instigates or orders to commit the offence as referred to in this Chapter or gives consent to commit the offence prior to the commission of such an offence shall be punished as if he or she had committed the offence himself or herself.

Number 5. In cases where a person has attempted to commit the offence as referred to in this Chapter but has not completed the commission, the person shall be punished with half the punishment for such an offence.

Number 9.

In cases where the offence as mentioned in Number 1, 2, or 3 of this Chapter is committed against a woman or a minor, the person involved in such offence shall be liable to the punishment of imprisonment for a term of Two years, in addition to the punishment mentioned in this Chapter.

Chapter-11 On Human Trafficking

Number 1.

No person shall lure and take another person outside the territory of Nepal with intention to sell him or her nor shall sell another person outside the territory of Nepal. If a person, who is taking another person to sell him or her in a foreign country, is caught (arrested) before the sale, the offender shall be liable to the punishment of imprisonment for a term of Ten years and if the person is arrested after the sale, the offender shall be liable to the punishment of imprisonment for a term of Twenty years. In cases where the buyer is found within the territory of Nepal, the buyer shall be liable to the same punishment as is imposable on the seller.

Number 2.

No person shall separate or lure to separate a minor below the age of Sixteen years or even a major who is mentally unsound, from his or her guardianship without the consent of his or her legal guardian. If someone is so separated or lured, the offender shall be liable to the punishment of a fine of up to Five Hundred Rupees or imprisonment for a term not exceeding Three years or with both.

Number 3.

No person shall make any other person a Kamara, Kamari (sub-servant), slave or bonded labor. A person who makes another person a sub-servant, slave or bonded labor shall be liable to the punishment of imprisonment for a term ranging from Three years to Ten years, and the court may issue an order for the provision of a reasonable compensation by the offender to the victim.

Number 4.

If a person aids the offender to commit the offence as referred to in Number 1, 2 or 3 of this Chapter, the person shall be liable to half the punishment that is imposed on the principal offender.

Number 5.

If a human being is sold or bought as referred to in Numbers 1 and 3 of this Chapter, the amount involved on behalf of the buyer shall be void (may not be returned) and the seller shall be liable to the punishment of a fine equal to the amount involved in such a sale, in addition to the punishment mentioned in those Numbers.

Chapter – 17 On Marriage

Number 2.495

While contracting a marriage, no one shall arrange to marry nor cause to be married where the male and the female have not completed the age of Eighteen years with the consent of the guardian and that of twenty years in case of absence of the consent of the guardian. The persons having attained majority, out of those who marry or cause to be married in violation of this provision, shall be punished as follows:

Number 7.497

No marriage shall be solemnized or arranged without the consent of both the male and the female parties thereto. If a marriage is solemnized or arranged by force without consent, such a marriage shall be void. One who concludes or arranges such a marriage shall be punished liable to punishment of imprisonment for a term not exceeding Two years.

HUMAN TRAFFICKING
AND
TRANSPORTATION
(CONTROL) ACT,
2064

Section 2. Definition

Unless the Subject or context otherwise requires, in this Act-
(e) "Exploitation" means an act of keeping human being as a slave and bonded and this word also includes to remove human organ except otherwise provided by prevailing law.

Section 3. Human beings not to be trafficked and transported:

(1) No one shall commit or cause to commit human trafficking and transportation.

(2) If anyone commits an act under Subsection (1), that shall be deemed to have committed an offence under this Act.

Section 4. Acts considered as Human Trafficking and Transportation:

(1) If anyone commits any of the following acts, that shall be deemed to have committed human trafficking:

- (a) To sell or purchase a person for any purpose,
- (b) To use someone into prostitution, with or without any benefit,
- (c) To extract human organ except otherwise determined by law,
- (d) To go for in prostitution.

(2) If anyone commits any of the following acts, that shall be deemed to have committed human transportation:

- (a) To take a person out of the country for the purpose of buying and selling,
- (b) To take anyone from his /her home, place of residence or from a person by any means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostage, allurements, influence, threat, abuse of power and by means of inducement, fear, threat or coercion to the guardian or custodian and keep him/her into ones custody or take to any place within Nepal or abroad or handover him/her to somebody else for the purpose of prostitution and exploitation.

Section 15. Punishment

(1) Any person who commits an offence as prescribed under Section 3 shall be punished as follows:

- (a) Twenty years imprisonment and a fine of Two Hundred Thousand Rupees for selling or buying a human being,
- (b) Ten years to Five years imprisonment and a fine of Fifty Thousand Rupees to One Hundred Thousand Rupees for forcing into prostitution, with or without financial benefit,
- (c) 10 years imprisonment and a fine of Rs Two Hundred Thousand to Five Hundred Thousand Rupees for extracting human organ except otherwise determined by law,
- (d) One month to three months imprisonment and a fine of Two Thousand Rupees to Five Thousand Rupees for a person engaged in prostitution.

(e) For a person who is involved in transportation of human being for the purpose of buying, selling and engaging someone in prostitution-

(1) Ten years to Fifteen years imprisonment and a fine of Fifty Thousand Rupees to One Hundred Thousand Rupees for taking a person out of the country. Fifteen years to Twenty years imprisonment and a fine of One Hundred Thousand Rupees to Two Hundred Thousand Rupees for taking a child out of the country.

(2) Ten years of prison and a fine of Fifty Thousand Rupees to One Hundred Thousand Rupees for taking a person from one place to another place within the country. Ten years to Twelve years imprisonment and a fine of One Hundred Thousand Rupees for taking a child from one place to another place within the country.

(f) One years to two years of imprisonment for taking a person from one place to another place within the country, and two years to five years of prison for taking out of the country for the purpose of exploitation under Clause (b) of Sub-section (2) of Section 4.

(g) Except otherwise written in clause (e) and (f), seven years to ten years of prison for a person committing an offence under clause (b) of Subsection (2) of Section 4.

(h) The person engaged in provocation, conspiracy and attempt of an offence of human trafficking or transportation or an abettor of that offence shall get half out of full punishment envisioned for that offence.

(2) Notwithstanding anything written in Sub-section (1), the punishment in the following matters shall be as follows:

(a) If same person is involved in buying or selling and forcing into prostitution, with or without any benefit; he/she shall be liable for punishment under both offences,

(b) If same person is involved in buying or selling or forcing into prostitution, with or without any benefit, and in an offence under Clause (b) of Sub-section (2) of Section 4, he/she shall be liable for punishment under both offences,

(c) Notwithstanding anything mentioned in Clause (b), if same person is involved in an offence under Clause (b) of Sub-Section (2) of Section 4 and in transporting a human being from one place to another place within Nepal or outside the country for the purpose of buying, selling or forcing into prostitution, with or without any benefits; he/she shall be liable for separate punishment for each offence.

(3) If an offence under Section 3 is committed by person holding a public post; in addition to the regular punishment for that offence, he/she shall be liable for Twenty five 25 percentage additional punishments.

(4) If anyone commits an offence under Section 3 with a person under protection or guardianship or if the victim is relative of the offender as incorporated in the Chapter of Incest in civil code , he/she is shall be liable for ten percentage additional punishment besides regular punishment under this Act.

(5) If anyone commits an offence under Section 3 repeatedly, for every offence he/she shall be liable for it additional one-fourth punishment in addition to the regular punishment.

(6) If, in the course of proceeding of the case, a person involved in reporting the offence under Section 5 of this Act gives contrary statement to that of the statement giver earlier or if he/she does not appear before the court on its notice or does not assist to the court, shall be liable for three months to one year of imprisonment.

CHILDREN'S ACT, 2048 (1992)

13. Prohibition to engage Children in begging and to make fakir:

1) No Child shall be permitted to be engaged in begging except in following the religious or cultural traditions.

16. Children not to be made involved in immoral profession:

(1) No person shall involve or use a child in immoral profession. 2) No photograph of a child shall be taken or allowed to be taken, nor such photograph shall be distributed or exhibited for the purpose of engaging a Child in immoral profession. 3) No publication, exhibition or distribution of photograph or personal events or descriptions of a child tarnishing the character of such Child shall be made. 4) No child be made involved in the sale or distribution of, and trafficking in alcoholic drinks, narcotic drugs or any other drugs.

17. Restriction on employment:

(1) A Child who has not attained the age of 14 years shall not be employed in any works as a labourer. (2) A Child who has attained the

age of 14 years or above shall not be employed in work as a labourer during the period from 6'O clock in the evening to 6 O'clock in the morning.(3) A child who may be employed in work as a labourer shall not be made to be engaged in work against his will. 4) Every child-labourer shall be provided equal remuneration for the equal work without discrimination of any kind, irrespective of the child's sex religion, race or color¹, caste and community.

18. Protection from engaging in hazardous work : No child shall be engaged in work that is likely to be harmful to the Child's health or to be hazardous tot he Child's life.

Netherlands

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Criminal Code which criminalises slave trading and various offences related to slave trading vessels under sections 274-277. Slavery may also form an element of the offence of trafficking under section 273F.
- ii) There appears to be **no legislation** in place in Netherlands which prohibits **servitude**, although servitude and practices similar to slavery may form elements of an offence of trafficking under section 273F of the Criminal Code.
- iii) There appears to be **no legislation** in place in the Netherlands which prohibits **forced labour**, although forced or compulsory labour may form an element of an offence of trafficking under section 273F of the Criminal Code.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under section 273F.

2) International Obligations: Netherlands consents to:

1926 Slavery Convention: (7 January 1928, ratification)
1930 Forced Labour Convention: (31 March 1933, ratification)
1953 Protocol to the 1926 Slavery Convention: (7 July 1955, accession)
1956 Slavery Convention: (3 December 1957, ratification)
1957 Abolition of Forced Labour Convention: (18 February 1959, ratification)
1966 ICCPR: (11 December 1978, ratification)
1998 Rome Statute of the ICC: (17 July 2001, acceptance)
2000 Palermo Protocol (Trafficking in Persons): (27 July 2005, acceptance)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Netherlands appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 848.

(1) The criminal code contains four sections on the subject of the traffic in and the transport of slaves. Title XVIII (offences against personal freedom) makes the following penal provisions:

Section 274. Anyone engaging in the slave trade for his own or another's account, or intentionally taking part in it directly or indirectly, is liable to a term of imprisonment not exceeding twelve years.

Section 275. 1. Anyone who signs or serves as master on a vessel in the knowledge that it is intended for the slave trade, or using it for that purpose, is liable to a term of imprisonment not exceeding fifteen years.
2. If the transport results in the death of one or more slaves, the master is liable to a term of imprisonment not exceeding fifteen years.

Section 276. Anyone who signs on as a member of the crew of a vessel in the knowledge that it is intended or used for the slave trade, or who voluntarily continues to serve on the vessel after learning of such intention or use, is liable to a term of imprisonment not exceeding nine years.

Section 277. Anyone who, for his own or another's account, directly or indirectly co-operates in letting, chartering out or insuring a vessel in the knowledge that it is intended for the slave trade, is liable to a term of imprisonment not exceeding eight years.

849. (2) As regards attempts at and complicity in those offences, see the replies to question I, paragraph I, sub-paragraph (f), (g) and (h).

850. (3) and (4) The acts referred to in these questions are combated by the penal provisions mentioned in the replies to question I, paragraph I, sub-paragraphs (a-d) and in the reply to question IV, paragraph I.

Pursuant to Section 3 of the criminal code, those provisions are applicable to ocean-going ships in all parts of the world. The general police control of ships and aircraft, in ports and on airfields, is effective enough to prevent or detect the said acts. Moreover, in respect of ocean-going shipping, Section 8, paragraph four of the certificates of register act lays down that if a ship is used for the slave trade, for example, the Minister responsible for the implementation of the Act can withdraw its certificate of registry, so that it is no longer entitled to sail under the Netherlands flag.

851. (5) The reply to the questions asked here has already been partly given under point 3. The Netherlands Government has never had an occasion to bring a criminal offence of this kind to the notice of a foreign Power.

852. (6) The Kingdom of the Netherlands is a Party to the 1926 and 1956 Conventions. There is no need in this part of the world for any additional forms of co-operation with other states for the purpose of eliminating the slave trade. Nor is there any reason for the Netherlands to take police action against slave-trading in the frontier districts.

Paragraph 853.

(7) A person thus taking refuge is ipso facto free. On land the national and local police and other authorities will give him every assistance in preserving his freedom. On board a ship or an aircraft, the master/pilot is under the obligation to do all in his power to make such freedom permanent.

THE CONSTITUTION
OF THE KINGDOM OF
THE NETHERLANDS
1815 (REV. 2008)

Article 11

Everyone shall have the right to inviolability of his person, without prejudice to restrictions laid down by or pursuant to Act of Parliament.

Article 15

1. Other than in the cases laid down by or pursuant to Act of Parliament, no one may be deprived of his liberty.

Article 19

1. It shall be the concern of the authorities to promote the provision of sufficient employment.
2. Rules concerning the legal status and protection of working persons and concerning codetermination shall be laid down by Act of Parliament.
3. The right of every Dutch national to a free choice of work shall be recognized, without prejudice to the restrictions laid down by or pursuant to Act of Parliament.

THE NETHERLANDS
CRIMINAL CODE 2005

Section 273F

1. Any person who:
 - (a) by force, violence or other act, by the threat of violence or other act, by extortion, fraud, deception or the misuse of authority arising from the actual state of affairs, by the misuse of a vulnerable position or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, moves, accommodates or shelters another person, with the intention of exploiting this other person or removing his or her organs;
 - (b) recruits, transports, moves, accommodates or shelters a person with the intention of exploiting that other person or removing his or her organs, when that person has not yet reached the age of eighteen years;
 - (c) recruits, takes with him or abducts a person with the intention of inducing that person to make himself/herself available for performing sexual acts with or for a third party for remuneration in another country;
 - (d) forces or induces another person by the means referred to under (a) to make himself/herself available for performing work or services or making his/her organs available or takes any action in the circumstances referred to under (a) which he knows or may reasonably be expected to know will result in that other person making himself/herself available for performing labour or services or making his/her organs available;
 - (e) induces another person to make himself/herself available for performing sexual acts with or for a third party for remuneration or to make his/her organs available for remuneration or takes any action towards another person which he knows or may reasonably be expected to know that this will result in that other person making himself/herself available for performing these acts or making his/her organs available for remuneration, when that other person has not yet reached the age of eighteen years;
 - (f) wilfully profits from the exploitation of another person;
 - (g) wilfully profits from the removal of organs from another person, while he knows or may reasonably be expected to know that the organs of that person have been removed under the circumstances referred to under (a);
 - (h) wilfully profits from the sexual acts of another person with or for a third party for remuneration or the removal of that person's organs for

remuneration, when this other person has not yet reached the age of eighteen years;

(i) forces or induces another person by the means referred to under (a) to provide him with the proceeds of that person's sexual acts with or for a third party or of the removal of that person's organs;

shall be guilty of trafficking in human beings and as such liable to a term of imprisonment not exceeding six years and a fifth category fine*, or either of these penalties:

2. Exploitation comprises at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, slavery, slavery like practices or servitude.

3. The following offences shall be punishable with a term of imprisonment not exceeding eight years and a fifth category fine*, or either of these penalties:

(a) offences as described in the first paragraph if they are committed by two or more persons acting in concert;

(b) offences as described in the first paragraph if such offences are committed in respect of a person who is under the age of sixteen.

4. The offences as described in the first paragraph, committed by two or more persons acting in concert under the circumstance referred to in paragraph 3 under (b), shall be punishable with a term of imprisonment not exceeding ten years and a fifth category fine*, or either of these penalties.

5. If one of the offences described in the first paragraph results in serious physical injury or threatens the life of another person, it shall be punishable with a term of imprisonment not exceeding twelve years and a fifth category fine*, or either of these penalties.

6. If one of the offences referred to in the first paragraph results in death, it shall be punishable with a term of imprisonment not exceeding fifteen years and a fifth category fine*, or either of these penalties.

7. Article 251 is applicable mutatis mutandis. *A fifth category fine is a fine of maximum € 67.000.

Section 274

Any person who engages in slave trading, for his own or another's account, or who intentionally participates in it, either indirectly or directly, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

Section 275

1. Any person who takes service or serves as a master on a vessel, knowing that it is intended for slave trading, or employing it for that purpose, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

2. If the transportation results in the death of one or more slaves, the master shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.

Section 276

Any person who takes service on a vessel as a crew member, knowing that it is intended for slave trading or that it is employed for that purpose, or voluntarily continues his service on such vessel after having

learned of such purpose or employment, shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 277

Any person who, for his own or another's account, either indirectly or directly, cooperates in the leasing, hiring out or insuring of a vessel, knowing that it is intended for slave trading, shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

Section 278

Any person who takes another person across the borders of the Kingdom in Europe, with the intention of unlawfully placing him under the control of another person or placing him in a powerless situation, shall be guilty of kidnapping and shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

Section 281

1.
 1. Any person who takes away a female minor against the will of her parents or guardians, but with her consent, with the intention of securing possession of her, either in or out of wedlock, shall be guilty of abduction and shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category;
 2. Any person who takes away a woman by a ruse, an act of violence or threat of violence, with the intention of securing possession of her, either in or out of wedlock, shall be guilty of abduction and shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category;
 2. Prosecution shall take place only on complaint.
 3. The complaint shall be filed:
 - a. by the woman, or by the person whose consent she requires to enter into a marriage, if she was a minor at the time of the abduction;
 - b. by the woman, or by her husband, if she was of age at the time of the abduction.
 4. If the abductor has entered into a marriage with the abducted woman, conviction shall only take place after the marriage has been declared null and void.

INTERNATIONAL CRIMES ACT (2003)

§ 2. Crimes Section 4

1. Anyone who commits one of the following acts shall be guilty of a crime against humanity and liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine, if such acts are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - (c) enslavement;
2. For the purposes of this section:

(b) 'enslavement' means the exercise of any or all of the powers attaching to the right of ownership over a person, including the exercise of such power in the course of trafficking in persons, in particular women and children;

Section 5

3. Anyone who commits, in the case of an international armed conflict, one of the following acts:

(a) rape, sexual slavery, enforced prostitution, enforced sterilisation or any other form of sexual violence which can be deemed to be of a gravity comparable to a grave breach of the Geneva Conventions; shall be liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine.

Section 6

2. Anyone who, in the case of an armed conflict not of an international character, commits one of the following acts:

(a) rape, sexual slavery, enforced prostitution, enforced sterilisation or any other form of sexual violence which can be deemed to be of any gravity comparable to a grave breach of the Geneva Conventions; shall be liable to life imprisonment or a term of imprisonment not exceeding thirty years or a sixth category fine.

New Zealand

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Crimes Act 1961 which criminalises slavery under section 98.
- ii) **Provisions** related to **servitude** are found in the Crimes Act 1961 at section 98 which prohibits debt bondage, serfdom, giving in marriage or transferring a woman without consent for gain, inheritance of wives, and the delivery of children by parents and guardians for the exploitation of the child's labour.
- iii) **Provisions** related to **forced labour** are found in the Crimes Act 1961 at section 98AA.
- iv) **Provisions** related to **trafficking in persons** are found in the Crimes Act which criminalises trafficking under section 98D.

2) International Obligations: New Zealand consents to:

1926 Slavery Convention: (16 December 1953, ratification)
 1930 Forced Labour Convention: (29 March 1938, ratification)
 1953 Protocol to the 1926 Slavery Convention: (16 December 1953, succession)
 1956 Slavery Convention: (26 April 1962, accession)
 1957 Abolition of Forced Labour Convention: (14 June 1968, ratification)
 1966 ICCPR: (28 December 1978, ratification)
 1998 Rome Statute of the ICC: (7 September 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (19 July 2002, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: New Zealand appears to be:

- in compliance with its basic obligations under the above instruments with regard to slavery, servitude, forced or compulsory labour, and trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 329

Compendious legislation has been in force for many years prohibiting slavery and similar practices, the most recent being the Crimes Act 1961. Section 98 of the Act... prohibits certain practices to bring New Zealand legislation more closely into line with the Supplementary Convention on the abolition of slavery, the slave trade and institutions and practices similar to slavery...

Section 98 of the Crimes Act provides for a penalty of up to fourteen years for the acts listed (a) to (h), with the exception of € which would be covered by the sections of the Act dealing with assaults and injuries to the person.

NEW ZEALAND BILL OF RIGHTS ACT 1990

9 Right not to be subjected to torture or cruel treatment

Everyone has the right not to be subjected to torture or to cruel, degrading, or disproportionately severe treatment or punishment.

18 Freedom of movement

(1) Everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand.

(2) Every New Zealand citizen has the right to enter New Zealand.

(3) Everyone has the right to leave New Zealand.

(4) No one who is not a New Zealand citizen and who is lawfully in New Zealand shall be required to leave New Zealand except under a decision taken on grounds prescribed by law.

22 Liberty of the person

Everyone has the right not to be arbitrarily arrested or detained.

CRIMES ACT 1961

98 Dealing in slaves

(1) Every one is liable to imprisonment for a term not exceeding 14 years who, within or outside New Zealand,—

(a) sells, purchases, transfers, barter, lets, hires, or in any way whatsoever deals with any person as a slave; or

(b) employs or uses any person as a slave, or permits any person to be so employed or used; or

(c) detains, confines, imprisons, carries away, removes, receives, transports, imports, or brings into any place whatsoever any person as a slave or to be dealt with as a slave; or

(d) induces any person to sell, let, or give himself, or any other person dependent on him or in his charge, as a slave; or

(e) in any case not covered by paragraph (d), induces any person to sell, let, or give any other person into debt bondage or serfdom; or

(f) builds, fits out, sells, purchases, transfers, lets, hires, uses, provides with personnel, navigates, or serves on board any ship or aircraft for any of the purposes in paragraphs (a) to (e); or

(g) for gain or reward gives in marriage or transfers any woman to another person without her consent; or

(h) is a party to the inheritance by any person of a woman on the death of her husband; or

(i) being a parent or guardian of any child under the age of 18 years, delivers that child to another person with intent that the child or his labour shall be exploited; or

(j) agrees or offers to do any of the acts mentioned in this subsection.

(2) For the purposes of this section—

debt-bondage means the status or condition arising from a pledge by a debtor of his personal services, or of the personal services of any person under his control, as security for a debt, if the value of those services, as reasonably assessed, is not applied towards the liquidation of the debt or if the length and nature of those services are not limited and defined
serfdom means the status or condition of a tenant who is by any law, custom, or agreement bound to live and labour on land belonging to another person and to render some determinate service to that other person, whether for reward or not, and who is not free to change that status or condition
slave includes, without limitation, a person subject to debt bondage or serfdom.

98AA Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour

(1) Every one is liable to imprisonment for a term not exceeding 14 years who—

(a) sells, buys, transfers, barter, rents, hires, or in any other way enters into a dealing involving a person under the age of 18 years for the purpose of—

- (i) the sexual exploitation of the person; or
- (ii) the removal of body parts from the person; or
- (iii) the engagement of the person in forced labour; or

(b) engages a person under the age of 18 years in forced labour; or

(c) permits a person under the age of 18 years to be engaged in forced labour; or

(d) detains, confines, imprisons, or carries away a person under the age of 18 years for the purpose of—

- (i) the sexual exploitation of the person; or
- (ii) the removal of body parts from the person; or
- (iii) the engagement of the person in forced labour; or

(e) removes, receives, transports, imports, or brings into any place a person under the age of 18 years for the purpose of—

- (i) the sexual exploitation of the person; or
- (ii) the removal of body parts from the person for a material benefit; or
- (iii) the engagement of the person in forced labour; or

(f) induces a person under the age of 18 years to sell, rent, or give himself or herself for the purpose of—

- (i) the sexual exploitation of the person; or
- (ii) the removal of body parts from the person for a material benefit; or
- (iii) the engagement of the person in forced labour; or

(g) induces a person to sell, rent, or give another person (being a person who is under the age of 18 years and who is dependent on him or her or in his or her charge) for the purpose of—

- (i) the sexual exploitation of the other person; or
- (ii) the removal of body parts from the other person;

or

(iii) the engagement of the other person in forced labour; or

(h) builds, fits out, sells, buys, transfers, rents, hires, uses, provides with personnel, navigates, or serves on board a ship, aircraft, or other vehicle for the purpose of doing an act stated in any of paragraphs (a) to (g); or

(i) agrees or offers to do an act stated in any of paragraphs (a) to (h).

- (2) It is a defence to a charge under this section if the person charged proves that he or she believed on reasonable grounds that the person under the age of 18 years concerned was of or over the age of 18 years.
- (3) For the purposes of subsection (1), sexual exploitation, in relation to a person, includes the following acts:
- (a) the taking by any means, or transmission by any means, of still or moving images of the person engaged in explicit sexual activities (whether real or simulated);
 - (b) the taking by any means or transmission by any means, for a material benefit, of still or moving images of the person's genitalia, anus, or breasts (not being an act described in subsection (4) or subsection (5));
 - (c) the person's participation in a performance or display (not being an act described in subsection (4)) that—
 - (i) is undertaken for a material benefit; and
 - (ii) involves the exposure of the person's genitalia, anus, or breasts;
 - (d) the person's undertaking of an activity (for example, employment in a restaurant) that—
 - (i) is undertaken for a material benefit; and
 - (ii) involves the exposure of the person's genitalia, anus, or breasts.
- (4) For the purposes of paragraphs (b) and (c) of subsection (3), sexual exploitation, in relation to a person, does not include the recording or transmission of an artistic or cultural performance or display honestly undertaken primarily for purposes other than the exposure of body parts for the sexual gratification of viewers.
- (5) For the purposes of subsection (3)(b), sexual exploitation, in relation to a person, does not include the taking or transmission of images of the person's genitalia, anus, or breasts for the purpose of depicting a medical condition, or a surgical or medical technique, for the instruction or information of health professionals.
- (6) For the purposes of subsection (3)(b), sexual exploitation, in relation to a person, does not include the taking or transmission of images of the person's genitalia, anus, or breasts if the images are honestly intended—
- (a) to provide medical or health education; or
 - (b) to provide information relating to medical or health matters; or
 - (c) to advertise a product, instrument, or service intended to be used for medical or health purposes.
- (7) The person under the age of 18 years in respect of whom an offence against this section was committed cannot be charged as a party to the offence.
- (8) This section does not limit or affect the generality of section 98.

98B Terms used in sections 98C to 98F

In sections 98C to 98F, unless the context otherwise requires,—
act of coercion against the person includes—

- (a) abducting the person:
 - (b) using force in respect of the person:
 - (c) harming the person:
 - (d) threatening the person (expressly or by implication) with the use of force in respect of, or the harming of, the person or some other person
- act of deception includes fraudulent action
- arranges for an unauthorised migrant to be brought to a State includes—
- (a) organises or procures the bringing to a State:
 - (b) recruits for bringing to a State:
 - (c) carries to a State

arranges for an unauthorised migrant to enter a State includes—

- (a) organises or procures the entry into a State;
- (b) recruits for entry into a State;
- (c) carries into a State

document includes a thing that is or is intended to be—

- (a) attached to a document; or
- (b) stamped or otherwise signified on a document

harming of a person means causing harm of any kind to the person; and
(in particular) includes—

- (a) causing physical, psychological, or financial harm to the person;
- (b) sexually mistreating the person;
- (c) causing harm to the person's reputation, status, or prospects

unauthorised migrant, in relation to a State, means a person who is
neither a citizen of the State nor in possession of all the documents
required by or under the law of the State for the person's lawful entry
into the State.

98D Trafficking in people by means of coercion or deception

(1) Everyone is liable to the penalty stated in subsection (2) who arranges,
organises, or procures—

(a) the entry of a person into, or the exit of a person out of, New Zealand
or any other State—

(i) for the purpose of exploiting or facilitating the exploitation of the
person; or

(ii) knowing that the entry or exit of the person involves 1 or more acts of
coercion against the person, 1 or more acts of deception of the person,
or both; or

(b) the reception, recruitment, transport, transfer, concealment, or
harbouring of a person in New Zealand or any other State—

(i) for the purpose of exploiting or facilitating the exploitation of the
person; or

(ii) knowing that the reception, recruitment, transport, transfer,
concealment, or harbouring of the person involves 1 or more acts of
coercion against the person, 1 or more acts of deception of the person,
or both.

(2) The penalty is imprisonment for a term not exceeding 20 years, a fine
not exceeding \$500,000, or both.

(3) Proceedings may be brought under this section even if—

(a) parts of the process by which the person was exploited, coerced, or
deceived were accomplished without an act of exploitation, coercion, or
deception:

(b) the person exploited, coerced, or deceived—

(i) did not in fact enter or exit the State concerned; or

(ii) was not in fact received, recruited, transported, transferred,
concealed, or harboured in the State concerned.

(4) For the purposes of this section, exploit, in relation to a person,
means to cause, or to have caused, that person, by an act of deception
or coercion, to be involved in—

(a) prostitution or other sexual services:

(b) slavery, practices similar to slavery, servitude, forced labour, or other
forced services:

(c) the removal of organs.

98E Aggravating factors

- (1) When determining the sentence to be imposed on, or other way of dealing with, a person convicted of an offence against section 98C or section 98D, a court must take into account—
 - (a) whether bodily harm or death (whether to or of a person in respect of whom the offence was committed or some other person) occurred during the commission of the offence;
 - (b) whether the offence was committed for the benefit of, at the direction of, or in association with, an organised criminal group (within the meaning of section 98A(2));
 - (c) whether a person in respect of whom the offence was committed was subjected to inhuman or degrading treatment as a result of the commission of the offence;
 - (d) if during the proceedings concerned the person was convicted of the same offence in respect of 2 or more people, the number of people in respect of whom the offence was committed.
- (2) When determining the sentence to be imposed on, or other way of dealing with, a person convicted of an offence against section 98D, a court must also take into account—
 - (a) whether a person in respect of whom the offence was committed was subjected to exploitation (for example, sexual exploitation, a requirement to undertake forced labour, or the removal of organs) as a result of the commission of the offence;
 - (b) the age of the person in respect of whom the offence was committed and, in particular, whether the person was under the age of 18 years;
 - (c) whether the person convicted committed the offence, or took actions that were part of it, for a material benefit.
- (3) The examples in paragraph (a) of subsection (2) do not limit the generality of that paragraph.
- (4) This section does not limit the matters that a court may take into account when determining the sentence to be imposed on, or other way of dealing with, a person convicted of an offence against section 98C or section 98D.

INTERNATIONAL
CRIMES AND
INTERNATIONAL
CRIMINAL COURT
ACT 2000

10. Crimes against humanity—

- (1) Every person is liable on conviction on indictment to the penalty specified in subsection (3) who, in New Zealand or elsewhere, commits a crime against humanity.
- (2) For the purposes of this section, a "crime against humanity" is an act specified in article 7 of the Statute.

11. War crimes—

- (2) For the purposes of this section, a "war crime" is an act specified in—
 - (b) article 8(2)(b) of the Statute (which relates to other serious violations of the laws and customs applicable in international armed conflict); or
 - (d) article 8(2)(e) of the Statute (which relates to other serious violations of the laws and customs applicable in armed conflict not of an international character).

Nicaragua

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution at article 40 which prohibits slavery and the slave trade and article 315 of the Criminal Code which criminalises subjecting, reducing, or maintaining a person in slavery.
- ii) **Provisions** related to **servitude** are found in the Constitution at article 40 which declares that no one shall be subjected to servitude and article 315 of the Criminal Code which criminalises subjecting, reducing, or maintaining a person in conditions similar to slavery or bonded labour.
- iii) **Provisions** related to **forced labour** are found in the Criminal Code at article 315 which criminalises subjecting, reducing, or maintaining a person in forced or compulsory labour.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code as amended by the 2015 Law against Trafficking in Persons which criminalises trafficking under article 182.

2) International Obligations: Nicaragua consents to:

1926 Slavery Convention: (14 January 1986, accession)
1930 Forced Labour Convention: (12 April 1934, ratification)
1953 Protocol to the 1926 Slavery Convention: (14 January 1986, acceptance)
1956 Slavery Convention: (14 January 1986, accession)
1957 Abolition of Forced Labour Convention: (31 October 1967, ratification)
1966 ICCPR: (12 March 1980, accession)
1998 Rome Statute of the ICC: N/A
2000 Palermo Protocol (Trafficking in Persons): (12 October 2004, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Nicaragua appears to be:

- in compliance with its basic obligations under the above instruments with regard to slavery, servitude, forced or compulsory labour, and trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
NICARAGUA
MANAGUA, 1987
(WITH AMENDMENTS
THROUGH 2014)

Article 25

Everyone has the right to:

- 1.individual liberty;
- 3.recognition of his/her legal personality and capacity.

Article 31

Nicaraguans have the right to circulate and to establish their residence in any part of the national territory, and to freely enter and exit the country.

Article 33

No one may be arbitrarily detained or imprisoned, or be deprived of liberty except in cases determined by law and in accordance with legal procedures. Therefore:

Article 36

All persons shall have the right to have their physical, psychological and moral integrity respected. No one shall be subjected to torture, procedures, punishments, or inhumane, cruel or degrading treatment. Violation of this right constitutes a crime and shall be punished by law.

Article 40.

No one shall be subjected to servitude. Slavery and slave trade in any form are prohibited.

Article 41

No one shall be detained for debts. This principle does not limit the mandates of competent legal authority for the non-fulfillment of alimony duties. It is the duty of all national or foreign citizens to pay their debts.

Article 57

Nicaraguans have the right to work in accordance with their human nature.

Article 72

Marriage and stable de facto unions are protected by the State; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the shall of one of the parties. The law shall regulate this matter.

Article 80

Work is a right and a social responsibility.

The labor of Nicaraguans is the fundamental means to satisfy the needs of society and of persons, and is the source of the wealth and prosperity of the nation. The State shall strive for full and productive employment of all Nicaraguans under conditions that guarantee the fundamental rights of the person.

Article 82

Workers have the right to working conditions that specifically ensure them:

- 1.Equal pay for equal work under identical conditions, suitable to their social responsibility, without discrimination for political, religious, racial, gender or any other reasons, which ensure a well-being compatible with human dignity;

2. Being paid in legal tender currency in their work place;
3. The exemption from seizure of the minimum wage and social benefits, except for the protection of their family and in the terms established by law;
4. Work conditions that guarantee physical integrity, health, hygiene and the reduction of professional hazards to make effective the worker's occupational security;
5. An eight-hour work day, weekly rest, vacations, remuneration for national holidays and a thirteenth month salary, in conformity with the law;
6. Work stability in conformity with the law and equal opportunity to be promoted, limited only by the factors of time, service, capacity, efficiency and responsibility;
7. Social security for integral protection and means of subsistence in cases of incapacitation, old age, professional risks, illness or maternity; and for their relatives in cases of death, in the form and under conditions established by law.

Article 84

Child labor in tasks that can affect their normal development or their obligatory instruction cycle is prohibited. Children and adolescents shall be protected against any form of economic and social exploitation.

PENAL CODE 2007
(AS AMENDED BY THE
LAW AGAINST
TRAFFICKING IN
PERSONS 2015)

Article 178. Procuring

8 to 10 years imprisonment and 300 to 500 fines shall be punished in any of the following activities:

- 1) Who exploits the prostitution of others, or takes advantage of or benefits from the sexual exploitation of the same, by any type of activity of a sexual or pornographic nature, even with the consent of the person, to obtain benefit, advantage or benefit for himself or For a third party;
- (2) Whoever maintains, leases, administers, directs, finances, supervises or directs a house, place, agency, or by simulating any other establishment to exploit the sexual or other person's prostitution, or who knowingly, Carry out any function, principal or subaltern, in the place where prostitution is practiced;
- 3) Who carries out the actions of controlling, monitoring, subjecting victims, collecting, receiving or dispossessing of payment, product of exploitation.

Article 179. Aggravated pimping

I. The penalty will be applied between ten and twelve years of imprisonment and of five hundred one days to a thousand days fine in the following cases:

- 1) When the author or participant of the crime has a relationship of kinship not included in the previous number or superiority, authority, dependence, trust with the victim, subordination or academic or spiritual dependence;
- 2) When permanently sharing the home with the victim;
- 3) When deceit, violence, abuse of authority or any form of intimidation or coercion; or
- 4) When there is a profit spirit.

II. The penalty will be applied between twelve and fifteen years in prison and a fine of one thousand days fines in the following cases:

- 1) When the author or participant of the crime is worth a relationship of familiarity up to the fourth degree of consanguinity and second of affinity;
- 2) When the victim is a child, adolescent or person with a disability;
- 3) When, as a consequence of the crime of pimping, the victim results in a serious damage to physical or psychological health or has acquired an incurable disease, pregnancy, or is forced to perform abortion; or
- 4) When the author or participant of the crime is a servant or public servant, or works for international organizations or non-governmental organizations whose purpose is related to the topic of care or protection of children, adolescents and women.

Article 182. Trafficking in persons

It commits the offense of trafficking in persons, who organizes, finances, directs, promotes, promotes, promotes, induces, facilitates or who executes direct or indirect recruitment, invites, recruits, contracts, transports, transfers, watches, delivers, receives, retains, Conceals, welcomes or lodges any person for any purpose of prostitution, sexual exploitation, procuring, child pornography, forced marriage or forced marriage or forced labor, forced labor or services, child labor, slavery or practices Illicit extraction of human organs, tissues, cells or fluids or any of its components, unlawful clinical or pharmacological biomedical experimentation, participation in organized criminal activities, use of minors in criminal activities, begging or adoption For such purposes to be exercised within or outside the national territory. The penalty of ten to fifteen years of imprisonment and a thousand days fine, cancellation of commercial license, final closure of the premises and the confiscation of the movable and immovable assets used and the economic and financial resources obtained.

In no case will the consent of the victim exempt or diminish the criminal responsibility of persons who commit the commission of the crime of trafficking in persons.

Article 182B. Aggravating the crime of trafficking in persons

I. The penalty shall be imposed from sixteen to eighteen years and a fine of one thousand days in the following cases:

- 1) When the offense of trafficking in persons is committed by means of threats, intimidation, kidnapping, blackmail, use of force or other forms of coercion; Y
- 2) When the perpetrator or participant commits the crime in the exercise of power or in a situation of vulnerability of the victim, when he resorts to fraud, deception, offer of work or any benefit, or the granting or receipt of payments Or benefits to obtain the consent of one person, having authority over another.

II. The penalty shall be imposed from nineteen to twenty years and a fine of one thousand days in cases in which:

- 1) The victim is a person, girl, child, adolescent or older than sixty years of age; Or is a person from the indigenous or Afro-descendant peoples, a person with a disability, or is committed by a relative, guardian or guardian, responsible for or in charge of education, custody, spiritual guidance,
Leader or religious leader or who permanently shares the victim's home, or a relationship of trust;

(2) Whoever subtracts, offers, delivers, transfers, sells, accepts, acquires or owns, to a child or adolescent, altering or not affiliation, mediation or non-payment, reward or benefit, for any In the crime of trafficking in persons;

3) When the victims in the same act are two or more persons;

4) When the exploitation purposes are two or more of those foreseen in this crime;

(5) When, as a result of the crime of trafficking in persons, the life of the victim is endangered, or the victim is seriously injured, in physical or psychological health, or has acquired a serious or incurable illness, or becomes pregnant or Forced to perform abortion;

6) When the victim is forced or induced to use drugs or results in an addiction condition;

7) When the person who committed or participated in the crime of trafficking in persons has been convicted of committing the same offense abroad; Y

8) When the author or participant of the crime is a servant or public servant or works for international organizations or non-governmental organizations whose purpose is related to the topic of care or protection of children, adolescents and women.

If two or more of the circumstances provided for in this article are met, the maximum penalty shall apply.

If the exploitation purpose has been reached by the same person, the corresponding competition will be applied in accordance with the Code of Criminal Procedure of the Republic of Nicaragua.

Persons who have been convicted of committing the crime of trafficking in persons shall be punished for special disqualification for the same period of the sentence for the exercise of the profession, activity or trade related to the conduct.

Article 182C. Provisions common to the crime of procuring and trafficking in persons

Whoever knows that a person is in a situation of sexual exploitation, procuring or dealing with persons, having sexual relations or performing lewd or erotic acts with the victim, shall be punished with the aggravated penalty in one third of the corresponding sexual

Article 315. Discrimination, servitude, exploitation

Anyone who discriminates on the basis of birth, nationality, political affiliation, race, ethnic origin, sexual orientation, gender, religion, opinion, position, economic, disability, physical condition or any other social condition shall be punished by imprisonment of six Months to one year and ninety to one hundred and fifty days fine.

Any person who subjects, reduces or maintains another person in slavery or conditions similar to slavery, forced or compulsory labor, bonded labor, or any other situation contrary to human dignity, in employment, shall be punished by imprisonment of five to eight years.

A sentence of imprisonment of five to eight years and a fine of 150 to 300 days shall be imposed on those who traffick persons for the purpose of subjecting them to activities of labor exploitation, as well as forced recruitment to participate in armed conflicts.

The penalty for the offenses indicated in the preceding paragraphs shall be increased by up to half the maximum limit of the offense in question, when committed:

A) To the detriment of children; or

B) By violence or intimidation.

If both circumstances are present, the penalty shall be increased to three quarters of the maximum limit of the respective offense.

Any person who employs a person under eighteen years of age who is not authorized by law for the purpose of labor exploitation shall be punished with a penalty of two to four years' imprisonment.

Niger

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the 2010 Constitution at article 14 which declares that no one shall be submitted to slavery and article 4 which declares that slavery in all its forms is to be punished by law. Slavery is also criminalised under article 270 of the Penal Code.
- ii) **Provisions** related to **servitude** are found in the Penal Code which criminalises practices similar to slavery, including servitude, under article 270.
- iii) **Provisions** related to **forced labour** are found in the Labour Code which criminalises forced labour at article 4.
- iv) **Provisions** related to **trafficking in persons** are found in the Fight against Trafficking in Persons Ordinance which criminalises trafficking under article 10.

2) International Obligations: Niger consents to:

1926 Slavery Convention: (25 August 1961, succession)
1930 Forced Labour Convention: (27 February 1961, ratification)
1953 Protocol to the 1926 Slavery Convention: (7 December 1964, acceptance)
1956 Slavery Convention: (22 July 1963, acceptance)
1957 Abolition of Forced Labour Convention: (23 March 1962, ratification)
1966 ICCPR: (7 March 1986, accession)
1998 Rome Statute of the ICC: (11 April 2002, ratification)
2000 Palermo Protocol (Trafficking in Persons): (30 September 2004, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Niger appears to be:

- in compliance with its basic obligations under the above instruments with regard to slavery, servitude, forced or compulsory labour, and trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 335

Slavery and institutions and practices similar to slavery are forbidden by the Constitution and other legal provisions.

Paragraph 336

Under article 269 of the Penal Code, any person who places or accepts a person in bondage, for whatever reason, is punished by a term of imprisonment for two months to two years, or a fine of 10,000 to 100,000 francs, or both, or by imprisonment up to five years if the person placed or accepted in bondage is under the age of thirteen years.

Paragraph 337

Article 270 of the Code provides for a term of imprisonment of ten to thirty years for any person who deprives another person of his freedom, with or without payment. The penalty for depriving a person under the age of thirteen years of his freedom is life imprisonment. The penalty for depriving a number of people of their freedom is death.

Paragraph 338

Finally, the Labour Code absolutely forbids forced or compulsory labour.

CONSTITUTION 2010

Article 4

National sovereignty belongs to the People.

No fraction of the People, no community, no corporation, no political party or association, no trade-union organization and no individual may arrogate its exercise.

In the exercise of the power of the State, personal power, regionalism, ethnocentrism, discrimination, nepotism, sexism, the clan spirit, the feudal spirit, slavery in all its forms, illicit enrichment, favoritism, corruption, racketeering and the influence-trafficking are punished by the law.

Article 14

No one shall be submitted to torture, to slavery or to cruel, inhuman or degrading abuse or treatments.

Any individual, any agent of the State, who is found guilty of acts of torture or of cruel, inhuman or degrading abuse or treatments in the exercise of or on the occasion of the exercise of their functions, either on his own initiative or under instructions, will be punished according to the law.

Article 33

The State recognizes to all citizens the right to work and strives to create the conditions that make the enjoyment of this right effective, and that guarantee to the worker just compensation for his services or for his production.

No one may be the victim of discrimination within the framework of his work.

PENAL CODE

Article 208.2. Crimes against humanity

Constitutes crimes against humanity, the deportation, the reduction to slavery or massive and systematic practices of summary executions, kidnapping of persons for their disappearance, torture or other

inhumane acts inspired by political, philosophical, racial or religious motives organised in the execution of a concerted plan against a group of the civil population. Crimes against humanity are punished by death.

Article 269.

Anyone who has placed or received a person as a pledge for any reason shall be liable to imprisonment for two months to two years and a fine of 10,000 to 100,000 francs or one Of these two penalties only.

The term of imprisonment may be increased to five years if the person put up or received as a pledge is less than thirteen years of age.

In any event, the offenders may be deprived, in accordance with the provisions of Article 25, of the rights referred to in Article 21.

Article 270.

Any person who has alienated, free of charge or for consideration, the liberty of any other person shall be punished with imprisonment from ten to thirty years.

If the person is under the age of thirteen, the sentence of life imprisonment will be incurred.

If the perpetrator has alienated the liberty of several persons, he shall be punished with the death penalty.

Article 270.1

"Slavery" is the condition or condition of an individual on whom the attributes of the right of property are exercised or some of them;

"The slave" is that individual who has that status or condition.

The "servile person" is that person who is placed in the status or condition that results from one of the institutions or practices of slavery, in particular:

- 1) servitude or any other form of absolute submission or dependence to a master;
- 2) any institution or practice whereby:
 - (A) a woman is, without her having the right to refuse, promise or give in marriage for a consideration in cash or in kind paid to the master;
 - (B) the master of a woman considered to be a slave has the right to transfer it to a third party, for consideration or otherwise;
 - (C) the teacher has the right to engage in sexual intercourse with the slave woman;
- 3) any institution or practice under which a minor under the age of eighteen years is surrendered, either by his parents or his guardian, or by his master or the master of one or both of his parents, to a Third parties, against payment or not, for the exploitation of the person or the work of the minor.

Article 270.2

The act of reducing others to slavery or of inciting others to alienate their liberty or dignity or that of their dependents to be enslaved is punishable by imprisonment for 10 to 30 years and to a fine of between 1,000,000 and 5,000,000 francs.

The same punishment provided for in the preceding paragraph shall be punishable by a master or his accomplice:

- 1) to have sexual relations with a slave woman or the wife of a man considered a slave;

2) to place at the disposal of another person a woman considered as a slave with a view to maintaining sexual intercourse.

Complicity and attempted offenses under the preceding sections shall be punishable under this section.

Article 270.3

It is the crime of slavery:

- 1) any interference with the physical or moral integrity of a person by reason of his servile condition, any degrading, inhuman or humiliating treatment exercised against him;
- 2) the fact that a master shall receive the fruits and income resulting from the prostitution of the slave woman or the work of any person of "servile condition";
- 3) extortion, blackmail against a person of "Servile condition";
- 4) the fact that a master receives a tribute from a person by virtue of his right of ownership over that person;
- 5) the abduction of the alleged slave children to put them into bondage.

Article 270.4

A person convicted of the crime of slavery shall be punished by imprisonment of five to less than ten years and a fine of 500. 000-1000. 000 francs. The attempt is punishable under the preceding paragraph.

Article 270.5

Any association lawfully registered for at least a year at the material time and that under the statutes, the objective of combating slavery or practices analogues is entitled to exercise the civil action for damages caused by violations of the criminal law of slavery.

Article 368.

A person shall be punished with imprisonment from fifteen days to three years and a fine of between 10,000 and 100,000 francs, or one of these two penalties only, who, by violence, assault, Threats or maneuvers, will have caused or sustained, attempted to bring about or maintain a concerted cessation of work.

The prohibition of stay may also be imposed on the guilty party (s).

LABOUR CODE

Article 4:

Forced or obligatory labour is forbidden. The term 'forced or obligatory labour' designates all work or services demanded from an individual under the menace of whatever penalty and for which the individual in question did not offer themselves of free will.

Article 337:

Are punished by a fine of 500,000 to 2,000,000 francs and imprisonment from 2-5 years or one of these penalties only, the instigators of infractions under article 4 relative to the outlawing of forced or obligatory labour.

ORDINANCE NO 2010-86 OF 2010 ON THE FIGHT AGAINST

Article 10: Trafficking in persons

It is an offense of trafficking in persons to recruit, transport, transfer, harbor or accommodate persons through the threat of use or use of force or other means Fraud, deception, abuse of authority or a situation

TRAFFICKING IN PERSONS

of vulnerability, or by the offer or acceptance of payments or benefits to obtain the consent of a person having authority over another for purposes of exploitation.

The exploitation shall include, as a minimum, the slave or practices analogous to slavery, servitude or removal of organs, exploitation of the prostitution of others or other forms of sexual exploitation, Exploitation of the begging of others, exploitation of labor or forced services.

The recruitment, transportation, transfer, harboring or reception of a minor under 18 years of age for the purposes of exploitation shall be considered a trafficking in persons even if they do not use any of the means set out in First subparagraph.

Anyone who intentionally commits the offense of trafficking in persons shall be punished with imprisonment of five (5) to ten (10) years and a fine of 500,000 to 5,000,000 francs.

Article 11: Lack of effect of consent

Where the elements of the offenses referred to in this chapter are present, the perpetrator may in no circumstances invoke the victim's consent to avoid prosecution.

Similarly, the perpetrator cannot invoke the consent of the parents or any other person having legal authority over a minor under the age of 18 years to avoid prosecution.

Article 14: Attempt

The provisions of article 2 of the Penal Code shall apply to the crimes referred to in article 24 of this chapter. The provisions of article 3 of the Penal Code apply to the attempted offense referred to in this chapter.

Article 15: Complicity

The provisions of articles 48 and 49 of the Penal Code apply to the offenses provided for in this chapter.

Article 16: Organization and management of an offense

The organization of the commission of the offenses referred to in article 24 of this chapter or of instructing others to commit them shall be punished by the same The principal author.

Article 17:

Any intermediary who, in violation of national and international adoption laws, has vitiated the consent of the parents or any other person having legal authority over a child, to have him adopted for the commission of the offenses referred to in this Shall be punished with the same penalties as those provided for in Article 24 below.

Article 29: Aggravating circumstances

When one of the offenses referred to in Articles 10, 14, 15, 16, 17 has been committed with one of the circumstances listed below, the penalties incurred shall be:

1. ten (10) Less than fifteen (15) years in the case of intentional assault;
2. Double the maximum penalty incurred:
 - (A) if the perpetrator has absconded;
 - (B) if the author is in the summer of legal recidivism;
 - (C) The perpetrator participated in other definitively tried offenses that facilitated the trafficking offense;
 - (D) if there is a competition for offenses under this order;

(E) the author had public authority and the offense was committed in the performance of his or her duties;

For the purposes of the preceding provisions, reference is made to Article 6 (1) of the Penal Code.

3. The penalty shall be between ten (10) and thirty (30) years:

(A) if the offense is committed against a minor under 18 years of age;

(B) in the case of a relationship of trust between the victim and the offender, in particular where the author has abused his hierarchical position in his employment relationship;

(C) Author is the victim's spouse;

(D) if the author is vested with moral authority towards the victim, in particular his legal representative, a social worker responsible for a victim.

4. Where the offenses set forth in Articles 10, 14, 15, 16 and 17 of this Ordinance have been committed with two or more aggravating circumstances, the term of imprisonment shall be between fifteen (15) and thirty (30) years.

5. The penalty shall be between fifteen (15) and thirty (30) years:

(A) in case of sexual abuse or rape;

(B) in the case of intentional assault causing amputation, dismemberment or deprivation of limb, blindness, loss of an eye or other permanent disability;

(C) the victim is particularly vulnerable, particularly if he or she is under 13 years of age or is physically or mentally deficient;

(D) whether the offense was committed in a group organized as part of a systematic criminal activity, or over a long period of time or on a large scale, involving, inter alia, several victims;

(E) the use of prohibited weapons or drugs.

6. The penalty incurred is life imprisonment in the event of the death of the victim.

In all cases, the mitigating and suspending provisions may not be applied.

Nigeria

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1999 Constitution at article 34.1(b) which declares that no person shall be held in slavery and the Criminal Code Act which criminalises slave dealing under section 369. The 2015 Trafficking in Persons (Prohibition), Enforcement and Administration Act also criminalises trafficking and dealing in slaves under articles 23 and 24.

ii) **Provisions** related to **servitude** are found in the 1999 Constitution at article 34.1(b) which declares that no person shall be held in servitude. The Criminal Code Act and 2015 Trafficking in Persons Law also criminalise placing or receiving any person in servitude as a pledge or security for debt under articles 369 and 24 respectively.

iii) **Provisions** related to **forced labour** are found in the 1999 Constitution at article 34.1(c) which declares that no person shall be required to perform forced or compulsory labour and the Labour Act which criminalises forced labour contrary to article 31(c) of the Constitution under article 73.

iv) **Provisions** related to **trafficking in persons** are found in the 2015 Trafficking in Persons Act which criminalises trafficking under article 13.

2) International Obligations: Nigeria consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (17 October 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (26 June 1961, succession)
 1957 Abolition of Forced Labour Convention: (17 October 1960, ratification)
 1966 ICCPR: (29 July 1993, accession)
 1998 Rome Statute of the ICC: (27 September 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (28 June 2001, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Nigeria appears to be:

- in breach of its obligations under the 1956 Convention with regard to and servitude; and
- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 339

(Question I.1 (a) to (h)) such acts constitute criminal offences under S.369 of our Criminal Code Act and the punishment varies from 1-14 years.

ENGEN REPORT

Paragraph 78

To place or receive any person in servitude as a pledge or security for debt is, under section 369(3) of the Nigerian Criminal Code, punishable with imprisonment for fourteen years. By Order in Council No. 1 of 1945 all Native Courts in Oyo Province and 63 other Native Courts in the Western Region were empowered as from the 1st of March 1945 to enforce within their jurisdiction the provisions of this sub-section.

Paragraph

Under section 20 of the Constitution of the Federation, 'no person shall be held in slavery or servitude and no person shall be required to perform forced labour'. It is an offence under Section 369 of the Criminal Code, Chap. 42 and similar provisions in the Regions for any person to deal or trade in, purchase, sell, transfer or take any slave or receive any person in servitude as a pledge or security for debt or to convey or send or induce any person to go out of the limits of Nigeria in order to be traded in as a slave. Any person found guilty under that provision is liable to imprisonment for 14 years.

CONSTITUTION 1999

Article 34.1.

Every individual is entitled to respect for the dignity of his person, and accordingly-

- a. no person shall be subject to torture or to inhuman or degrading treatment;
 - b. no person shall be held in slavery or servitude; and
 - c. no person shall be required to perform forced or compulsory labour.
2. For the purposes of subsection (1) (c) of this section, "forced or compulsory labour" does not include-
- a. any labour required in consequence of the sentence or order of a court;
 - b. any labour required of members of the armed forces of the Federation or the Nigeria Police Force in pursuance of their duties as such;
 - c. in the case of persons who have conscientious objections to service in the armed forces of the Federation, any labour required instead of such service;
 - d. any labour required which is reasonably necessary in the event of any emergency or calamity threatening the life or well-being of the community; or
 - e. any labour or service that forms part of-
 - i. normal communal or other civic obligations of the well-being of the community,
 - ii. such compulsory national service in the armed forces of the Federation as may be prescribed by an Act of the National Assembly, or
 - iii. such compulsory national service which forms part of the education and training of citizens of Nigeria as may be prescribed by an Act of the National Assembly.

1990 CRIMINAL CODE ACT

Article 361.

Any person who, with intent to marry or carnally know a female of any age, or to cause her to be married, or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.

Article 365

Any person who unlawfully confines or detains another in any place against his will, or otherwise unlawfully deprives another of his personal liberty, is guilty of a misdemeanour, and is liable to imprisonment for two years.

Article 366.

Subject to the provisions of the Trade Unions Act, any person who, with intent to prevent or hinder any other person from doing any act which he is lawfully entitled to do, or with intent to compel him to do any act which he is lawfully entitled to abstain from doing, or to abstain from doing any act which he is lawfully entitled to do--

- (a) threatens such other person with injury to his person, reputation, or property, or to the person, reputation, or property of any one in whom he is interested; or
- (b) persistently follows such other person about from place to place; or
- (c) hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (d) watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or
- (e) follows such other person with two or more other persons in a disorderly manner in or through any street or road; or
- (f) induces or attempts to induce that person to believe that he, or any person in whom he is interested, will become an object of displeasure to the Government of Nigeria or to any person employed in the public service of Nigeria;

is guilty of an offence and is liable on conviction to imprisonment for one year.

Article 369.

Any person who-

- (1) deals or trades in, purchases, sells, transfers or takes any slave;
- (2) deals or trades in, purchases, sells, transfers or takes any person in order or so that such person should be held or treated as a slave;
- (3) places or receives any person in servitude as a pledge or security for debt whether then due and owing, or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called or known;
- (4) conveys or induces any person to come within the limits of Nigeria in order or so that such person should be held, possessed, dealt or traded in, purchased, sold, or transferred as a slave, or be placed in servitude as a pledge or security for debt;
- (5) conveys or sends or induces any person to go out of the limits of Nigeria in order or so that such person should be possessed, dealt or traded in, purchased, sold, or transferred as a slave, or be placed in servitude as a pledge or security for debt;
- (6) whether or not a citizen of Nigeria holds or possesses in Nigeria any person as a slave;

(7) enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the purposes herein above enumerated;
is guilty of slave dealing and is liable to imprisonment for fourteen years.

TRAFFICKING IN
PERSONS
(PROHIBITION),
ENFORCEMENT AND
ADMINISTRATION
ACT 2015

Article 13. Prohibition of trafficking in persons

- (1) All acts of human trafficking are prohibited in Nigeria.
- (2) (i) Any person who recruits, transports, transfers, harbours or receives another person by means of -
 - (a) threat or use of force or other forms of coercion;
 - (b) abduction, fraud, deception, abuse of power or of a position of vulnerability; or
 - (c) giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation of that person,commits an offence and is liable on conviction to imprisonment for a term of not less than 2 years and to a fine of not less than N250,000.00
- (ii) For the purpose of subsection (2) (i) (b), abuse of a position of vulnerability includes intentionally using or otherwise taking advantage of an individual's personal, situational or circumstantial vulnerability to recruit, transport, transfer, harbour or receive that person for the purpose of exploiting him or her, such that the person believes that submitting to the will of the abuser is the only real or acceptable option available to him or her and that this belief is reasonable in the light of the victim's situation.
- (3) A person who in or outside Nigeria directly or indirectly –
 - (a) does, or threatens any act preparatory to or in furtherance of an act of trafficking in persons;
 - (b) omits to do anything that is reasonably necessary to prevent an act of trafficking in persons;
 - (c) assists or facilitates the activities of persons engaged in acts of trafficking in persons or is an accessory to any offence under this Act;
 - (d) procures any other person by any means whatsoever to commit an offence under this Act;
 - (e) participates as an accomplice in the commission of an offence under this Act; or
 - (f) promises or induces any other person by any means whatsoever to commit any of the offences referred to in this Act; commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than 2 years and to a fine of not less than N250,000.00.
- (4) (a) the consent of a victim of trafficking in person to the intended exploitation set forth in the definition of trafficking in persons in this Act, shall be irrelevant where any of the means set forth in the definition has been used.
- (b) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, shall be considered trafficking in persons even if this does not involve any of the means set forth in the definition of trafficking in persons in this Act.

Article 14. Importation and exportation of any person

Any person who -

(a) imports another person into Nigeria, knowing or having reason to know that the person will be forced or induced into prostitution or other forms of exploitation in Nigeria or while in transit; or
(b) exports another person from Nigeria, knowing or having reason to know, that the person will be forced or induced into prostitution or other forms of exploitation in the country to which the person is exported or while in transit;
commits an offence and is liable on conviction to imprisonment for a term of not less than 5 years and to a fine of not less than N1,000,000.00.

Article 15. Procurement of any person for the purpose of exploitation

Any person who by the use of force, deception, threat, coercion, debt bondage (immediate or in the near future) or any means whatsoever –
(a) causes or induces any person to be conveyed from his usual place of abode or from one place to another, knowing or having reason to know that such person is likely to be forced or induced into prostitution or other forms of exploitation with or by any person or an animal; or
(b) keeps, detains or harbours any other person with intent, knowing or having reason to know that such a person is likely to be forced or induced into prostitution or other forms of exploitation with or by any person or an animal,
commits an offence and is liable on conviction to imprisonment for not less than 5 years and to a fine of not less than N500,000.00.

Article 16. Abuse, procurement or recruitment of any person under 18 years for prostitution or other forms of exploitation

(1) Any person who procures or recruits any person under the age of 18 years to be subjected to prostitution or other forms of exploitation with himself, any person or persons, either in Nigeria or anywhere else, commits an offence and shall be liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N1,000,000.00
(2) Any person who procures or recruits any person under the age of 18 years to be conveyed from his usual place of abode, knowing or having reasons to know that such a person may be subjected or induced into prostitution or other forms of exploitation in any place outside Nigeria, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N1,000,000.00.

Article 17. Procurement or recruitment of any person under the age of 18 for pornography or brothel

(1) Any person who -
(a) procures, recruits, uses or offers any person under the age of 18 years for the production of pornography or for pornographic performances; or
(b) allows a person under the age of 18 years to be harboured in a brothel,
commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N1,000,000.00.
(2) Notwithstanding the punishment prescribed in subsection (1) of this section, a convicted person under this Section shall in addition to the prescribed punishment be liable to a term of not less than 1 year

imprisonment where he administered or stupefied the victim with any drug substance.

Article 18. Foreign travel which promotes prostitution or exploitation

Any person, who organizes, facilitates or promotes foreign travels, which promote prostitution or other forms of exploitation of any person or encourages such activity, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N1,000,000.00.

Article 19. Procurement or recruitment of any person under the age of 18 years for use in armed conflicts

Any person who traffics any person under the age 18 years for the purpose of forced or compulsory recruitment for use in armed conflict, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N1,000,000.00

Article 20. Procurement or recruitment of any person for organ harvesting

(1) Any person who -

(a) through force, deception, threat, debt bondage or any form of coercion-

(i) abuses a position of power or situation of dominance or authority arising from a given circumstance; or

(ii) abuses a vulnerable situation; or

(b) through the giving or receiving of payments or benefits; in order to induce or obtain the consent of a person directly or through another person who has control over him; enlists, transports, delivers, accommodates or takes in another person for the purpose of removing the person's organs; commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N5,000,000.00.

(2) Without prejudice to the provisions of subsection (1) of this section, a person who procures or offers any person, assists or is involved in anyway –

(a) in the removal of human organs; or

(b) buying and selling of human organs,

commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N5,000,000.00.

(3) Any person who enlists, transports, delivers, accommodates or takes in another person under the age of 18 years, for the purpose of removing the person's organs, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N5,000,000.00.

Article 21. Prohibition of buying or selling of human beings for the purpose of exploitation

Any person who buys, sells, hires, lets or otherwise obtains the possession or disposal of any person with intent, knowing it to be likely or having reasons to know that such a person will be subjected to exploitation, commits an offence and is liable on conviction to

imprisonment for a term of not less than 5 years and to a fine of not less than N2,000,000.00.

Article 22. Forced labour

Any person who -

- (a) requires, recruits, transports, harbours, receives or hires out a person to be used for forced labour within or outside Nigeria; or
 - (b) permits any place or premises to be used for the purpose of forced labour,
- commits an offence and is liable on conviction to imprisonment for a term of not less than 5 years and to a fine of not less than N1,000,000.00.

Article 23. Employment of a child as domestic worker and inflicting grievous harm

(1) Any person who –

- (a) employs, requires, recruits, transports, harbours, receives or hires out, a child under the age of 12 years as a domestic worker, commits an offence and is liable on conviction to imprisonment for a minimum term of 6 months and not exceeding 7 years;
 - (b) employs, requires, recruits, transports, harbours, receives or hires out, a child to do any work that is exploitative, injurious or hazardous to the physical, social and psychological development of the child, commits an offence and is liable on conviction to imprisonment for a minimum term of 2 years but not exceeding 7 years without an option of fine.
- (2) Notwithstanding the punishment prescribed in subsection (1) of this Section, a convicted person under this section shall in addition to the prescribed punishment be liable to –
- (i) a term of not less than 2 years imprisonment where the child is denied payment or reasonable compensation for services rendered;
 - (ii) a term of not less than 3 years where the child is defiled or inflicted with bodily harm.

Article 24. Trafficking in slaves

Any person who recruits, imports, exports, transfers, transports, buys, sells, disposes or in any way traffics in any person as a slave or accepts, receives, detains or harbours a person as a slave, commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N2,000,000.00.

Article 25. Slave dealing

Any person who –

- (a) deals, keeps, receives or harbours any person for the purpose of holding or treating that person as a slave;
- (b) places, receives, harbours or holds any person as a pledge, pawn, in servitude or security for debt or benefits; whether due or to be incurred;
- (c) transports, transfers or in any way induces any person to come into Nigeria in order to hold, possess, deal or treat such person as a slave or to be used as a pledge or security for debt; and
- (d) enters into any contract or agreement with or without consideration for the purpose of doing or accomplishing any of the purposes enumerated in this section,

commits an offence and is liable on conviction to imprisonment for a term of not less than 7 years and to a fine of not less than N2,000,000.00.

Article 27. Conspiracy

Any person who conspires with another to commit an offence under this Act is liable:

- (a) where the offence is committed to the punishment provided for the commission of the offence; and
- (b) where the offence is not committed, to a punishment which is half the punishment for the offence.

Article 29. Attempt to commit an offence under this Act

Any person who attempts to commit any offence under this Act shall be liable on conviction to half the punishment for the offence.

LABOUR ACT

Article 73. Forced Labour

- (1) Any person who requires any other person, or permits any other person to be required, to perform forced labour contrary to section 31 (1) (c) of the Constitution of the Federal Republic of Nigeria shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N1,000 or to imprisonment for a period not exceeding two years, or to both.
- (2) Any person who, being a public officer, puts any constraint upon the population under his charge or upon any members thereof to work for any private individual, association or company shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N200 or to imprisonment for a period not exceeding six months, or to both.

Norway

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution at article 93 which declares that no one shall be held in slavery and the Penal Code which criminalises causing a person to be enslaved and engaging in slave trading or transporting slaves under section 225.
- ii) There appears to be **no legislation** in place in Norway which prohibits **servitude**, although forced marriage is criminalised under section 222 of the Penal Code.
- iii) **Provisions** related to **forced labour** are found in the Constitution at article 93 which declares that no one shall be held in forced labour.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code under section 224 which criminalises exploitation for prostitution, forced labour, war service, or organ removal through various means, although the offence does not specifically criminalise the relevant acts of trafficking included in the Palermo Protocol nor are coercive means excluded where trafficking relates to children.

2) International Obligations: Norway consents to:

1926 Slavery Convention: 10 September 1927, ratification)
1930 Forced Labour Convention: (29 March 1938, ratification)
1953 Protocol to the 1926 Slavery Convention: (11 April 1957, accession)
1956 Slavery Convention: (3 May 1960, ratification)
1957 Abolition of Forced Labour Convention: (14 June 1968, ratification)
1966 ICCPR: (13 September 1972, ratification)
1998 Rome Statute of the ICC: (16 February 2000, ratification)
2000 Palermo Protocol (Trafficking in Persons): (23 September 2003, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Norway appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to servitude;
- in breach of its obligations under the ICCPR in regards to servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 347

The only law in Norway which specifically concerns slavery etc., is paragraph 225 of the Penal Code of 22 May 1902, reading as follows:
 “Anyone placing a person in servile status or is accessory thereto shall be punished with imprisonment from five years to life.
 “Similarly is punished anyone who carries out slave trade or the transportation of slaves or persons intended for slave trade, or is accessory thereto.
 “Anyone allying himself with others with the intention of carrying out or taking part in any act mentioned in this section shall be punished with imprisonment up to ten years”

Paragraph 349

Paragraph 223 reads as follows:
 “Anyone who illegally deprives another of his freedom, or is accessory thereto, is punished with imprisonment up to five years.
 “If the deprivation of freedom has been of more than one month’s duration, or has caused extraordinary pain or substantial injury to body or health, or has caused anyone’s death, imprisonment of at last 1 year shall be imposed.

THE CONSTITUTION OF THE KINGDOM OF NORWAY 1814 (REV. 2015)

Article 93

Every human has the right to life. No one can be sentenced to death. No one must be subjected to torture or other inhuman or degrading treatment or punishment. No one shall be held in slavery or forced labour. The authorities of the State shall protect the right to life and oppose torture, slavery, forced labour and other forms of inhuman or degrading treatment.

Article 106

Everyone who has legal residency in the realm may freely move within its borders and choose their place of residence there.
 No one can be denied leaving the realm unless it is necessary with regards to effective prosecution or compulsory military service.
 Norwegian citizens may not be denied access to the realm.

Article 110

The authorities of the State shall create conditions enabling every person capable of work to earn a living by working or doing business. Whoever is unable to provide for themselves has the right to support from the state.
 Specific provisions concerning the right of employees to co-determination at their work place shall be laid down by law.

THE GENERAL CIVIL PENAL CODE

Section 102. Crimes against humanity

Any person is liable to punishment for a crime against humanity who, as part of a widespread or systematic attack directed against any civilian population,
 (c) enslaves a person,

Section 103. War crimes against persons

Any person is liable to punishment for a war crime who in connection with an armed conflict

(d) subjects a protected person to rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity,

Section 219.

Any person who by threats, duress, deprivation of liberty, violence or any other wrong grossly or repeatedly maltreats

- a) his or her former or present spouse,
- b) his or her former or present spouse's kin in direct line of descent,
- c) his or her kin in direct line of ascent,
- d) any person in his or her household, or
- e) any person in his or her care

shall be liable to imprisonment for a term not exceeding three years. If the maltreatment is gross or the aggrieved person dies or sustains considerable harm to body or health as a result of the treatment, the penalty shall be imprisonment for a term not exceeding six years. In deciding whether the maltreatment is gross, particular importance shall be attached to whether it has endured for a long time and whether such circumstances as are referred to in

Section 223.

Any person who unlawfully deprives another person of his liberty or who aids and abets such deprivation of liberty shall be liable to imprisonment for a term not exceeding five years. If the deprivation of liberty has lasted for more than one month or has caused any person abnormal suffering or considerable injury to body or health or has resulted in the death of any person, imprisonment for a term of not less than one year shall be imposed. Any person who conspires with any other person to commit an act referred to in the second paragraph shall be liable to imprisonment for a term not exceeding 10 years.

Section 222.

Any person who by unlawful conduct or by any threat thereof compels another person to do, submit to, or omit to do anything, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding three years. If there are especially aggravating circumstances, cf. section 232, third sentence, imprisonment for a term not exceeding six years may be imposed.

Any person who by force, deprivation of liberty, improper pressure or any other unlawful conduct or by threats of such conduct forces anyone to enter into a marriage shall be guilty of causing a forced marriage. The penalty for causing a forced marriage is imprisonment for a term not exceeding six years. Any person who aids and abets such an offence shall be liable to the same penalty.

Any person who by threatening to make an accusation or report of a criminal act or to make a defamatory allegation unlawfully compels another person to do, submit to, or omit to do anything, or who aids and abets thereto, shall be liable to fines or imprisonment for a term not exceeding one year.

Section 223.

Any person who unlawfully deprives another person of his liberty or who aids and abets such deprivation of liberty shall be liable to imprisonment for a term not exceeding five years.

If the deprivation of liberty has lasted for more than one month or has caused any person abnormal suffering or considerable injury to body or health or has resulted in the death of any person, imprisonment for a term of not less than one year shall be imposed.

Any person who conspires with any other person to commit an act referred to in the second paragraph shall be liable to imprisonment for a term not exceeding 10 years.

Section 224.

Any person who by force, threats, misuse of another person's vulnerability, or other improper conduct exploits another person for the purpose of

a) prostitution or other sexual purposes,

b) forced labour,

c) war service in a foreign country, or

d) removal of any of the said person's organs,

or who induces another person to allow himself or herself to be used for such purposes,

shall be guilty of human trafficking and shall be liable to imprisonment for a term not exceeding five years.

Any person who

a) makes arrangements for such exploitation or inducement as is

mentioned in the first paragraph by procuring, transporting or receiving the person concerned,

b) in any other way aids and abets such exploitation or inducement, or

c) provides payment or any other advantage in order to obtain consent to such exploitation from any person who has authority over the aggrieved person, or who receives such payment or other advantage

shall be liable to the same penalty.

Any person who commits an act referred to in the first or second paragraph against a person who is under 18 years of age shall be liable to a penalty independently of any use of force or threats, misuse of a person's vulnerability, or other improper conduct.

Gross human trafficking is punishable by imprisonment for a term not exceeding ten years. In deciding whether the offence is gross, particular importance shall be attached to whether the person exposed to the act was under 18 years of age, whether gross violence or coercion was used or whether the act led to considerable gain.

Section 225.

Any person who causes another person to be enslaved, or who aids and abets thereto, shall be liable to imprisonment for a term of not less than five years and not exceeding 21 years. Any person who engages in slave-trading or the transporting of slaves or persons destined for slave-trading, or who aids and abets thereto, shall be liable to the same penalty. Any person who conspires with another person for the purpose of carrying out any act referred to in this section, or aiding and abetting thereto, shall be liable to imprisonment for a term not exceeding 10 years.

Section 226.

Any person who is guilty of depriving another person of his liberty in a manner which he without sufficient cause considers to be lawful, or in a case in which an arrest may lawfully be made executes such an arrest by

disregarding the statutory procedure, or who aids and abets such felony, shall be liable to fines, or to detention or imprisonment for a term not exceeding three months. A public prosecution will only be instituted when requested by the aggrieved person.

Oman

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Penal Code at article 260 which makes enslaving a person a criminal offence and article 261 which makes it an offence to dispose of, receive, purchase, or keep a person as a slave.
- ii) There appears to be **no legislation** in place in Oman which prohibits **servitude**, although article 260 of the Penal Code makes it an offence to put a person in a quasi-slavery status.
- iii) **Provisions** related to **forced labour** are found in the Basic Law of the Sultanate of Oman at article 12 which prohibits compulsory work except in accordance with the law for the performance of public service and for a fair wage and the Labour Law which criminalises compulsory or coercive work, although penalties are limited to one month imprisonment and fines.
- iv) **Provisions** related to **trafficking in persons** are found in the 2008 Anti-Human Trafficking which criminalises trafficking Act which criminalises trafficking under article 2.

2) International Obligations: Oman consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (30 October 1998, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: (21 July 2005, ratification)
1966 ICCPR: N/A
1998 Rome Statute of the ICC: (20 December 2000, signature)
2000 Palermo Protocol (Trafficking in Persons): (13 May 2005, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Oman appears to be:

- in compliance with its basic obligations under the above instruments with regard to slavery, servitude, forced or compulsory labour, and trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION 1996
(REV. 2011) BASIC LAW
OF THE SULTANATE
OF OMAN ROYAL
DECREE NO. 101/96

Article 12.

The Social Principles:

The State enacts laws for the protection of the employee and the employer and regulates the relationship between them. Every Citizen has the right to engage in the work of his choice within the limits of the Law. It is not permissible to impose any compulsory work on anyone except by virtue of a law, for rendering a public service, and for a fair remuneration.

Article 18

Personal freedom is guaranteed according to the Law, and it is not permissible to arrest a person, search, detain, imprison, subject to residence detention, or restrict his freedom of residency or movement except in accordance with the provisions of the Law.

Article 20

No person shall be subjected to physical or psychological torture, inducement or demeaning treatment. The Law stipulates punishment of whomever commits such acts. Any statement or confession proven to have been obtained under torture, inducement, demeaning treatment, or the threat of any of these acts, shall be deemed void.

OMAN PENAL CODE

Article 220. Child prostitution

'The penalty of imprisonment from three to five years shall be applied to any person who incites another to carnality or prostitution by the use of coercion, threat or deception. The penalty shall not be less than five years if the victim was below the age of eighteen.'

Article 260. Enslavement

Any one who enslaves a person or puts him in a quasi-slavery status shall be sentenced to imprisonment from five to fifteen years.

Article 261. Trafficking of Slaves

Any one who brings into or out of the Omani territory a human being in a state of slavery, disposes of him, by any means whatsoever, receives him, purchases him or keeps him in a state of slavery shall be sentenced to imprisonment from three to five years.

ROYAL DECREE
NUMBER 35/2003
ISSUING THE LABOR
LAW

Article 3 bis

The employer has no right to impose any form of compulsory or coercive work.

Article 123

Failure to observe " Article No. 3 [bis]" will result in imprisonment of a maximum of one month and a fine of R.O. 500/- or either of them. The penalty will be doubled in case of recurrence.

ANTI-HUMAN
TRAFFICKING ACT
2008

Article 1

In application of the provisions of this law, and unless the context otherwise provides, the following terms and expressions shall have the meaning ascribed thereto hereunder:

The Crime of Trafficking In Persons: Any of the acts cited in Article (2) of

this law.

Exploitation: Illegal exploitation of a person to include: prostitution, sexual assault, servitude, forced labor, enslavement, quasi-slavery practices, subjugation, or illegal detachment of organs.

Article 2

Any individual who intentionally carries out any of the following acts with the purpose of exploitation shall be adjudged as committing the crime of human trafficking:

- a) To recruit, transport, harbor, or receive a person by instruments of coercion, threat, deceit, blackmail, or misuse of power, influence, or use of authority on that individual, or by any other illegal instrument, either directly or indirectly.
- b) To recruit, transport, harbor, or receive a child even without using the instruments cited in the previous paragraph.

Article 3

The consent of the victim shall not be a determining factor in any of the following cases:

- A- If any of the instruments cited in Article (2/a) of this law is used.
- B- If the victim was a child.
- C- If the victim was in a circumstances or a personal situation where it was not possible to determine his/her consent or free choice.

Article 4

Shall be adjudged as a perpetrator any individual who contributed by soliciting, facilitating, or agreeing to commit a human trafficking crime.

Article 7

Without prejudices to subsidiary or additional punishments, or any other more severe punishment prescribed by the Omani Penal Law, or any other law, crimes cited in this law shall be punished by the stipulated punishments.

Article 8

Any person found guilty of committing a human trafficking crime shall be sentenced to imprisonment for a minimum term of three years and a maximum term of seven years, and a fine of a minimum amount of five thousand rials and a maximum amount of one hundred thousand rials.

Article 9

Imprisonment of a minimum term of seven years and a maximum term of fifteen years and a fine of a minimum amount of ten thousand rials and a maximum amount of one hundred thousand rials shall be imposed for the crime of human trafficking in any of the following cases:

- A- If the victim was a child or a person with special needs.
- B- If the perpetrator carried a weapon.
- C- If the crime was committed by more than one person.
- D- If the perpetrator was the spouse, parent, grandparent, child, grandchild, or guardian of the victim, or had authority over him/her.
- E- If the crime was committed by an organized criminal gang, or if the perpetrator was a member of such a gang.
- F- If the perpetrator was a public sector employee or designated to perform a public service and misused the position to commit the crime.

G- If the crime was transnational in nature.

H- If the victim has suffered insanity, AIDS, or any other irreparable psychological or physical disease or injury, as a result of being exploited in a human trafficking crime. The same punishment shall be imposed on anyone found guilty of the formation of, establishment of, organizing, administering, assuming a leading role in, or soliciting members for an organized criminal gang, aimed at committing the crime of human trafficking as its sole objective or as one of its objectives.

Article 15

Attempting to commit a human trafficking crime shall be punished with the same punishment imposed on the full crime.

Pakistan

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1973 Constitution at article 11 which prohibits slavery and article 370 of the 1860 Penal Code which criminalises buying or disposing of a person as a slave (article 370), habitual dealing in slaves (article 371), and kidnapping or abducting to subject to slavery (article 367).

ii) There appears to be **no legislation** in place in Pakistan which prohibits **servitude** although article 365B of the Penal Code prohibits kidnapping or abducting a woman to compel her to marriage. The Child Marriage Restraint Act also prohibits child marriage. The Bonded Labour System (Abolition) Act 1976 abolishes bonded labour, the bonded labour system, and bonded debt.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 11 which prohibits forced labour except as punishment for an offence or as required by law for a public purpose. The Penal Code criminalises compelling a person into unlawful compulsory labour at article 374, and the Bonded Labour System (Abolition) Act which prohibits any form of forced labour under section 4.

iv) **Provisions** related to **trafficking in persons** are found in the 2002 Prevention and Control of Human Trafficking Ordinance which criminalises trafficking under article 3 although requires movement into or out of Pakistan.

2) International Obligations: Pakistan consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (23 December 1957, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (20 March 1958, ratification)
 1957 Abolition of Forced Labour Convention: (15 February 1960, ratification)
 1966 ICCPR: (23 June 2010, ratification)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): N/A
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Pakistan appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 355

Fundamental Right No. 3 of the Constitution of the Islamic Republic of Pakistan, 1962 prohibits slavery.

Paragraph 357

(a) Acceptance, receipt and detention of a person against his will as a slave is an offence under section 370 of the Pakistan Penal Code... A person convicted under section 370... is liable to 7 years' imprisonment of either description and fine, and a person who is convicted under section 371 of the Pakistan Penal Code... is liable to imprisonment of up to 10 years and fine;

Paragraph 358

(b) Kidnapping or abducting a person in order that such person may be subjected to slavery is punishable with 10 years' imprisonment of either description and fine *vide* section 367 P.P.C... Where a child under 10 years is involved, it is punishable with death or transportation for life and in no case less than 7 years' *vide* section 364 A.P.P.C...

Paragraph 372

Appendix III. The Slavery Act, 1843, Act No. V of 1843

An Act for declaring and amending the Laws regarding the condition of Slavery within the Territories of the East India Company...

Paragraph 373

List of British statutes applicable or of possible application to Pakistan

- (1) The Slave Trade Act, 1824.
- (2) The Trade Act, 1873.
- (3) The Slave Trade (East African Courts) Act, 1873.
- (4) The Slave Trade Act, 1876.
- (5) The Slave Trade (East African Courts) Act, 1879.

THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973 (REINST. 2002, REV. 2015)

3. Elimination of exploitation

The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work.

4. Right of individuals to be dealt with in accordance with law, etc

1. To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen. Wherever he may be, and of every other person for the time being within Pakistan.

2. In particular-

- a. no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law;
- b. no person shall be prevented from or be hindered in doing that which is not prohibited by law; and
- c. no person shall be compelled to do that which the law does not require him to do.

9. Security of person

No person shall be deprived of life or liberty save in accordance with law.

11. Slavery, forced labour, etc., prohibited

1. Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.
2. All forms of forced labour and traffic in human beings are prohibited.
3. No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.
4. Nothing in this Article shall be deemed to affect compulsory service
 - a. by any person undergoing punishment for an offence against any law; or
 - b. required by any law for public purpose:
 Provided that no compulsory service shall be of a cruel nature or incompatible with human dignity.

15. Freedom of movement, etc

Every citizen shall have the right to remain in, and, subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.

37. Promotion of social justice and eradication of social evils

The State shall-

- e. make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;

PAKISTAN PENAL CODE (ACT XLV OF 1860) AS AMENDED

340. Wrongful confinement

Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person. Illustrations (a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z. (b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

342. Punishment for wrongful confinement

Whoever wrongfully confines any person, shall be punished with imprisonment of either description for, a term, which may extend to one year, or with fine which may extend to 135[three thousand rupees] 135 or with both.

343. Wrongful confinement for three or more days

Whoever wrongfully confines any person, for three days or more, shall be punished with imprisonment of either description for a term, which may extend to two years, or with fine, or with both.

344. Wrongful confinement for ten or more days

Whoever wrongfully confines any person for ten days or more, shall be punished with imprisonment of either description for a term, which may extend to three years, and shall also be liable to fine.

346. Wrongful confinement in secret

Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to

any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person of public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any other punishment to which he may be liable for such wrongful confinement.

360. Kidnapping from Pakistan, etc.

Whoever, conveys any person beyond the limits of Pakistan without the consent of that person, or of some person legally authorised to consent on behalf of that person is said to kidnap that person from Pakistan.

364- A. Kidnapping or abducting a person under the age of fourteen

Whoever kidnaps or abducts any person under the 141[age of fourteen] 141 in order that such person may be murdered or subjected to grievous hurt, or slavery, or to the lust of any person or may be so disposed of as to be put in danger of being murdered or subjected to grievous hurt, or slavery, or to the lust of any person shall be punished with death or with imprisonment for life or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years.

365B. Kidnapping, abducting or inducing woman to compel for marriage etc.

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced, or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means of criminal intimidation as defined in this Code, or of abuse of authority or any other method of compulsion, induces likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

366A. Procurement of minor girl

Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

366B. Importation of girl from foreign country

Whoever imports into Pakistan from any country outside Pakistan any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery or knowing it to be likely that such

person will be so subjected or disposed of shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

368. Wrongfully concealing or keeping in confinement, kidnapped or abducted person

Whoever knowing that any person has been kidnapped or has been abducted wrongfully conceals or confines such person shall be punished in the same manner as if he had kidnapped or abducted Such person with the same intention or knowledge, or for the same purposes as that with or for which he conceals or detains such person in confinement.

370. Buying or disposing of any person as a slave

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

371. Habitual dealing in slaves

Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, shall also be liable to fine.

371A. Selling person for purposes of prostitution, etc.

Whoever sells, lets to hire, or otherwise disposes of any person with intent that such a person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person shall at any time be employed or used for any such, purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine. Explanations:- (a) When a female is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution. (b) For the purposes of this section and section 371B, "illicit intercourse" means sexual intercourse between persons not united by marriage.

371B. Buying person for purposes of prostitution, etc

Whoever buys, hires or otherwise obtains possession of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment which may extend to twenty-five years, and shall also be liable to fine. Explanation: Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

374. Unlawful compulsory labour

(1) Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to 150[five years] 150 or with fine, or with both. (2) Whoever compels a prisoner of war or a protected person to serve in the armed forces of Pakistan shall be punished with imprisonment of either description for a term which may extend to one year. Explanation: In this section the expression "prisoner of war" and "protected person" shall have the same meanings as have been assigned to them respectively by Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, and Article 4 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, ratified by Pakistan on the second June, 1951.

BONDED LABOUR SYSTEM (ABOLITION) ACT 1976

Section 4. Abolition of bonded labour system

(1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour. (2) No person shall make any advance under, or in pursuance of, the bonded labour system or compel any person to render any bonded labour or other form of forced labour.

Section 11. Punishment of enforcement of bonded labour

Whoever after the commencement of this Act, compels any person to render any bonded labour shall be punishable with imprisonment for a term which shall not be less than two years nor more than five years, or with fine which shall not be less than fifty thousand rupees, or with both.

PREVENTION AND CONTROL OF HUMAN TRAFFICKING ORDINANCE, 2002

2. Definition.

In this Ordinance, unless there is anything repugnant in the subject or context

(d) "coercion" means the use of force, violence, physical restraint, deception, fraud or acts or circumstances not necessarily including physical force but calculated to have the same effect, such as the credible threat of force or of infliction of serious harm;

(h) "human trafficking" means obtaining, securing, selling, purchasing, recruiting, detaining, harbouring or receiving a person, notwithstanding his implicit or explicit consent, by the use of coercion, kidnapping, abduction, or by giving or receiving any payment or benefit, or sharing or receiving a share for such person's subsequent transportation out of or into Pakistan by any means whatsoever for any of the purposes mentioned in section 3

3. Punishment for human trafficking.

The human trafficking shall be punishable as under.

(i) Whoever knowingly plans or executes any such plan for human trafficking into or out of Pakistan for the purpose of attaining any benefit, or for the purpose of exploitative entertainment, slavery or forced labour or adoption in or out of Pakistan shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine:

Provided that in case of an accused who, in addition to committing an offence as aforesaid has also been guilty of kidnapping or abducting or

any attempt thereto in connection with such offence, the imprisonment may extend to ten years with fine:

Provided further that whoever plans to commit an offence under this clause but has not as yet executed the same shall be punishable with a term of imprisonment, which may extend to five years and shall also be liable to fine.

(ii) Whoever knowingly provides, obtains or employs the labour or services of a person by coercion, scheme, plan or method intended to make such person believe that in the event of non-performance of such labour or service, he or any other person may suffer from serious harm or physical restraint or legal proceedings, shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine:

Provided that if the commission of the offences under this clause involves kidnapping or abduction or any attempt thereto, the term of imprisonment may extend to ten years with fine:

Provided further that payment of any remuneration in lieu of services or labour of the victim shall not be treated as mitigating circumstance while awarding the punishment.

(iii) Whoever knowingly purchases, sells, harbours, transports, provides, detains or obtains a child or a woman through coercion, kidnapping or abduction, or by giving or receiving any benefit for trafficking him or her into or out of Pakistan or with intention thereof, for the purpose of exploitative entertainment by any person and has received or expects to receive some benefit in lieu thereof shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine: Provided that if the commission of the offence under this clause involves kidnapping or abduction or any attempt thereto of the victim, the term of imprisonment may extend to fourteen years with fine:

Provided further that plea, if any, taken by the biological parents of the child shall not prejudice the commission of offence under this clause.

(iv) Whoever knowingly takes, confiscates, possesses, conceals, removes or destroys any document related to human trafficking in furtherance of any offence committed under this Ordinance or to prevent or restrict or attempt to prevent or restrict, without lawful authority, a person's liberty to move or travel shall be punishable with imprisonment which may extend to seven years and shall also be liable to fine.

THE CHILD
MARRIAGE
RESTRAINT ACT, 1929

Note: The Act provides that whoever performs, conducts or directs any child marriage shall be punishable with imprisonment, which may extend to one month, fine or both. The minimum age for marriage in the case of a male is prescribed as 18 years and for a female as 16 years.

Palau

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution of the Republic of Palau at article 4, section 11 which prohibits slavery except as punishment for a crime. Section 1801 of the Palau National Code also prohibits imprisoning, seizing, detaining or inveigling any person to cause them to be sold or held as a slave.

ii) **Provisions** related to **servitude** are found in the Constitution of the Republic of Palau at article 4, section 11 which prohibits involuntary servitude except as punishment for a crime.

iii) There appears to be **no legislation** in place in Palau which prohibits **forced labour** although Anti-Smuggling and Trafficking Act prohibits trafficking in persons for the purpose of forced labour at section 6.

iv) **Provisions** related to **trafficking in persons** are found in the 2005 Anti-Smuggling and Trafficking Act which criminalises trafficking under sections 6 (people trafficking), 7 (trafficking in children), and 8 (exploiting a trafficked person).

2) International Obligations: Palau consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: *N/A*

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: *N/A*

1966 ICCPR: (20 September 2011, signature not perfected by ratification)

1998 Rome Statute of the ICC: *N/A*

2000 Palermo Protocol (Trafficking in Persons): *N/A*

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Palau appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
PALAU 1981 (REV.
1992)

Article 4. Fundamental rights

Section 6

The government shall take no action to deprive any person of life, liberty, or property without due process of law nor shall private property be taken except for a recognized public use and for just compensation in money or in kind. No person shall be held criminally liable for an act which was not a legally recognized crime at the time of its commission, nor shall the penalty for an act be increased after the act was committed. No person shall be placed in double jeopardy for the same offense. No person shall be found guilty of a crime or punished by legislation. Contracts to which a citizen is a party shall not be impaired by legislation. No person shall be imprisoned for debt. A warrant for search and seizure may not issue except from a justice or judge on probable cause supported by an affidavit particularly describing the place, persons, or things to be searched, arrested, or seized.

Section 10

Torture, cruel, inhumane or degrading treatment or punishment, and excessive fines are prohibited.

Section 11

Slavery or involuntary servitude is prohibited except to punish crime. The government shall protect children from exploitation.

PALAU NATIONAL
CODE

Title 17 Crimes

§ 1801.

Defined; punishment. Every person who forcibly or fraudulently and deceitfully, and without authority by law, imprisons, seizes, detains, or inveigles away any person other than his or her minor child, with intent to cause such person to be secreted within the Republic against his or her will, or sent out of the Republic against his or her will, or sold or held as a slave or for ransom, shall be guilty of kidnaping, and upon conviction thereof shall be imprisoned not more than 15 years, or fined not more than \$10,000, or both

§ 3906.

Offense of people trafficking. Every person who knowingly or recklessly recruits, transports, transfers, harbors or receives any person or persons for the purpose of exploitation by threat, use of force, abduction, fraud, deception, abuse of power, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, shall be guilty of people trafficking, and upon conviction thereof shall be fined not more than \$250,000, or imprisoned not more than 25 years or both

§ 3907.

Offense of trafficking in children. Every person who knowingly or recklessly recruits, transports, transfers, harbors or receives a child by any means for the purposes of exploitation shall be guilty of trafficking in children and upon conviction thereof, shall be fined not more than \$500,000, or imprisoned for not more than 50 years or both.

§ 3908.

Offense of exploiting a trafficked person. Every person who knowingly or recklessly engages in, participates in, or profits from the exploitation of a trafficked person shall be guilty of exploitation of a trafficked person and, upon conviction thereof, shall be fined not more than \$50,000, or imprisoned for not more than 10 years or both.

§ 3909.

Consent of trafficked person irrelevant. For sections 3905, 3906 and 3907 of this chapter, it is not a defense that the trafficked person consented to the people trafficking or to the exploitation.

ANTI-PEOPLE SMUGGLING AND TRAFFICKING ACT 2005

Section 2. Definitions:

(d) "Exploitation" means sexual servitude, exploitation of another person's prostitution, forced labor or services, slavery, or obtaining labor or services through deceit, fraud, or by means of a material misrepresentation.

(h) "People trafficking" means the recruitment, transportation, transfer, harboring or receipt of a person for the purposes of exploitation as described in section 5 or 6.

Section 6. Offense of People Trafficking

Every person who knowingly or recklessly recruits, transports, transfers, harbors or receives any person or persons for the purpose of exploitation by threat, use of force, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, shall be guilty of people trafficking, and upon conviction thereof shall be fined not more than \$250,000, or imprisoned not more than 25 years, or both.

Section 7. Offense of Trafficking in Children

Every person who knowingly or recklessly recruits, transports, transfers, harbors or receives a child by any means for the purposes of exploitation shall be guilty of trafficking in children and, upon conviction thereof, shall be fined not more than \$500,000, or imprisoned for not more than 50 years, or both.

Section 8. Offense of Exploiting a Trafficked Person. Every person who knowingly or recklessly engages in participates in, or profits from the exploitation of a trafficked person shall be guilty of exploitation of a trafficked person and, upon conviction thereof, shall be fined not more than \$50,000, or imprisoned for not more than 10 years, or both.

Section 9. Consent of Trafficked Person Irrelevant.

For section 5,6 and 7 hereof, it is not a defense that the trafficked person consented to the people trafficking or to the exploitation.

Panama

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Panama which prohibits **slavery**, although the Constitution prohibits deprivation of liberty, criminalised under article 149 of the Penal Code. Article 207 of the Penal Code also criminalises selling, transferring or accepting a child in exchange for consideration.
- ii) There appears to be **no legislation** in place in Panama which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the 2015 Penal Code which criminalises forced labour at article 456D.
- iv) **Provisions** related to **trafficking in persons** are found in the 2015 Penal Code which criminalises trafficking under article 456A which criminalises trafficking although requires movement.

2) International Obligations: Panama consents to:

1926 Slavery Convention: *N/A*
 1930 Forced Labour Convention: (16 May 1966, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: *N/A*
 1957 Abolition of Forced Labour Convention: (16 May 1966, ratification)
 1966 ICCPR: (8 March 1977, ratification)
 1998 Rome Statute of the ICC: (21 March 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (18 August 2004, ratification)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Panama appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF PANAMA

Article 21

No one may be deprived of his/her liberty except by warrant from a competent authority, issued in accordance with legal formalities, and for reasons previously defined by law. Those executing said order are obliged to give a copy thereof to the person concerned, if he/she requests it.

Article 27

Every person may travel freely throughout the National territory and change domicile, or residence, without restrictions, other than those which the transit, fiscal, health, and immigration laws or regulations may prescribe.

Article 40

Every person is free to exercise any profession or trade, subject to regulations established by law with respect to competence, morality, social welfare and security, professional affiliation, public health, unionization, and compulsory dues.

No taxes or assessments for the exercise of liberal professions, trades, and arts shall be established.

Article 64

Work is a right and duty of the individual and accordingly the State is obliged to devise economic policies to promote full employment, and to ensure to every workman the necessary conditions for a decent existence.

Article 65

Every workman in the service of the State, of public or private enterprises or private persons, is guaranteed a minimum wage or salary. Workers of enterprises specified by law shall share in the profits thereof in accordance with the economic conditions of the country.

Article 70

The maximum work day shall be eight hours, and the labor week up to forty eight hours. The maximum night work shall not be more than seven hours. Overtime shall be paid with surcharge.

The maximum work day may be reduced to six hours per day for those over fourteen and under eighteen. Employment of children under 14, and night work of those under 16, is unlawful, save for the exceptions established by law. Likewise, it is unlawful to employ children under 14 as domestic servants, and to employ children and women in unhealthy occupations.

In addition to a weekly day of rest, all workers shall be entitled to paid vacations.

The weekly day of rest with pay may be established by Law in accordance with social and economic conditions of the country, and for the benefit of workers.

PENAL CODE (AS AMENDED BY LAW 79 OF 9 NOVEMBER 2011 ON TRAFFICKING IN

Article 149.

Any person who unlawfully deprives another of his liberty shall be punished with one to three years of imprisonment or its equivalent in daily fines or weekend arrest. If the imprisonment was ordered or

PERSONS AND RELATED ACTIVITIES)

performed by a public servant Abuse their duties, the penalty is two to four years in prison.

Article 157.

Whoever acting or intending to act as an employer, manager, supervisor, contractor, employment agent or client applicant obtains, destroys, conceals, withdraws, holds or possesses a passport or other public document of identification, whether real or falsified, belonging to the Person contracted to render a service, shall be punished with imprisonment of three to five years.

Article 158.

A non-profit person who abducts a minor or an incapable of the power of his parents, guardian or person in charge of their care, upbringing or care, or who improperly retains or withdraws from the country without the authorization of whoever has the homeland Power or the care of this will be punished with imprisonment of three to six years.

Article 203.

For the purposes of the previous article, the following conduct constitutes maltreatment to a minor:

1. Causing, allowing or causing physical, mental or emotional harm, including physical injury caused by corporal punishment.
2. Use or induce him to be used in begging or propaganda or advertising not appropriate for his age.
3. Use it or allow it to be used in work prohibited or endangering his life or health.
4. Give you careless treatment.

Article 206.

Anyone who delivers a child or an unlawful means to a person who is not his or her parent or who is not authorized to receive it shall be sentenced to three to six years in prison.

Article 207.

Whoever sells, offers, transfers, or accepts a child or girl in exchange for remuneration, payment or reward shall be punished by imprisonment for five to ten years.

The same penalty shall apply to anyone who offers, possesses, consents, acquires or induces the sale of a child, child or adolescent for purposes of illegitimate adoption, in violation of the legal instruments applicable to adoption. When the sale, offer, transfer, or acceptance of a child or adolescent is intended for sexual exploitation, extraction of organs, forced labor or servitude, the penalty shall be increased from one-third to one-half of the maximum .

Article 208.

Whoever removes, transfers, retains, or attempts to engage in such conduct in a minor with unlawful means, such as kidnapping, fraudulent or forced consent, delivery or receipt of illicit payments or benefits, in order to obtain parental consent , The persons or institution in charge of the minor, shall be punished with eight to ten years' imprisonment.

Article 441.

Who generalizes and systematically against a civilian population or knows the following facts and does not prevent them, having the means to do so, will be punished with imprisonment of twenty to thirty years, when the following conduct is caused:

3. Slavery.

5. Serious deprivation of physical liberty in violation of the fundamental guarantees or norms of international law.

7. Sexual violence, sexual slavery, forced prostitution, forced or compulsory Sterilization not consented.

Article 442.

Whoever directs or forms part of an international organization dedicated to trafficking in persons shall be punished with imprisonment of ten to fifteen years.

The same sanction shall be imposed on anyone who intervenes in any way in the traffic of persons, with the consent of these, avoiding or fraudulently evading, in some way, the migration controls established in the continental territory of the Republic.

Article 456-A:

Whoever promotes, directs, organizes, finances, advertises, invites or manages by any means of mass or individual communication or otherwise facilitates the entry or exit of the country or the movement within the national territory of a person Of any sex, to perform one or more acts of prostitution or to subject them to exploitation, sexual or labor bondage, slavery or practices similar to slavery, forced labor or services, servile marriage, begging, unlawful extraction of organs or irregular adoption shall be sanctioned With imprisonment of fifteen to twenty years.

The penalty will be twenty to thirty years imprisonment, when:

1. The victim is a person under age or is in a situation of vulnerability or disability or unable to consent.

2. The victim is used in acts of exhibitionism through photographic means, camcorders or obscene recordings.

3. The act is executed through deceit, coercion, violence, threat, fraud, abduction or retention of passports, migratory documents or personal identification.

4. The act is committed by a close relative, guardian or whoever is in charge of the custody, upbringing, education or instruction of the victim.

5. The fact is committed by a public servant.

Article 456-B.

Whoever, knowingly, destines a movable or immovable property to the commission of the crime described in the previous article will be sanctioned with imprisonment of six to eight years. When the owner, landlord, Holder or administrator of an establishment or commercial premises intended for the public to use or permit to be used for the commission of said crime, shall be punished by eight to twelve years in prison.

Article 456-C:

Whoever possesses, transports, stores, receives, delivers, sells, buys or transports in any way, in an unlawful manner, human organs, tissues or fluids, shall be punished with imprisonment of ten to twelve years.

Article 456-D:

Whoever subjects or maintains persons of any sex to perform work or services under force, deceit, coercion or threat shall be punished with imprisonment for six to ten years. The penalty of imprisonment will be from ten to fifteen years if the victim is a person under age or is in a situation of vulnerability or disability.

LABOUR CODE

Article 117.

Work is prohibited:

1. Of the minors who have not reached the age of fourteen.
2. Children under fifteen years of age who have not completed primary education.

Papua New Guinea

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Papua New Guinea which prohibits **slavery** although article 32 of the Constitution protects the right to freedom, article 42 enshrines the right to liberty, and section 355 of the Criminal Code Act of 1974 criminalises deprivation of liberty. Slavery may also form an element of the offence of trafficking under articles 208C and 208D of the Criminal Code.
- ii) There appears to be **no legislation** in place in Papua New Guinea which prohibits **servitude**, although servitude and practices similar to slavery may form elements of the offence of trafficking under articles 208C and 208D of the Criminal Code.
- iii) **Provisions** related to **forced labour** are found in the Constitution at article 43 which prohibits forced labour. Forced labour may also form an element of the offence of trafficking under articles 208C and 208D of the Criminal Code.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under article 208C and 208D.

2) International Obligations: Papua New Guinea consents to:

1926 Slavery Convention: (27 January 1982, ratification)
 1930 Forced Labour Convention: (1 May 1976, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (1 May 1976, ratification)
 1966 ICCPR: (21 July 2008, ratification)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): N/A
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Papua New Guinea appears to be:

- in breach of its obligations under the 1926 Convention with regard to;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

CONSTITUTION OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Paragraph 43

In addition, for the Trust Territory of Papua and New Guinea the Papua and New Guinea Act 1949-1963 specifically prohibits the slave trade...

32. Right to freedom.

- (1) Freedom based on law consists in the least amount of restriction on the activities of individuals that is consistent with the maintenance and development of Papua New Guinea and of society in accordance with this Constitution and, in particular, with the National Goals and Directive Principles and the Basic Social Obligations.
- (2) Every person has the right to freedom based on law, and accordingly has a legal right to do anything that—
 - (a) does not injure or interfere with the rights and freedoms of others; and
 - (b) is not prohibited by law, and no person—
 - (c) is obliged to do anything that is not required by law; and
 - (d) may be prevented from doing anything that complies with the provisions of paragraphs (a) and (b).
- (3) This section is not intended to reflect on the extra-legal existence, nature or effect of social, civic, family or religious obligations, or other obligations of an extra-legal nature, or to prevent such obligations being given effect to by law.

36. Freedom from inhuman treatment.

- (1) No person shall be submitted to torture (whether physical or mental), or to treatment or punishment that is cruel or otherwise inhuman, or is inconsistent with respect for the inherent dignity of the human person.

42. Liberty of the person.

- (1) No person shall be deprived of his personal liberty except—
 - (a) in consequence of his unfitness to plead to a criminal charge; or
 - (b) in the execution of the sentence or order of a court in respect of an offence of which he has been found guilty, or in the execution of the order of a court of record punishing him for contempt of itself or another court or tribunal; or
 - (c) by reason of his failure to comply with the order of a court made to secure the fulfilment of an obligation (other than a contractual obligation) imposed upon him by law; or
 - (d) upon reasonable suspicion of his having committed, or being about to commit, an offence; or
 - (e) for the purpose of bringing him before a court in execution of the order of a court; or
 - (f) for the purpose of preventing the introduction or spread of a disease or suspected disease, whether of humans, animals or plants, or for normal purposes of quarantine; or
 - (g) for the purpose of preventing the unlawful entry of a person into Papua New Guinea, or for the purpose of effecting the expulsion, extradition or other lawful removal of a person from Papua New Guinea, or the taking of proceedings for any of those purposes; or
 - (h) in the case of a person who is, or is reasonably suspected of being of unsound mind, or addicted to drugs or alcohol, or a vagrant, for the purposes of—

43. Freedom from forced labour.

- (1) No person shall be required to perform forced labour.
- (2) In Subsection (1), "forced labour" does not include—
 - (a) labour required by the sentence or order of a court; or
 - (b) labour required of a person while in lawful custody, being labour that, although not required by the sentence or order of a court, is necessary for the hygiene of, or for the maintenance of, the place in which he is in custody; or
 - (c) in the case of a person in custody for the purpose of his care, treatment, rehabilitation or welfare, labour reasonably required for that purpose; or
 - (d) labour required of a member of a disciplined force in pursuance of his duties as such a member; or
 - (e) subject to the approval of any local government body for the area in which he is required to work, labour reasonably required as part of reasonable and normal communal or other civic duties; or
 - (f) labour of a reasonable amount and kind (including in the case of compulsory military service, labour required as an alternative to such service in the case of a person who has conscientious objections to military service) that is required in the national interest by an Organic Law that complies with Section 38 (general qualifications on qualified rights).

48. Freedom of employment.

- (1) Every person has the right to freedom of choice of employment in any calling for which he has the qualifications (if any) lawfully required, except to the extent that that freedom is regulated or restricted voluntarily or by a law that complies with Section 38 (general qualifications on qualified rights), or a law that imposes restrictions on non-citizens.
- (2) Subsection (1) does not prohibit reasonable action or provision for the encouragement of persons to join industrial organizations or for requiring membership of an industrial organization for any purpose.

CRIMINAL CODE ACT
1974 (AS AMENDED BY
THE CRIMINAL CODE
(AMENDMENT) ACT
2013)

208B. INTERPRETATION.

For the purposes of this Division—

"exploitation" means the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs;

"forced labour" means all work or services which are exacted from any person under the menace of any penalty and for which the person has not offered himself voluntarily;

"slavery or practices similar to slavery" means the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised and includes, but is not limited to, the following:

- (a) the selling, bartering or buying of a person without that person's consent for value received or other consideration; or
- (b) the selling, bartering or buying of a person under the age of 18 against the best interest of that person, for value received or other consideration; or
- (c) the status of debt bondage intended as the condition of a person who has no real or acceptable alternative but to provide labour or personal services or those of a person under his control to repay a debt, if the

value of those services or labour, as reasonably assessed, is not applied towards the liquidation of the debt or the length and nature of those services or labour are not limited and proportionate to the debt; or
(d) the status of domestic servitude intended as the condition of a person who is forced, by physical or psychological coercion, to work without any real financial reward, deprived of liberty and in a situation contrary to human dignity;

208C. Trafficking in persons.

(1), Any person who recruits, transports, transfers, conceals, harbours or receives any person by-

- (a) threat; or
- (b) use of force or other forms of coercion; or
- (c) abduction; or
- (d) fraud; or
- (e) deception; or
- (f) use of drugs or intoxicating liquors; or
- (g) the abuse of office; or
- (h) the abuse of a relationship of trust, authority or dependency; or
- (i) the abuse of a position of vulnerability; or
- (j) the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, with the intention that the other person will be subject to exploitation, is guilty of a crime,

Penalty: Imprisonment for a term not exceeding 20 years,

(2) If the offence is committed in relation to a person who is under 18 years of age at the time of the offence, the offender is liable to imprisonment for a term not exceeding 25 years.

(3) If the offender subjects the person to circumstances that result in, or are likely to result in, the death of that person, the offender is liable, subject to Section 19, to imprisonment for life,

208D. Trafficking in persons with knowledge or recklessness

(1) A person who recruits, transfers, conceals, harbours or receives any person by -

- (a) threat; or
- (b) use of force or other forms of coercion; or
- (c) abduction; or
- (d) fraud; or
- (e) deception; or
- (f) use of drugs or intoxicating liquors; or
- (g) the abuse of office; or
- (h) the abuse of a relationship of trust, authority or dependency; or
- (i) the abuse of a person of vulnerability; or
- (j) the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, knowing, having reasonable grounds to believe, or being reckless as to the fact that the other person will be subject to exploitation, is guilty of a crime.

Penalty: Imprisonment for a term not exceeding 15 years.

(2) If the offence is committed with relation to a person under 18 years of age at that time of the offence, the offender is liable to imprisonment for a term not exceeding 20 years.

(3) If the offender subjects a person to circumstances that result in, or are likely to result in, the death of that person, the offender is liable, subject to section 19, to life imprisonment.

208E. Consent of trafficked person not a defence.

It is not a defence to a charge under Sections 208C or 208D that the trafficked person consented to any acts under those sections.

355. Deprivation of liberty.

A person who unlawfully—

- (a) confines or detains another in any place against his will; or
 - (b) deprives another of his personal liberty,
- is guilty of a misdemeanor.

Penalty: Imprisonment for a term not exceeding three years.

Paraguay

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1992 Constitution which prohibits slavery at article 10. Deprivation of liberty is also criminalised under article 124 of the Penal Code and slavery may form an element of the offence of trafficking under article 5 of the 2012 Law against Trafficking in Persons.

ii) **Provisions** related to **servitude** are found in the Constitution which prohibits personal servitude at article 10. Servitude, servile marriage and practices similar to slavery may also form elements of the offence of trafficking under article 5 of the Law against Trafficking in Persons.

iii) There appears to be **no legislation** in place in Paraguay which prohibits **forced labour**, although article 86 of the Constitution protects the right to work freely chosen and article 120 of the Penal Code criminalises coercion. Forced labour may also form an element of the offence of trafficking under article 5 of the Law against Trafficking in Persons.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution which prohibits trafficking of persons at article 10 and the Law against Trafficking in Persons which criminalises trafficking under article 5.

2) International Obligations: Paraguay consents to:

1926 Slavery Convention: (27 September 2007, accession)
 1930 Forced Labour Convention: (28 August 1967, ratification)
 1953 Protocol to the 1926 Slavery Convention: (27 September 2007, accession)
 1956 Slavery Convention: (27 September 2007, accession)
 1957 Abolition of Forced Labour Convention: (16 May 1968, ratification)
 1966 ICCPR: (10 June 1992, accession)
 1998 Rome Statute of the ICC: (14 May 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (22 September 2004, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Paraguay appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
REPUBLIC OF
PARAGUAY 1992

Article 9. Of the freedom and of the security of the persons

All persons have the right to be protected in their freedom and in their security.

No one may be obligated to do what the law does not mandate nor be prevented from what it does not prohibit.

Article 10. Of the proscription of slavery and other [forms of] servitude

Slavery, personal servitude, and the trafficking [trata] of the persons are proscribed. The law may establish social responsibilities [cargas] in favor of the State.

Article 11. Of the deprivation of liberty

No one will be deprived of their physical freedom or brought to justice [procesado], except for mediating the causes and within the conditions established by this Constitution and the laws.

Article 13. Of no deprivation of freedom for debts

The deprivation of freedom for debts is not admitted, unless by [a] mandate of the competent judicial authority dictated for non-compliance [incumplimiento] of food supply duties or as a substitution of [payment of] fines [multas] or judicial bails [fianzas].

Article 54. Of the protection of the child

The family, the society, and the State have the obligation of guaranteeing the child his harmonious and complete [integral] development, as well as the full exercise of his rights, protecting him against abandonment, undernourishment, violence, abuse, trafficking, and exploitation.

Any person may demand of the competent authority the fulfillment of such guarantees and the sanction for the offenders [infractores].

In case of conflict, the rights of a child have prevailing character.

Article 86. Of the right to work

All the inhabitant of the Republic have the right to a legal job, freely chosen and to realize it in dignifying and just conditions.

The law will protect work in all its forms and the rights that it grants to the workers are non-renounceable.

Article 90. Of the work of minors

Priority will be given to the rights of working minors to guarantee their normal physical, intellectual and moral development.

Article 91. Of the working days [jornadas] and of resting days

The maximum duration of the ordinary working day will not exceed eight daily hours and 48 weekly hours, of daytime, except those legally established for special motives. The law will establish more favorable working days for the unsanitary, dangerous, painful, [and] night time tasks, or those whose development is in continuous rotating shifts.

The annual leaves of absence and vacations will be remunerated in accordance with the law.

Article 92. Of the remuneration of the work

The workers have right to enjoy a remuneration that assures, them and their families, of a free and dignifying life. The law will consecrate the minimum and mobile living wage [salario vital], the annual year-end bonus [aguinaldo], the family bonuses, the recognition of a superior salary to the basic for hours of [a] unsanitary or risky work, and the extraordinary, night and holiday hours. Basically, equal salary for equal work corresponds.

Article 99. Of compliance with the labor norms

Compliance with the labor norms and those of safety and hygiene at work will be subject to the fiscal control of the authorities created by the law, which will establish the sanctions in the case of their violation.

PENAL CODE

Article 120. Coercion

- 1) One who by force or threat seriously constricts another to do, not do or tolerate what he does not want, will be punished with imprisonment of up to two years or a fine.
- 2) There will be no coercion, under the terms of item 1, when threatened with:
 1. the application of legal measures whose implementation is linked to the purpose of the threat;
 2. The legal publicity of an irregular situation, in order to eliminate it;
 3. with a non-punishable omission, a suicide or other action that does not infringe the legal assets of the threatened, a relative or other person close to him.
- 3) A fact that will be made to avoid a suicide or a punishable act will not be punishable as coercion.
- 4) The attempt will also be punished.
- 5) When the fact is made against a relative, the criminal prosecution will depend on its instance.

Article 121. Serious coercion

A penalty of not less than one hundred and eighty days-a fine or a custodial sentence of up to three years shall apply when coercion will be performed:

1. by threatening danger to life or physical integrity; or
2. considerably abusing a public function.

Article 122. Threat

- 1) Any person who threatens another with a punishable act against life, against physical integrity or against things of considerable value, or with sexual coercion, in a way apt to alarm, intimidate or reduce his freedom to determine, shall be punished with private punishment Of freedom of up to one year or with a fine.
- 2) In these cases, the provisions of article 110, paragraph 2 will apply.

Article 124. Deprivation of liberty

- 1) Whoever deprives another of his freedom, shall be punished with imprisonment of up to three years or with a fine.
- 2) When the author:
 1. to produce a deprivation of liberty for more than a week;
 2. abuse his public function considerably; or
 3. take advantage of a situation of legal or factual dependence on the victim,

Shall be punished by imprisonment for up to five years. It shall also be punished attempt.

3) When the author deprives another of his freedom to coerce him, under threat of death, serious injury under the terms of Article 112 or with the prolongation of deprivation of liberty for more than a week, to do, not do or tolerate Which he does not want, will be punished with imprisonment for up to eight years.

Article 223. Trafficking of minors

1) Any person who exploits the necessity, lightness or inexperience of the holder of the parental authority, for economic consideration, induces the delivery of a child for adoption or a family placement, shall be punished by imprisonment for up to five years. Same penalty will be punished who intervened in the reception of the child.

2) When the author:

1. avoid legal procedures for adoption or family placement;
2. act in order to obtain an economic benefit; or
3. through his / her behavior exposed the child to the danger of sexual or labor exploitation,

The penalty may be increased to imprisonment for up to ten years.

LAW 4788/2012 AGAINST TRAFFICKING IN PERSONS

Article 4. Definitions

For the purposes of this Law, it shall be understood as:

7. Sexual exploitation: The obtaining of economic or other benefits through the participation of a person in prostitution, sexual servitude or other sexual services, including pornographic acts or the production of pornographic material.
8. Servitude: The conditions of work or the obligation to work or provide services or both, in which the service provider cannot voluntarily change.
9. Forced labor or service: The one obtained under threat of a sanction and for which the provider of the job or service has not volunteered.
10. Servile Marriage: The one in which the woman or girl without the right to refuse it, is promised or given in marriage for a sum of money, and can be transferred or inherited again by other people.
11. Other similar practices of slavery: Debt-related slavery and serfdom.
12. Economic exploitation of another person: Dependence under coercion in combination with serious and widespread deprivation of fundamental rights.
13. Settlement of land [serfdom]: That condition or situation of a tenant who is bound by law, by custom or by agreement to live and work on land belonging to another person and to provide to it by way of remuneration or gratuitously certain services, With no freedom to change their situation.
14. Debt Slavery: That situation or condition resulting from a promise of a debtor to provide his personal services, or those of a person under his control, as a guarantee of payment of a debt, if the value of those services, reasonably computed, Is not intended for the settlement of the debt or if the duration of those services is not limited and defined.

Article 5. Types of trafficking of persons

1° Who, for the purpose of subjecting another to a regime of sexual exploitation; Capture, transport, transfer, receive or receive the direct victim, shall be punished by imprisonment for up to eight years.

2 ° Who, for the purpose of subjecting another to a system of servitude, servile marriage, forced labor or service, slavery or any practice analogous to slavery; Capture, transport, transfer, receive or receive the direct victim, shall be punished by imprisonment for up to eight years.

3 ° Who, for the purpose of subjecting another to the illicit extraction of their organs or tissues; Capture, transport, transfer, receive or receive the direct victim, shall be punished by imprisonment for up to eight years.

Article 6. Incidental circumstances

In the cases of the previous article, the custodial sentence of two to fifteen years will apply when:

1. the direct victim is between fourteen and seventeen years of age inclusive;
2. the author has resorted to the threat or use of force, coercion, abduction, fraud, deceit, abuse of power or the granting of payments or benefits to a person having authority over the direct victim;
3. the author is a public official or commits the act in abuse of a public function; or,
4. For the purpose of trafficking in persons, the direct victim of the territory of Paraguay shall be transferred to a foreign territory or to the national territory.

Article 7. Special aggravating circumstances

In the cases of Article 5 of this Law, the sanction of the previous article may be increased up to twenty years of custodial sentence if:

1. there is more than one aggravating circumstance of Article 8 of this Law;
2. The author was a relative within the fourth degree of consanguinity or by adoption, or second of affinity, spouse, exonerate, concubine or exconcubino, person living together, guardian, curator, education or guardian of the direct victim, minister of a Worship recognized or not; Cohabiting person, guardian, curator, education officer or guardian of the
3. the direct victim is a person up to and including thirteen years of age;
4. as a result of trafficking in persons, the victim will have some result described in Article 112 of the Penal Code;
5. the author and / or participant acts as a member, employee or manager of a commercial transportation company; Job boards, advertising or modeling agencies, scientific research institutes or medical care centers;
6. the author and / or participant will make promotions, offers or auctions for publications in mass media, restricted media or computer networks;
7. the author acts commercially, in accordance with Article 14, paragraph 1, numeral 15 of the Penal Code; or,
8. the perpetrator acts as a member of a gang organized for the continued conduct of trafficking in persons.

Article 8. Obtaining benefits for trafficking

Any person who, without performing the above-described conduct, obtains any kind of economic benefit from the services, work or extraction of organs from a direct victim of any of the events provided

for in Article 5 of this Law, shall be punished with penalty Imprisonment for up to five years.

Peru

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 2(24)(b) which prohibits slavery in all its forms. Slavery may also form an element of an offence of trafficking under article 153 of the Penal Code.

ii) **Provisions** related to **servitude** are found in the Constitution at article 2(24)(b) which prohibits servitude in all its forms. Servitude and practices similar to slavery may also form elements of an offence of trafficking under article 153 of the Penal Code.

iii) **Provisions** related to **forced labour** are found in the Constitution which declares that individuals have a right to work freely (article 15) and that no one is obliged to work without free consent (article 23). Article 151 of the Penal Code also criminalises forcing a person to do anything by threat or violence. Forced labour or services may also form an element of an offence of trafficking under article 153 of the Penal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution at article 2(24)(b) which prohibits traffic in human beings in all its forms and the Penal Code which criminalises trafficking in persons under articles 153, 153A and 182.

2) International Obligations: Peru consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (1 February 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (7 September 1956, signature)
 1957 Abolition of Forced Labour Convention: (6 December 1960, ratification)
 1966 ICCPR: (28 April 1978, ratification)
 1998 Rome Statute of the ICC: (10 November 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (23 January 2002, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Peru appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 374

Decree No. 1139 of 28 August 1821, article 1 of which provides as follows:

“The services which Peruvians hitherto known by the name of Indians or natives have performed under the title of *mitas*, *pongos*, *encomiendas* and *yanaconazgos*, and all other forms of personal servitude, are hereby abolished and no one may force them to render service against their will.”

Decree No. 1140, of 4 July 1825, which provides that: “No one in the State shall directly or indirectly require any personal service of the indigenous Peruvians except under the terms of a contract freely entered into for the remuneration of such service.”

Decree No. 1588 of 3 December 1854, promulgated by Marshal Ramón Castilla, the sole article of which provides that:

“As from today all men and women, regardless of their age, who have hitherto been held in Peru to be slaves or serfs, whether their condition as such is due to their having been sold into slavery or having been born into slavery, or who for any other cause find themselves subjected to perpetual or temporary servitude, shall be for ever completely free.”

Article 55 of the Political Constitution of the State, which has been in force since 9 April 1933, provides as follows:

“No one may be obliged to perform personal service without his free consent and without due recompense.”

The Agrarian Reform Act No. 1507, of 21 May 1964, in conformity with earlier enactments, abolished anti-social systems of labour and land working, providing as follows:

“With effect from the promulgation of this Act, all contracts whereby the use of land is granted subject to the performance of services, even if such services are remunerated in cash, are hereby revoked. Personal service of any kind shall automatically be subject to labour legislation.”

Paragraph 376

The Peruvian Penal Code defines certain practices similar to slavery as punishable offences. Thus, article 225 provides that:

“Any person who, taking advantage of the ignorance and moral weakness of a certain class of indigenous inhabitants or of other persons of similar condition, reduces them to a condition equivalent or similar to servitude shall be punished by rigorous or ordinary imprisonment for a term not exceeding one year or by a fine of thirty to ninety days’ income and, in either case, by the special disabilities provided for in article 27, paragraphs 1, 2 and 3 for a period not exceeding five years.”

ENGEN REPORT

Paragraph 96

On 2 July 1937 the Government of Peru made a law prohibiting parents to abandon or sell their children under the age of 16 years and penalizing people who received them. On 18 July 1946 another law was made regulating the acquisition of children under 16 years of age and imposing on the Department of Native Affairs the duty of supervising the welfare of children so acquired under the law and seeing that they are adequately fed and paid and that their health and education are cared for.

PERU CONSTITUTION
1993 (WITH
AMENDMENTS
THROUGH 2009)

Article 2

Every person has the right:

1. To life, his identity, his moral, psychical, and physical integrity, and his free development and well-being. The unborn child is a rights-bearing subject in all cases that benefit him.
11. To choose his place of residence, to move freely throughout the national territory, and to leave the country and return to it, except restrictions for reasons of health or due to a court order, or to the application of the Immigration Act.
15. To work freely, in accordance with the law.
24. To freedom and personal security. In consequence:
 - a. No one is obliged to do what the law does not command, nor prevented from doing what the law does not prohibit.
 - b. No restrictions whatsoever to personal freedom shall be permitted, except in cases provided by the law. Slavery, servitude, and traffic in human beings are prohibited in any form.
 - c. There is no imprisonment for debts. This provision does not restrict court orders in the case of contempt regarding child support obligations.
 - h. No one shall be a victim of moral, psychical, or physical violence, nor be subjected to torture or inhuman or humiliating treatment. Any individual may immediately request a medical examination for the injured person or someone who is unable to appeal to the authorities by himself. Statements obtained by means of violence are null and void. Whoever employs such violence shall be held liable.

Article 22

Work is a right and a duty. It is the foundation for social welfare and a means of self-realization.

Article 23

Work, in its diverse forms, is a matter of priority concern for the State, which provides special protection for working mothers, minors, and persons with disabilities.

The State promotes conditions for social and economic progress, in particular through policies aimed at encouraging productive employment and work education.

No working relation can limit the exercise of constitutional rights, nor disavow or disrespect the dignity of workers.

No one is obliged to work without pay or without his free consent.

Article 24

The worker is entitled to adequate and fair compensation that ensures both himself and his family material and spiritual well-being.

Payment of wages and social benefits for the worker takes priority over any other obligation of the employer.

Minimum wages are regulated by the State with participation of representative organizations of workers and employers.

Article 25

The normal workday is eight hours, or the normal workweek is forty-eight hours, at the longest. In the case of cumulative or atypical workdays, the average number of work hours during an equivalent period may not exceed that maximum.

Workers have the right to weekly and annual paid vacations. This benefit and compensation are regulated by law or agreement.

Article 26

The following principles must be respected in labor relationships:

1. Equal opportunity without discrimination.
2. Inalienability of the rights recognized by the Constitution and the law.
3. Interpretation in favor of the worker in cases of insurmountable doubt on the meaning of a regulation.

PENAL CODE (AS
AMENDED BY LAW NO
28950 LAW AGAINST
TRAFFICKING IN
PERSONS AND ILLEGAL
TRAFFIC OF MIGRANTS
AND LAW 30251 LAW
THAT IMPROVES THE
CRIMINALISATION OF
TRAFFICKING IN
PERSONS)

Article 151. Coercion

He who, by threat or violence, forces another to do what the law does not command or prevents him from doing what she does not prohibit will be repressed with imprisonment not more than two years.

Article 152. Kidnapping

A person who, without right, reason or justified faculty, deprives another of his or her personal liberty, regardless of the motive, purpose, modality or circumstance or time The aggrieved person suffers the deprivation or restriction of his freedom.

The penalty shall be not less than twenty nor greater than twenty-five years when:

1. It is abused, corrupted, treated with cruelty or endangers the life or health of the aggrieved.
2. Pretexts mental illness that does not exist in the aggrieved.
3. The aggrieved is an official, public servant or diplomatic representative.
4. The aggrieved is abducted for his activities in the private sector.
5. The aggrieved person is a relative, within the third degree of consanguinity or second affinity with the persons referred to in clauses 3 and 4 above.
6. The aggrieved is a minor or an elder.
7. Its purpose is to compel a public official or servant to release a detainee or an authority to grant unlawful demands.
8. It is committed to compel the aggrieved to join a criminal grouping or a third person to provide the offender with financial assistance or competition in any way.
9. Who, for the purpose of contributing to the commission of the crime of abduction, furnishes information which he has known by reason or on the occasion of his functions, office or office, or deliberately provides the means for the commission of the crime.
10. It is committed to obtain somatic tissues of the victim, without serious physical or mental damage.

The penalty shall be life imprisonment where the aggrieved person results in serious bodily harm or physical or mental health or death during the abduction or as a result of that act.

Article 153. Trafficking in persons

1. Any person who, through violence, threats or other forms of coercion, deprivation of liberty, fraud, deceit, abuse of power or vulnerability, granting or receiving payments or any benefits, captures, transports, receives or retains another, in the territory of the Republic or for its exit or entry of the country for exploitation purposes, is

repressed with imprisonment of not less than eight nor more than fifteen years.

2. For purposes of paragraph 1, the purpose of exploitation of trafficking in persons includes, inter alia, the sale of children, adolescents, prostitution and any form of sexual exploitation, slavery or practices similar to slavery, any form of labor exploitation, begging, forced labor or services, serfdom, extraction or trafficking of somatic organs or tissues or their human components, as well as any other analogous form of exploitation.

3. The recruitment, transport, transfer, reception, reception or retention of a child or adolescent for the purpose of exploitation is considered trafficking in persons, even when none of the means provided in subsection 1 is used.

4. The consent given by the adult victim to any form of exploitation has no legal effect when the agent has resorted to any of the means set out in paragraph 1.

5. The agent who promotes, favors, finances or facilitates the commission of the crime of trafficking in persons, is repressed with the same penalty provided for the perpetrator.

Article 153A. Aggravated Forms of Trafficking in Persons

The penalty shall be not less than twelve nor more than twenty years of imprisonment and disqualification pursuant to article 36, paragraphs 1, 2, 3, 4 and 5 of the Penal Code, when:

1. The agent commits the act by abusing the exercise of the public function;

2. The agent is a promoter, member or representative of a social, guardianship or business organization, that takes advantage of this condition and activities to perpetrate this crime.

3. There are plurality of victims;

4. The victim is between fourteen and under eighteen years of age or is incapable;

5. The agent is a spouse, partner, adopter, guardian, conservator, relative up to the fourth degree of consanguinity or second degree of affinity, or has the victim in his care for any reason or live in the same household.

6. The act is committed by two or more persons.

The penalty shall be a deprivation of liberty of not less than 25 years, when:

1. Death, serious injury or imminent danger to the life and safety of the victim.

2. The victim is less than fourteen years of age or has, temporarily or permanently, a physical or mental disability.

3. The agent is part of a criminal organization.

Article 168. Attack on freedom of work and association

A prison sentence of not more than two years shall be repressed, which obliges another person, by violence or threat, to perform any of the following acts:

1. Integrate or not a union.

2. Provide personal work without the corresponding remuneration.

3. Work without the conditions of industrial safety and hygiene determined by the authority. The same penalty shall apply to the one who fails to comply with the decisions consented or enforced issued

by the competent authority; And to which it diminishes or distorts the production, simulates causes for the closure of the work center or leaves it to extinguish the labor relations.

Article 179. Favoring prostitution

Anyone who promotes or favors the prostitution of another person shall be punished with imprisonment of not less than two years and not more than five years.

The penalty shall be not less than four nor more than twelve years when:

1. The victim is under the age of fourteen.
2. The author employs violence, deception, abuse of authority, or any means of intimidation.
3. The victim is deprived of discernment for any cause.
4. The author is a relative within the fourth degree of consanguinity or second of affinity, or is a spouse, concubine, adopter, guardian or conservator or has the offender in his care for any reason.
5. The victim is in a situation of abandonment or extreme economic need.
6. The author has made pimping his trade or way of life.

Article 181. Procurement

Anyone who engages, seduces, or subtracts a person from another person for the purpose of sexual intercourse, or who delivers it for this purpose, shall be punished with imprisonment of not less than two years and not more than five years.

The penalty shall be not less than five nor more than twelve years, when:

1. The victim is less than eighteen years of age.
2. The agent uses violence, threat, abuse of authority or other means of coercion.
3. The victim is a spouse, concubine, descendant, adoptive child, son of his spouse or his concubine, or is in his care.
4. The victim is turned over to a pimp.

Article 182. Trafficking in Persons

Any person who promotes or facilitates the entry or exit of the country or the transfer within the territory of the Republic of a person for prostitution shall be punished with imprisonment of not less than five years nor more than ten years.

The penalty shall be not less than eight nor more than twelve years, if any of the aggravating circumstances listed in the previous article.

Article 303A. Illicit traffic in migrants

Any person who promotes, favors, finances or facilitates the illegal entry or exit of the country of another person, in order to obtain, directly or indirectly, profit or any other benefit for himself or for a third party, shall be punished with imprisonment of not less than Four or more than six years.

Article 303B. Aggravated Forms of Smuggling of Migrants

The penalty shall be not less than five nor more than eight years of imprisonment and disqualification under Article 36, paragraphs 1, 2, 3, 4 and 5 of the Penal Code, when:

1. The agent commits the act by abusing the exercise of the public function.
 2. The agent is a promoter, member or representative of a social, guardianship or business organization, that takes advantage of this condition and activities to perpetrate this crime.
 3. There are a plurality of victims.
 4. The victim is between fourteen and under eighteen years of age, or is incapable.
 5. The fact is committed by two or more people.
 6. The agent is a spouse, cohabiting partner, adopter, guardian, conservator, relative up to the fourth degree of consanguinity or second degree of affinity, or has the victim in his care for any reason or live in the same household.
- The penalty shall be deprivation of liberty not less than 25 years, when:
1. The death of the victim is caused, a serious injury that endangers the life or safety of the affected migrants;
 2. The conditions of transport seriously endanger their physical or mental integrity.
 3. The victim is under fourteen years of age or has, temporarily or permanently, a physical or mental disability.
 4. The agent is part of a criminal organization.

Philippines

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code at article 272 which prohibits purchasing, selling, kidnapping or detaining a person for the purpose of enslaving them. Slavery may also form an element of an offence of trafficking under section 4 of the 2003 Anti-Trafficking in Persons Act.

ii) There appears to be **no legislation** in place in the Philippines which prohibits **servitude** although article 282 of the Penal Code as revised by Act No 3815 prohibits debt bondage and involuntary servitude and debt bondage may form elements of an offence of trafficking under section 4 of the Anti-Trafficking in Persons Act.

iii) There appears to be **no legislation** in place in the Philippines which prohibits **forced labour** although article 289 of the Penal Code as revised by Act No 3815 prohibits the forcing or compelling labour for the purpose of organising, maintaining or preventing strikes or lock-outs. Forced labour may also form an element of an offence of trafficking under section 4 of the Anti-Trafficking in Persons Act.

iv) **Provisions** related to **trafficking in persons** are found in the Anti-Trafficking in Persons Act which criminalises trafficking under section 4.

2) International Obligations: Philippines consents to:

1926 Slavery Convention: (12 July 1955, accession)
 1930 Forced Labour Convention: (15 July 2005, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: (17 November 1964, accession)
 1957 Abolition of Forced Labour Convention: (17 November 1960, ratification)
 1966 ICCPR: (23 October 1986, ratification)
 1998 Rome Statute of the ICC: (30 August 2011, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (28 May 2002, ratification)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Philippines appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 381

The Philippine Revised Penal Code provides:

Article 272. Slavery. The penalty of prision mayor and a fine of not exceeding 10,000 pesos shall be imposed upon anyone who shall purchase, sell, kidnap or detain a human being for the purpose of enslaving him.

If the crime be committed for the purpose of assigning the offended party to some immoral traffic, the penalty shall be imposed in its maximum period.

Article 273. Exploitation of child labour. The penalty of prision correccional in its minimum and medium periods and a fine not exceeding 500 pesos shall be imposed upon anyone who, under the pretext of reimbursing himself of a debt incurred by an ascendant, guardian or person entrusted with the custody of a minor, shall, against the latter's will, retain him in his service.

Article 274. Service rendered under compulsion in payment of debts. The penalty of arresto mayor in its maximum period shall be imposed upon any person who, in order to require or enforce the payment of a debt, shall compel the debtor to work for him, against his will, as household servant or farm labourer.

Paragraph 384

Article 2071, otherwise known as the Anti-Slavery Act enacted on August 7, 1911, as amended by Acts 2300 and 2399 (approved November 28, 1913 and March 27, 1914 respectively) also provides that:

Section 1. whoever, except in pursuance of the judgement of a court of competent jurisdiction or 'other lawful authority', shall hold any person in slavery or involuntary servitude, shall, on conviction thereof, be punished by imprisonment for not less than one year nor more than twenty years and by a fine of not less than five hundred pesos and not more than five thousand pesos, in the discretion of the court.

Section 2. Whoever shall compel another person, against his will, to render labor or services in payment of a debt, or whoever accept labor or services for such purpose performed under such compulsion, with knowledge of that fact, shall upon conviction thereof, be punished by imprisonment from not less than six months nor more than five years, or by a fine of not less than one hundred pesos and not more than one thousand pesos, or by both such imprisonment and fine in the discretion of the court.

Section 3. Whoever shall sell or barter or cause to be sold or bartered, and whoever shall buy or barter or cause to be bought or bartered, any human being, shall upon conviction thereof, be punished by imprisonment for not less than one year nor more than twenty years or by a fine of not less than five hundred pesos and not more than ten thousand pesos, or both in the discretion of the court.

ENGEN REPORT

Paragraph 64

Practices arising from traditional forms of involuntary services rendered by tenants to their landlords have been reduced to a minimum by the passage of enlightened legislation governing the relationship between landlords and tenants and the recognition of the rights of labour in agriculture as well as in industry. Among such laws may be mentioned the Rice Share Tenancy Law, Act No. 4054, as amended;

Commonwealth Act No. 146, as amended; Commonwealth Act No. 103, as amended etc.

Slavery or involuntary servitude has been prohibited in the Philippines since the early part of the twentieth century. This prohibition is embodied in our Constitution, which provides that 'no involuntary servitude of any form shall exist except as punishment for a crime whereof the party shall have been duly convicted'. In addition, our laws prohibiting forced labour carry penal provisions.

Paragraph 77

...the freedom guaranteed under the Civil Code of 18 June 1949, if article 18 is fully enforced in the courts, will go far to strengthen the foundations of a free society.

...it is expected that the supposed practices of landlords stated therein will be corrected with the enactment of Republic Act No. 1199, governing the relation between landlords and tenants in agricultural lands.

It may be stated in this connexion that Commonwealth Act No. 303 prohibits employers from forcing, compelling or obliging their labourers to purchase directly or indirectly from them merchandise, commodities or goods of any kind or nature.

PHILIPPINES CONSTITUTION 1987

Article II. Declaration of Principles and State Policies

Section 18.

The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

Article III. Bill of Rights

Section 1.

No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

Section 6.

The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law.

Article XIII. Social Justice and Human Rights Labor

Section 3.

The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. It shall guarantee the rights of all workers to self-organizations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law. The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace. The State shall regulate the relations between workers and employers, recognizing the right of

labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments, and to expansion and growth.

PENAL CODE

Art. 267. Kidnapping and serious illegal detention.

Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of reclusion perpetual to death:

1. If the kidnapping or detention shall have lasted more than five days.
2. If it shall have been committed simulating public authority.
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.
4. If the person kidnapped or detained shall be a minor, female or a public officer.

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above-mentioned were present in the commission of the offense.

Art. 272. Slavery.

The penalty of prison mayor and a fine of not exceeding 10,000 pesos shall be imposed upon anyone who shall purchase, sell, kidnap or detain a human being for the purpose of enslaving him. If the crime be committed for the purpose of assigning the offended party to some immoral traffic, the penalty shall be imposed in its maximum period.

Art. 274. Services rendered under compulsion in payment of debt.

The penalty of arrest mayor in its maximum period to prison correctional in its minimum period shall be imposed upon any person who, in order to require or enforce the payment of a debt, shall compel the debtor to work for him, against his will, as household servant or farm laborer.

Art. 289. Formation, maintenance and prohibition of combination of capital or labor through violence or threats.

The penalty of arrest mayor and a fine not exceeding 300 pesos shall be imposed upon any person who, for the purpose of organizing, maintaining or preventing coalitions or capital or labor, strike of laborers or lock-out of employees, shall employ violence or threats in such a degree as to compel or force the laborers or employers in the free and legal exercise of their industry or work, if the act shall not constitute a more serious offense in accordance with the provisions of this Code.

Art. 341. White slave trade.

The penalty of prison mayor in its medium and maximum period shall be imposed upon any person who, in any manner, or under any pretext, shall engage in the business or shall profit by prostitution or shall enlist the services of any other for the purpose of prostitution (As amended by Batas Pambansa Blg. 186.)

ANTI-TRAFFICKING IN PERSONS ACT OF 2003

Section 3. Definition of Terms.

As used in this Act:

(a) Trafficking in Persons - refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, 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 which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

(d) Forced Labor and Slavery - refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

(f) Sexual Exploitation - refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.

(g) Debt Bondage - refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.

Section 4. Acts of Trafficking in Persons.

It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, transport, transfer; harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;

(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

(e) To maintain or hire a person to engage in prostitution or pornography;

(f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

- (g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and
- (h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

Section 5. Acts that Promote Trafficking in Persons.

The following acts which promote or facilitate trafficking in persons, shall be unlawful:

- (a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;
- (b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;
- (c) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;
- (d) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;
- (e) To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;
- (f) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies; and
- (g) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.

Section 6. Qualified Trafficking in Persons.

The following are considered as qualified trafficking:

- (a) When the trafficked person is a child;
- (b) When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;

- (d) When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
- (e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- (f) When the offender is a member of the military or law enforcement agencies; and
- (g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

Section 11. Use of Trafficked Persons.

Any person who buys or engages the services of trafficked persons for prostitution shall be penalized as follows:

- (a) First offense - six (6) months of community service as may be determined by the court and a fine of Fifty thousand pesos (P50,000.00); and
- (b) Second and subsequent offenses - imprisonment of one (1) year and a fine of One hundred thousand pesos (P100,000.00).

PHILIPPINE ACT ON CRIMES AGAINST INTERNATIONAL HUMANITARIAN LAW, GENOCIDE, AND OTHER CRIMES AGAINST HUMANITY

Section 3.

For purposes of this Act, the term:

- (h) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children.

Section 6. Other Crimes Against Humanity.

For the purpose of this act, "other crimes against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (c) Enslavement;

Section 4. War Crimes.

For the purpose of this Act, "war crimes" or "crimes against International Humanitarian Law" means:

- (c) Other serious violations of the laws and customs applicable in armed conflict, within the established framework of international law, namely:
 - (19) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions or a serious violation of common Article 3 to the Geneva Conventions;

Poland

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Poland, which prohibits **slavery**, although article 31 of the Constitution guarantees protection of the freedom of the person and deprivation of liberty is criminalised under article 189 of the Criminal Code. Slavery may also form an element of an offence of trafficking under article 189A of the Criminal Code.

ii) There appears to be **no legislation** in place in Poland which prohibits **servitude**, although slavery and 'other forms of exploitation degrading to human dignity' may form elements of an offence of trafficking under article 189A of the Criminal Code.

iii) There appears to be **no legislation** in place in Poland, which prohibits **forced labour**, although article 65(2) of the Constitution declares that an obligation to work may only be imposed by statute. Forced work or services may also form an element of an offence of trafficking under article 189A of the Criminal Code and forced prostitution is criminalised under article 203.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code as amended in 2010 which criminalises trafficking under article 189A.

2) International Obligations: Poland consents to:

1926 Slavery Convention: (17 September 1930, ratification)
 1930 Forced Labour Convention: (30 July 1958, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (10 January 1963, ratification)
 1957 Abolition of Forced Labour Convention: (30 July 1958, ratification)
 1966 ICCPR: (18 March 1977, ratification)
 1998 Rome Statute of the ICC: (12 November 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (26 September 2003, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Poland appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF THE REPUBLIC OF
POLAND 1997 (REV.
2009)

Article 30

The inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities.

Article 31

1. Freedom of the person shall receive legal protection.
2. Everyone shall respect the freedoms and rights of others. No one shall be compelled to do that which is not required by law.
3. Any limitation upon the exercise of constitutional freedoms and rights may be imposed only by statute, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights.

Article 40

No one may be subjected to torture or cruel, inhuman, or degrading treatment or punishment. The application of corporal punishment shall be prohibited.

Article 41

1. Personal inviolability and security shall be ensured to everyone. Any deprivation or limitation of liberty may be imposed only in accordance with principles and under procedures specified by statute.
4. Anyone deprived of liberty shall be treated in a humane manner.
5. Anyone who has been unlawfully deprived of liberty shall have a right to compensation.

Article 52

1. Freedom of movement as well as the choice of place of residence and sojourn within the territory of the Republic of Poland shall be ensured to everyone.
2. Everyone may freely leave the territory of the Republic of Poland.

Article 65

1. Everyone shall have the freedom to choose and to pursue his occupation and to choose his place of work. Exceptions shall be specified by statute.
2. An obligation to work may be imposed only by statute.
3. The permanent employment of children under 16 years of age shall be forbidden. The types and nature of admissible employments shall be specified by statute.
4. A minimum level of remuneration for work, or the manner of setting its levels shall be specified by statute.
5. Public authorities shall pursue policies aiming at full, productive employment by implementing programmes to combat unemployment, including the organization of and support for occupational advice and training, as well as public works and economic intervention.

Article 66

1. Everyone shall have the right to safe and hygienic conditions of work. The methods of implementing this right and the obligations of employers shall be specified by statute.
2. An employee shall have the right to statutorily specified days free from work as well as annual paid holidays; the maximum permissible hours of work shall be specified by statute.

PENAL CODE

Article 115

§ 22. Human trafficking is the recruitment, transport, delivery, transfer, storage or reception of a person using:

- 1) unlawful violence or threats,
 - 2) abduction,
 - 3) deceit,
 - 4) misleading or exploiting an error or inability to properly understand an action,
 - 5) abuse of dependency ratio, use of critical position or helplessness,
 - 6) giving or receiving material or personal benefit or promise to a person who carries or supervises another person
- in order to use it, even with her consent, in particular in prostitution, pornography or other forms of sexual exploitation, forced work or services, in begging, slavery or other forms of exploitation degrading human dignity or to obtain cells, tissues Or organs contrary to the provisions of the law. If the perpetrator's behavior concerns a minor, it constitutes trafficking even if the methods or measures listed in points 1-6 are not used.

§ 23. Slavery is a state of dependence in which man is treated as the subject of property.

Article 118A

§ 2. Whoever taking part in a mass attack or even in one of repeated attacks directed against a population group taken to implement or support a policy of a state or organization:

- 1) causes a person to commit or be held in a state of slavery,
 - 2) deprives a person of freedom for a period of time exceeding 7 days or with particular torment;
 - 3) applies torture or subjected to cruel or inhumane treatment,
 - 4) rape or violence, unlawful or deceptive conduct otherwise violates the sexual freedom of a person,
 - 6) deprives a person of liberty and refuses to give information about that person or place of his stay or transmits false information concerning that person or place of his stay, intended to deprive such person of legal protection for a longer period of time
- shall be punished by imprisonment for not less than 5 years Or imprisonment of 25 years imprisonment.

Article 189

§ 1. Anyone who deprives a person of liberty is subject to the penalty of deprivation of liberty from 3 months to 5 years.

§ 2. If the deprivation of liberty lasts more than 7 days, the offender is subject to imprisonment from one to 10 years.

§ 3. If the deprivation of liberty referred to in § 1 or 2 is connected with a particular torture, the perpetrator shall be punished with imprisonment for a minimum of 3 years.

Article 189A

§ 1. Whoever commits trafficking in persons is subject to the penalty of deprivation of liberty for a term not less than 3 years

§ 2. Who makes preparations to commit the offense referred to in § 1 shall be liable to imprisonment from 3 months to 5 years.

Article 197.

§ 1. Whoever, by force, illegal threat or deceit subjects another person to sexual intercourse shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. If the perpetrator, in the manner specified in § 1, makes another person submit to other sexual act or to perform such an act, he shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 3. If the perpetrator commits the rape specified in § 1 or 2, with particular cruelty, or commits it in common with other person, he shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years.

Article 203.

Whoever, by force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation, subjects another person to practice prostitution shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 204.

§ 1. Whoever, in order to derive a material benefit, induces another person to practice prostitution or facilitates it, shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. Whoever derives material benefits from prostitution practiced by another person shall be subject to the penalty specified in § 1.

§ 3. If the person specified in § 1 or 2 is a minor, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 4. The punishment specified in § 3 should be imposed on anyone who entices or abducts another person with the aim of having him/her engage in prostitution abroad.

Article 218

§ 1 Whoever, by following the steps in matters concerning labor and social security, maliciously or persistently infringes the employee arising from employment or social security the penalty of restriction of liberty or imprisonment of up to 2 years.

§ 2 A person referred to in § 1, has refused to readmit to the work in restoring ruled competent authority, the penalty of restriction of liberty or imprisonment of up to one year.

LABOUR CODE

Art. 10. Right to work.

§ 1. Everyone has the right to choose their work freely. No one, except for the cases specified by the law, can be prevented from exercising their profession.

§ 2. The State determines the minimum remuneration for work.

§ 3. The State pursues a policy with the goal of full productive employment.

Art. 111. Respect for personal rights.

Employers are obliged to respect the dignity and other personal rights of employees.

**OFFENCES AGAINST
THE RIGHTS OF THE
PERSONS PURSUING
PAID WORK**

Article 218. § 1. Whoever, when performing activities in the field of labour law and social insurance, maliciously or persistently infringes on the rights of the employee resulting from a work-contract relationship or social insurance, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The person specified in § 1, who refuses to reinstate in work although ordered to do so by an appropriate authority shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 219. Whoever violates provisions on social insurance by not reporting, even with the consent of the person concerned, the required data or provides false data affecting the right to benefits or the amount thereof shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 220. § 1. Whoever, being responsible for occupational safety and hygiene, does not fulfill the duties involved and by this, exposes an employee to an immediate danger of loss of life or a serious detriment to health, shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the perpetrator acts unintentionally, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3. The perpetrator who has voluntarily averted the impending danger shall not be subject to the penalty.

Article 221. Whoever, despite his duty does not promptly report to the appropriate authority an accident at work or a case of occupational disease or fails to prepare or present the required documentation shall be subject to a maximum of 180 times the daily fine or the penalty of restriction of liberty.

Portugal

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Penal Code which criminalises reducing a person to slavery, and disposing of, assigning, or acquiring a person with the intention of maintaining a situation of slavery under article 159.
- ii) There appears to be **no legislation** in place in Portugal which prohibits **servitude**, although article 154b of the Penal Code criminalises forced marriage.
- iii) There appears to be **no legislation** in place in Portugal which prohibits **forced labour**, although article 154 of the Penal Code criminalises coercing a person to any action or activity through violence or threats.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises trafficking under article 160.

2) International Obligations: Portugal consents to:

1926 Slavery Convention: (4 October 1927, ratification)
 1930 Forced Labour Convention: (26 June 1956, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: (10 August 1959, ratification)
 1957 Abolition of Forced Labour Convention: (23 November 1959, ratification)
 1966 ICCPR: (15 June 1978, ratification)
 1998 Rome Statute of the ICC: (5 February 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (10 May 2004, ratification)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Portugal appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE PORTUGUESE
REPUBLIC 1976 (REV.
2005)

Article 9. Fundamental tasks of the state

The fundamental tasks of the state shall be:

- b. To guarantee fundamental rights and freedoms and respect for the principles of a democratic state based on the rule of law;
- d. To promote the people's well-being and quality of life and real equality between the Portuguese, as well as the effective implementation of economic, social, cultural and environmental rights by means of the transformation and modernisation of economic and social structures;

Article 19. Suspension of the exercise of rights

6. Under no circumstances shall a declaration of a state of siege or a state of emergency affect the rights to life, personal integrity, personal identity, civil capacity and citizenship, the non-retroactivity of the criminal law, defendants' right to a defence, or freedom of conscience and religion.

Article 25. Right to personal integrity

- 1. Every person's moral and physical integrity shall be inviolable.
- 2. No one shall be subjected to torture or to cruel, degrading or inhuman treatment or punishment.

Article 27. Right to freedom and security

- 1. Everyone shall possess the right to freedom and security.
- 2. No one may be wholly or partially deprived of their freedom, except as a consequence of a judicial sentence imposed for the practise of an act that is punishable by law with a prison term or the imposition by a court of a security measure.
- 3. The following cases of deprivation of freedom for such time and under such conditions as the law may determine shall be exceptions to this principle:

Article 44. Right to travel and to emigrate

- 1. Every citizen shall be guaranteed the right to travel and settle freely anywhere in Portuguese territory.

Article 47. Freedom to choose a profession and to join the public administration

- 1. Everyone shall possess the right to freely choose a profession or type of work, subject only to such restrictions as the law may impose in the collective interest, or as are inherent to his own capabilities.

Article 58. Right to work

- 1. Everyone shall possess the right to work.
- 2. In order to ensure the right to work, the state shall be charged with promoting:
 - a. The implementation of full-employment policies;
 - b. Equal opportunities in the choice of profession or type of work, and the conditions needed to avoid the gender-based preclusion or limitation of access to any position, work or professional category;
 - c. Cultural and technical training and vocational development for workers.

Article 59. Workers' rights

1. Regardless of age, sex, race, citizenship, place of origin, religion and political and ideological convictions, every worker shall possess the right:
 - a. To the remuneration of his work in accordance with its volume, nature and quality, with respect for the principle of equal pay for equal work and in such a way as to guarantee a proper living;
 - b. That work be organised in keeping with social dignity and in such a way as to provide personal fulfilment and to make it possible to reconcile professional and family life;
 - c. To work in conditions that are hygienic, safe and healthy;
 - d. To rest and leisure time, a maximum limit on the working day, a weekly rest period and periodic paid holidays;
 - e. To material assistance when he involuntarily finds himself unemployed;
 - f. To assistance and fair reparation when he is the victim of a work-related accident or occupational illness.
2. The state shall be charged with ensuring the working, remuneratory and rest-related conditions to which workers are entitled, particularly by:
 - a. Setting and updating a national minimum wage which, among other factors, shall have particular regard to workers' needs, increases in the cost of living, the level to which the sectors of production have developed, the requirements imposed by economic and financial stability, and the accumulation of capital for development purposes;
 - b. Setting national limits on working hours;
 - c. Ensuring special work-related protection for women during pregnancy and following childbirth, as well as for minors, the disabled and those whose occupations are particularly strenuous or take place in unhealthy, toxic or dangerous conditions;
 - d. In cooperation with social organisations, ensuring the systematic development of a network of rest and holiday centres;
 - e. Protecting emigrant workers' working conditions and guaranteeing their social benefits;
 - f. Protecting student workers' working conditions.
3. Salaries shall enjoy special guarantees, as laid down by law.

Article 69. Childhood

1. With a view to their integral development, children shall possess the right to protection by society and the state, especially from all forms of abandonment, discrimination and oppression and from the abusive exercise of authority in the family or any other institution.
2. The state shall ensure special protection for children who are orphaned, abandoned or deprived of a normal family environment in any way.
3. Labour by minors of school age shall be prohibited as laid down by law.

PENAL CODE

Article 154. Coercion

- 1 - Any person who, by means of violence or threatening with an important evil, embarrasses another person to an action or omission, or to support an activity, shall be punished with imprisonment for up to three years or with a fine.
- 2 - The attempt is punishable.
- 3 - The fact is not punishable:

- (A) if the use of the means to achieve the intended purpose is not objectionable; or
 - (B) If it is aimed at avoiding suicide or typical illicit practice.
- 4 - If the act occurs between spouses, ascendants and descendants, adopters and adoptees, or between persons of the same sex, living in a situation similar to that of the spouses, the criminal procedure depends on a complaint.

Article 154b. Forced marriage

Anyone who embarrasses another person to contract marriage or union comparable to that of marriage shall be punished with imprisonment for up to five years.

Article 158. Kidnapping

1 - Anyone who detains, arrests, holds or apprehends another person or in any way deprives them of their liberty shall be punished with imprisonment for up to three years or with a fine.

2 - An officer shall be punished with imprisonment of two to ten years if deprivation of liberty:

- (A) Last for more than two days;
- (B) is preceded or accompanied by an offense to the grave physical integrity, torture or other cruel, degrading or inhuman treatment;
- (C) It is practiced with the false pretext that the victim suffered from a psychic anomaly;
- (D) result in suicide or offense to the grave physical integrity of the victim;
- (E) Is practiced against a particularly defenseless person, due to age, disability, illness or pregnancy;
- (F) is committed against one of the persons referred to in article 132, paragraph 2, I), in the performance of their duties or because of them;
- (G) It is practiced by means of a simulation of public authority or by an official with serious abuse of authority.

3 - If the deprivation of liberty results in the death of the victim, the agent shall be punished by imprisonment from three to fifteen years.

Article 159. Slavery

Who:

- A) To reduce another person to the state or the condition of slave; or
- B) To dispose of, assign or acquire a person or to acquire it with the intention of maintaining it in the situation described in the previous paragraph;

Is punished with imprisonment from 5 to 15 years.

Article 160. Trafficking in Persons

1 - Whoever offers, delivers, enlists, encourages, accepts, transports, lodges or accommodates persons for the purpose of exploitation, including sexual exploitation, exploitation of work, begging, slavery, extraction of organs or the exploitation of other activities Criminals:

- (A) By violence, abduction or serious threat;
- (B) Through trick or fraudulent maneuver;
- (C) With abuse of authority resulting from a relationship of hierarchical, economic, work or family dependency;
- (D) Taking advantage of the psychic incapacity or situation of special vulnerability of the victim; or

(E) by obtaining the consent of the person having control over the victim;

Shall be punished by imprisonment for three to ten years.

2. The same penalty shall be applied to anyone who, by any means, to recruit, solicit, transport, host or receive a minor, or to deliver, offer or accept, for the purpose of exploitation, including sexual exploitation, Begging, slavery, the extraction of organs, the adoption or exploitation of other criminal activities.

3 in the case provided for in the preceding paragraph, if the agent uses any of the means provided in the sub-paragraphs of paragraph 1 or acts professionally or with a lucrative intention, he shall be punished with imprisonment from three to twelve years.

4 - The penalties provided for in the preceding paragraphs shall be increased by one third, in their minimum and maximum limits, if the conduct referred to therein:

(A) Has endangered the life of the victim;

(B) has been committed with particular violence or has caused the victim particularly serious damage;

(C) it has been committed by an official in the performance of his duties;

(D) it has been committed in connection with a criminal association; or

(E) It results in the suicide of the victim.

5 - Any person who, through payment or other consideration, offers, delivers, solicits or accepts minor, or obtains or gives consent to its adoption, shall be punished with imprisonment from one to five years.

6. Who, having knowledge of the practice of crime referred to in paragraphs 1 and 2, use the services or organs of the victim shall be punished with imprisonment from one to five years, if a more serious penalty does not fit him under another provision cool.

7 - Any person who retains, conceals, damages or destroys identification or travel documents of a person who has been a victim of a crime, as provided for in paragraphs 1 and 2, shall be punished by imprisonment for up to three years, if a serious penalty does not apply to him by virtue of another Provision.

8 - The consent of the victim of the crimes foreseen in the previous numbers does not exclude in any case the illegality of the fact.

Article 169. Procurement

1 - Any person, professionally or with a lucrative intention, to foment, favor or facilitate the exercise by another person of prostitution shall be punished with imprisonment from six months to five years.

2 - If the agent commits the crime foreseen in the previous number:

(A) By means of violence or serious threat;

(B) Through trick or fraudulent maneuver;

(C) With abuse of authority resulting from a family relationship, guardianship or custody, or hierarchical, economic or work dependency; or

(D) Taking advantage of the psychic incapacity or situation of special vulnerability of the victim;

Shall be punished with imprisonment from one to eight years.

Article 174. Recourse to child prostitution

1 - Those who, being a major, practice a sexual act of relief with a minor between 14 and 18 years, by means of payment or other consideration,

shall be punished with imprisonment up to two years or with a fine of up to 240 days.

2 - If the sexual act of relief consists of copulation, anal intercourse, oral intercourse or vaginal or anal introduction of parts of the body or objects, the agent shall be punished with imprisonment for up to three years or with a fine of up to 360 days.

3 - The attempt is punishable.

Article 175. Child Litter

1 - Anyone who encourages, favors or facilitates the practice of prostitution of a minor shall be punished with imprisonment from one to five years.

2 - If the agent commits the crime foreseen in the previous number:

- (A) By means of violence or serious threat;
- (B) Through trick or fraudulent maneuver;
- (C) With abuse of authority resulting from a family relationship, guardianship or custody, or hierarchical, economic or work dependency;
- (D) Acting professionally or for profit; or
- (E) Taking advantage of the psychic incapacity or situation of special vulnerability of the victim;

Shall be punished with imprisonment from two to ten years.

Adaptation of Criminal Legislation to ICC Statute

Chapter II Crimes

Section I Crime of genocide and crimes against humanity

Article 9 Crimes against humanity

Anyone who commits any of the following acts as part of a widespread or systematic attack directed against any civilian population:

- (c) Slavery, as defined in article 159 of the Criminal Code;
- shall be punished with a term of imprisonment of 12 to 25 years.

Section II War crimes

Article 10 War crimes against persons

1. Anyone who, in the context of an international armed conflict or a non-international armed conflict, commits any of the following acts against a person protected by international humanitarian law:

- (g) Acts described in subparagraph (g) of the preceding article that constitute a serious violation of the Geneva Conventions;

shall be punished with a term of imprisonment of 10 to 25 years.

LABOUR CODE

Article 7. Worker's conditions of work

1 - Without prejudice to a more favorable regime established by law or contract of employment, the posted worker has the right to the conditions of employment provided for by law and collective labor regulations of general effectiveness applicable to:

- A) Employment security;
- B) Maximum duration of working time;
- C) Minimum rest periods;
- D) Holidays;
- E) Minimum remuneration and payment for additional work;
- F) Assignment of workers by temporary employment agency;
- G) Occasional hiring of workers;
- H) Occupational safety and health;
- I) Protection in parenthood;

- J) Protection of the work of minors;
 - L) Equality of treatment and non-discrimination.
- 2 - For the purpose of the previous number:
- A) The minimum remuneration includes the allowances or allowances attributed to the employee because of the secondment that do not constitute reimbursement of expenses incurred, namely travel, accommodation and meals;
 - B) holidays, minimum remuneration and additional work pay shall not apply to the secondment of a qualified worker by an undertaking supplying a good to carry out the initial assembly or installation necessary for its operation, provided that it is integrated in the supply contract and its duration does not exceed eight days in the period of one year.
- 3 - The provisions of paragraph b) of the preceding paragraph do not include the secondment in construction activities that aim at the realization, repair, maintenance, alteration or elimination of constructions, namely excavations, embankments, construction, assembly and dismantling of prefabricated elements, installation of equipment, transformation, renovation, repair, maintenance or maintenance, namely painting and cleaning, dismantling, demolition and sanitation.

1) Domestic Law in Place

i) **Provisions** relating to **slavery** can be found in the Penal Code which criminalises buying, selling or donating a person as a slave and taking a person into or out of Qatar as a slave at article 321. Article 36 of the Constitution also declares that personal freedom is inviolable and slavery may form an element of an offence of trafficking under article 2 of the 2011 Law on Combating Trafficking in Human Beings.

ii) There appears to be **no legislation** in place in Qatar which prohibits **servitude**, although servitude and practices similar to slavery may form elements of an offence of trafficking under article 2 of the Law on Combating Trafficking in Human Beings.

iii) **Provisions** relating to **forced labour** are found in the Penal Code which criminalises forcing a person to work under article 322. Forced Labour may also form an element of an offence of trafficking under article 2 of the 2011 Law on Combating Trafficking in Human Beings.

iv) **Provisions** related to **trafficking in persons** are found in the Law on Combating Trafficking in Human Beings which criminalises trafficking under articles 2, 14 and 15.

2) International Obligations: Qatar consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (12 March 1998, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (2 February 2007, ratification)

1966 ICCPR: *N/A*

1998 Rome Statute of the ICC: *N/A*

2000 Palermo Protocol (Trafficking in Persons): (29 May 2009, accession)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Qatar appears to be:

- in compliance with its basic obligations under the above instruments with regard to slavery, servitude, forced or compulsory labour, and trafficking in persons; and
- in breach of its obligations under customary international law in regards to slavery.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 536

“Early in 1952...His Highness the Ruler of Qatar, Shaikh Ali Bin Abdullah Bin Jassim Al Thani, considering that slavery is forbidden in all civilized countries of the world, and that in practice is contrary to the principles of human dignity and social justice, and having full intention to ensure an equitable social system of life to all his subjects, issued a proclamation abolishing slavery in Qatar as from 10 April 1952.

This proclamation expressly declares that it is an offence punishable by law to buy, sell, import, export, give as a gift, or in any way dispose of or be a part of the disposal of any person as a slave or any person who is intended by that transaction to become a slave.

ENGEN REPORT

Paragraph 31

The slave-trade has been totally prohibited in Bahrain, Qatar and Kuwait... The proclamations issued in Bahrain [1937], Kuwait [1949] and Qatar [1952] are thought to have been completely effective.

PERMANENT CONSTITUTION OF THE STATE OF QATAR 2003

Article 18

The Qatari society is based upon the pillars of justice, charity, freedom, equality, and good morals.

Article 26

Ownership, capital, and labor are basic components for the State's social entity. They are all individual rights having social function, regulated by law.

Article 36

Personal freedom is inviolable. No one can be arrested, or jailed, or searched, or having his residence confined, or having his freedom of residence or mobility restricted, except according to the provisions of the law.

No one shall be subjected to torture or humiliating treatment. Torture is a crime punishable by law.

LAW NO. (11) OF 2004 PENAL CODE

Article (318)

One is convicted to no more than ten years in prison in case of kidnapping, arresting, detaining or depriving a person from their freedom in contrast with the stipulations of the law.

The penalty is no more than fifteen years in prison in the following cases:

1- If the culprit wears a costume, holds a public employee's badge, impersonates, or shows a fake order of arrest pretending that is issued by competent victim to commit adultery or crime authorities.

2- If the crime takes place by ruse, force or under duress, or by physical or psychological torture.

3- If the crime is committed by more than two people or an armed person

4- If the period of abduction, arrest, detention or deprivation of freedom exceeds fifteen days.

5- If the purpose of the deed is to get a ransom, to assault, hurt, oblige the

6- If the crime is committed on a public employee during or due to their duties.

7- If the victim is a woman, a minor, a crazy or a mentally unstable person.

The penalty is capital punishment or life imprisonment if the crime leads to the victim's death.

Article (321)

One is convicted to no more than seven years in prison in case of entering or taking out of Qatar a person as a slave, or buying, selling, donating a person as a slave.

Article (322)

One is convicted to no more than six months in prison and to a fine of no more than three thousand riyals, or to one of these two penalties, in case of forcing a person to work with or without a salary. If the victim is under sixteen, the penalty is no more than six years in prison in addition to a fine of no more than ten thousand riyals, or to one of these two penalties.

Article (325)

One is convicted to no more than three years in prison and to a fine of no more than ten thousand riyals or to one of these two penalties in case of threatening others to hurt oneself or distort one's reputation, or to hurt someone and distort their reputation whether orally or in writing or through deeds determining to hurt oneself or distort the reputation obliging the victim to do something or abstain from doing it. If it is a threat to kill, the penalty is no more than five years in prison.

LABOUR LAW

Article 86

A Juvenile who has not attained the age of sixteen may not be employed in Work of whatever nature and shall not be permitted to enter into any of place of Work.

QATARI LAW NO. (15) OF YEAR 2011 ON COMBATING TRAFFICKING IN HUMAN BEINGS

Article (2):

Whoever recruits , transports, submits, harbors, receives a natural person in any form, whether inside a state territory or across its national borders, through the use of force, violence or threat to use any of them or through abduction, fraud, misrepresentations or through the abuse of power or by exploiting a position of vulnerability or need or by promising to provide or receive of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation in whatever form, is committing the crime of trafficking in human beings.

Exploitation shall include the exploitation of the prostitution of others or any forms of sexual exploitation and sex trafficking of children, pornography or begging, forced labor or services, slavery or practices similar to slavery servitude or removal of human organs, tissues or parts of it, commits a crime of trafficking in human beings.

Article (3):

The consent of the victim of the crime of trafficking in human beings shall be considered as irrelevant where any of the means set forth in the above article have been used.

The use of the above mentioned means are not considered as prerequisite for the commission of the crime of trafficking in children or persons who lack capacity.

Article (13)

Without prejudice to any more severe penalty provided by another law, penalties provided by this law shall be applied.

Article (14)

A person who has committed one of human trafficking offences provided by Article (2) of this Law shall be punished by imprisonment for a period not exceeding seven (7) years and a fine not exceeding two hundred fifty thousand (250,000) Riyals.

Article (15)

A person who has committed an offence of human trafficking shall be punished by imprisonment for a period not exceeding fifteen (15) years and a fine not exceeding three hundred thousand (300,000) Riyals, in the following cases:

- 1- If the victim was a female, a child, an incapable person or a person with disabilities.
- 2- If the crime resulted in the death of the victim or caused him to suffer a permanent disability or an incurable disease.
- 3- If the perpetrator was a spouse, one of the ascendants or descendants, custodian or guardian of the victim, or has authority over the victim.
- 4- If the act was committed by threat of death, serious harm or physical or psychological torture; or by a person carrying a weapon.
- 5- If the perpetrator was a public employee or was assigned to carry out a public service and committed the crime by exploiting this capacity.
- 6- If the crime was committed by an organized criminal group and the accused person was one of its members.
- 7- If the crime was of a transnational nature.

Republic of Korea (South Korea)

1) Domestic Law in Place

i) There appears to be **no legislation** in place in South Korea which prohibits **slavery** although article 12 of the Constitution protects personal liberty and article 289 of the Criminal Law prohibits buying and selling of persons as trafficking.

ii) There appears to be **no legislation** in place in South Korea which prohibits **servitude** although article 288 of the Criminal Law prohibits kidnapping for the purpose of marriage.

iii) **Provisions** related to **forced labour** are found in the Labour Standards Act 1997 which criminalises forced labour at article 6.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Act which criminalises 'trafficking in persons' under article 289, although this offence is limited to buying and selling persons.

2) International Obligations: Republic of Korea consents to:

1926 Slavery Convention: N/A

1930 Forced Labour Convention: N/A

1953 Protocol to the 1926 Slavery Convention: N/A

1956 Slavery Convention: N/A

1957 Abolition of Forced Labour Convention: N/A

1966 ICCPR: (10 April 1990, accession)

1998 Rome Statute of the ICC: (13 November 2002, ratification)

2000 Palermo Protocol (Trafficking in Persons): (15 November 2015, ratification)

2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Republic of Korea appears to be:

- in breach of its obligations under the ICCPR in regards to slavery and servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

REPUBLIC OF KOREA
CONSTITUTION 1948
(REV. 1987)

Article 10 [Dignity, Pursuit of Happiness]

All citizens shall be assured of human worth and dignity and have the right to pursue happiness. It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals.

Article 12 [Personal Liberty, Personal Integrity]

(1) All citizens shall enjoy personal liberty. No person shall be arrested, detained, searched, seized, or interrogated except as provided by Act. No person shall be punished, placed under preventive restrictions, or subject to involuntary labor except as provided by Act and through lawful procedures.

(2) No citizen shall be tortured or be compelled to testify against himself in criminal cases.

Article 15 [Occupation]

All citizens shall enjoy freedom of occupation.

Article 32 [Work]

(1) All citizens shall have the right to work. The State shall endeavor to promote the employment of workers and to guarantee optimum wages through social and economic means and shall enforce a minimum wage system under the conditions as prescribed by Act.

(2) All citizens shall have the duty to work. The State shall prescribe by Act the extent and conditions of the duty to work in conformity with democratic principles.

(3) Standards of working conditions shall be determined by Act in such a way as to guarantee human dignity.

(4) Special protection shall be accorded to working women, and they shall not be subjected to unjust discrimination in terms of employment, wages, and working conditions.

(5) Special protection shall be accorded to working children.

(6) The opportunity to work shall be accorded preferentially, under the conditions as prescribed by Act, to those who have given distinguished service to the State, wounded veterans and policemen, and members of the bereaved families of military servicemen and policemen killed in action.

CRIMINAL ACT

Article 242 (Arranging for Prostitution)

A person who induces, entices, or procures a person to engage in sexual intercourse for gain shall be punished by imprisonment for not more than three years or by a fine not exceeding fifteen million won.

Article 274 (Hard labor by child)

A person who delivers a child under sixteen years of age who is under his protection or supervision over to a proprietor or his operator who will employ the child in such hard work as is dangerous to life or body, shall be punished by imprisonment for not more than five years. The same shall apply to the other participant who hires a child for such purpose.

Article 276 (False Arrest, Illegal Confinement, Those on Lineal Ascendant)

(1) A person who illegally arrests or confines another, shall be punished by imprisonment for not more than five years, or a fine not exceeding seven million won.

(2) When the crime as referred to in paragraph (1) is committed on the lineal ascendant of the offender or one's spouse, one shall be punished by limited imprisonment for not more than ten years, or a fine not exceeding fifteen million won.

Article 277 (Aggravated False Arrest, Aggravated Illegal Confinement, Those on Lineal Ascendant)

(1) A person who illegally arrests or confines another, thereby treating that person cruelly, shall be punished by imprisonment for not more than seven years.

(2) When the crime of the preceding paragraph is committed on the lineal ascendant of the offender or of one's spouse, one shall be punished by limited imprisonment for at least two years.

Article 278 (Special False Arrest or Illegal Confinement)

When a crime prescribed in any provision of the preceding two Articles is committed by means of the threat of collective force or by carrying a dangerous weapon, the perpetrator shall be punished by aggravating the penalty by up to one half of the penalty specified for the relevant crime.

Article 287 (Kidnapping or Abduction of Minors)

A person who obtains and maintains a minor under the control of his/hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement shall be punished by imprisonment for not more than ten years. [This Article Wholly Amended by Act No. 11731, Apr. 5, 2013]

Article 288 (Kidnapping, Abduction, etc. for Purpose of Indecent Acts, etc.)

(1) A person who obtains and maintains another under the control of his/hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement for the purpose of engaging in an indecent act, sexual intercourse or marriage, or for gain shall be punished by imprisonment for at least one year up to ten years.

(2) A person who obtains and maintains another under the control of his/hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement for the purpose of labor exploitation, sex trafficking, sexual exploitation, or the acquisition of organs, shall be punished by imprisonment for at least two years up to fifteen years.

(3) The preceding paragraph shall apply to a person who obtains and maintains another under the control of his/hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement for the purpose of transporting him/her out of the Republic of Korea, or a person who transports such a victim out of the Republic of Korea. [This Article Wholly Amended by Act No. 11731, Apr. 5, 2013]

Article 289 (Trafficking in Persons)

(1) A person who buys or sells another shall be punished by imprisonment for not more than seven years.

(2) A person who buys or sells another for the purpose of engaging in an indecent act, sexual intercourse, marriage, or for gain, shall be punished by imprisonment for at least one year up to ten years.

(3) A person who buys or sells another for the purpose of labor exploitation, sex trafficking, sexual exploitation, or the acquisition of organs shall be punished by imprisonment for at least two years up to fifteen years.

(4) The preceding paragraph shall apply to a person who buys or sells another for the purpose of transporting him or her out of the Republic of Korea, or a person who transports a purchased person out of the Republic of Korea. [This Article Wholly Amended by Act No. 11731, Apr. 5, 2013]

Article 290 (Inflicting or Causing Another's Bodily Injury while in Kidnapping, Abduction, Trafficking in Persons, Transportation, etc.)

(1) A person who commits any of the crimes of Articles 287 through 289, thereby inflicting the injury of a victim of such crime, shall be punished by imprisonment for at least three years up to twenty-five years.

(2) A person who commits any of the crimes of Articles 287 through 289, thereby causing the injury of a victim of such crime, shall be punished by imprisonment for at least two years up to twenty years. [This Article Wholly Amended by Act No. 11731, Apr. 5, 2013]

Article 291 (Killing Another or Causing Death of Another while in Kidnapping, Abduction, Trafficking in Persons, Transportation, etc.)

(1) A person who commits any of the crimes of Articles 287 through 289, thereby killing a victim of such crime, shall be punished by death or imprisonment for life or for at least seven years.

(2) A person who commits any of the crimes of Articles 287 through 289, thereby causing the death of a victim of such crime, shall be punished by imprisonment for life or for at least five years. [This Article Wholly Amended by Act No. 11731, Apr. 5, 2013]

Article 292 (Receiving, Harboring, etc. of Person Kidnapped, Abducted, Trafficked, or Transported)

(1) A person who receives or harbors a victim of any of the crimes of Articles 287 through 289, shall be punished by imprisonment for not more than seven years.

(2) The preceding paragraph shall apply to a person who recruits, transfers or delivers another with the intent to commit any of the crimes of Articles 287 through 289. [This Article Wholly Amended by Act No. 11731, Apr. 5, 2013]

Article 294 (Attempts)

Attempts to commit any of the crimes of Articles 287 through 289 and Articles 290 (1), 291 (1) and 292 (1) shall be punished. [This Article Wholly Amended by Act No. 11731, Apr. 5, 2013]

Article 296 (Preparations or Conspiracies)

A person who makes preparations or conspires with the intent to commit any of the crimes of Articles 287 through 289 and Articles 290 (1), 291 (1) and 292 (1), shall be punished by imprisonment for not more than three years. [This Article Wholly Amended by Act No. 11731, Apr. 5, 2013]

LABOUR STANDARDS
ACT 1997

Article 6 (Prohibition of Forced Labour)

An employer shall not force a worker to work against his own free will through the use of violence, intimidation, confinement or by any other means which unjustly restrict mental or physical freedom.

Article 110 (Penal Provisions)

A person who has violated the provisions of Article 6, 7, 8, 30(1) and (2), or 39 shall be punished by imprisonment for less than five years or by a fine not exceeding thirty million won.

ACT ON THE
PUNISHMENT OF
CRIMES WITHIN THE
JURISDICTION OF
THE INTERNATIONAL
CRIMINAL COURT

Chapter 2 Punishment of Crimes within the jurisdiction of the Court
Article 9 (Crimes against humanity)

Any person who kills anyone by committing widespread or systematic attack directed against any civilian population pursuant to or in furtherance of a State or organizational policy to commit such attack shall be subject to capital punishment, imprisonment of life or no less than 7 years. Any person who commits any of the following acts in pursuant to or in furtherance of a State or organizational policy to commit widespread or systematic attack directed against any civilian population shall be subject to imprisonment of life or no less than 5 years.

...

2. Enslaving other person

Article 10 (War crime against humanity)

Any person who kills a person under the protection of international law on humanity related to international or non-international armed conflicts (Domestic disturbance or tension such as riots or scattered violence in local areas are excluded; hereinafter the same shall apply) shall be subject to capital punishment, imprisonment for life or no less than 7 years.

Any person who commits any following act related to international or noninternational armed conflicts shall be subject to imprisonment for life or no less than 5 years.

3. Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence to any person who is protected by the International Criminal Court Statute on humanity.

Any person who commits any of following acts related to international or noninternational armed conflict shall be punished by imprisonment for no less than 3 years.

ACT ON SPECIAL
CASES CONCERNING
THE PUNISHMENT OF
SEXUAL CRIMES

Article 2 (Definitions)

1) The term "sexual crime" used in this Act means:

1. A crime falling under Article 242, 243, 244 or 245 of the Criminal Act among the crimes concerning sexual morals prescribed in Chapter XXII of Part II of the same Act;

2. Among the crimes of kidnapping, abduction, and trafficking provided for in Chapter XXXI of PART II of the Criminal Act, a crime falling under Article 288 committed for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation; or a crime falling under Article 289 committed for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation; a crime falling under Article 290 (limited to cases where a person commits a crime

provided for in Article 288 for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation; or a crime provided for in Article 289 for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation, and thereby inflicting injury on a victim, or causing the injury of a victim, who has been kidnapped, abducted, or trafficked); a crime falling under Article 291 (limited to cases where a person commits a crime provided for in Article 288 for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation; or a crime provided for in Article 289 for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation, and thereby killing a victim, or causing the death of a victim, who has been kidnapped, abducted, or trafficked); a crime falling under Article 292 (limited to cases where a person commits a crime of taking or concealing a victim who has been kidnapped, abducted, or trafficked as a result of a crime provided for in Article 288 committed for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation, or a crime provided for in Article 289 for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation; or cases where a person recruits, transfers, or delivers another with the intent to commit a crime provided for in Article 288 for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation, or a crime provided for in Article 289 for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation); and a crime falling under Article 294 (limited to an attempt to commit a crime provided for in Article 288 for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation; or an attempt to commit a crime provided for in Article 289 for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation; an attempt to commit a crime provided for in Article 290 (1) caused by a crime under Article 288 committed for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation, or a crime under Article 289 committed for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation; or an attempt to commit a crime provided for in Article 291 (1) caused by a crime under Article 288 committed for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation, or a crime under Article 289 committed for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation; and an attempt to commit a crime of taking or concealing a victim, who has been kidnapped, abducted, or trafficked, for the purpose of indecent act, sexual intercourse, or sex trafficking and sexual exploitation, among attempts to commit a crime provided for in Article 292 (1));

3. A crime falling under Article 297, 297-2, 298, 299, 300, 301, 301-2, 302, 303 or 305 among the crimes concerning rape and infamous conduct prescribed in Chapter XXXII of Part II of the Criminal Act;
4. A crime falling under Article 339 of the Criminal Act;
5. A crime falling under any of Articles 3 through 15 of this Act.

(2) Any crime referred to in paragraph (1), subject to any aggravated punishment under any other Act, shall be deemed a sexual crime.

PREVENTION OF PROSTITUTION AND

Article 6 is aimed at stemming prostitution, protecting the victims of forced prostitution, and assisting former prostitutes in rehabilitation. It

PROTECTION OF
VICTIMS 2004

has resulted in improved support facilities with medical assistance, vocational training, and legal assistance.

THE ACT ON THE
PUNISHMENT OF
PROCURING
PROSTITUTION AND
ASSOCIATED ACTS
2004

Article 6 aims to prevent prostitution and eliminate the link between the demand and supply in sex trafficking by strengthening punitive measures on various sex-related crimes such as human trafficking, forced prostitution, and solicitation.

THE ACT ON
PREVENTION OF
SEXUAL TRAFFIC AND
PROTECTION, ETC.
OF VICTIMS THEREOF
ACT NO. 7212. MAR.
22.2004

JUVENILE
PROTECTION ACT

Article 26-2 (Prohibition of Acts Harmful to Juveniles): No one shall perform the act falling under each of the following subparagraphs: The act of having juveniles sexually entertain through their physical contacts and the exposure of their sexual organs for the purpose of making profits, and other act of arranging such lascivious things; The act of having juveniles drink with clienteles or entertain such clienteles songs and dance, and other act of arranging such entertaining things for the purpose of making profits; The act of having juveniles perform the lascivious act for the purpose of making profits or entertainment; The act of showing the physically deformed parts of juveniles to the public for the purpose of making profits or entertainment; The act of having juveniles beg for money or goods or using them as a means to beg for money or goods; The act of abusing juveniles; The act of having juveniles lure customers on the street for the purpose of making profits; The act of disrupting public morality by permitting male and female juveniles to sleep on the same beds and other act of providing a place to that end; and Deleted [by Act No. 6261, Feb 3, 2000] {This Article Newly Inserted by Act No. 5817, Feb 5, 1999}

Article 49-2 (Penal Provisions) Any person who has violated the provisions of subparagraph 1 of Article 26-2, shall be punished by imprisonment with prison labor for not less than one year, but not more than 10 years.[This Article Newly Inserted by Act No. 5817, Feb 5, 1999]

Article 49-3 (Penal Provisions) Any person, who has violated the provisions of subparagraph 2 or 3 of Article 26-2, shall be punished by imprisonment with prison labor for not more than 10 years.[This Article Newly Inserted by Act No. 5817, Feb 5, 1999]

Article 49-4 (Penal Provisions) Any person who has violated subparagraphs 4 through 6 of Article 26-2, shall be punished by imprisonment with prison labor for not more than 5 years.[This Article Newly Inserted by Act No. 5817, Feb 5, 1999]

Republic of Moldova

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code which criminalises slavery as ‘placing or keeping a person in conditions where another person owns him/her’. Slavery may also form an element of an offence of trafficking under articles 165 and 206.

ii) **Provisions** related to **servitude** are found in the Penal Code which criminalises conditions similar to slavery at article 167 as ‘placing or keeping a person in conditions where another person owns him/her or forcing the person through deceit, coercion, violence or the threat of violence to enter into or remain in an extramarital or marital relationship’. Keeping a person under servitude to pay off a debt is also criminalised under article 168 and conditions similar to slavery may also form an element of an offence of trafficking under articles 165 and 206.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 44, the Labour Code which prohibits forced labour at article 7, and the Penal Code which criminalises forced labour under article 168. Forced labour may also form an element of an offence of trafficking under articles 165 and 206.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises trafficking in persons under article 165 and trafficking in children under article 206.

2) International Obligations: Republic of Moldova consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (23 March 2000, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (10 March 1993, ratification)
 1966 ICCPR: (26 January 1993, accession)
 1998 Rome Statute of the ICC: (12 October 2010, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (16 September 2005, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Republic of Moldova appears to be:

- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
MOLDOVA 1994
(WITH AMENDMENTS
THROUGH 2006)

Article 4. Human rights and freedoms

1. Constitutional provisions on human rights and freedoms shall be interpreted and enforced in accordance with the Universal Declaration of Human Rights, other conventions and treaties to which the Republic of Moldova is a party.
2. Wherever disagreements appear between the conventions and treaties on fundamental human rights to which the Republic of Moldova is a party and its domestic laws, priority shall be given to international regulations.

Article 24. Right to life, to physical and mental integrity

1. The State shall guarantee to everyone the right to life, to physical and mental integrity.
2. No one shall be subject to torture or other cruel, inhuman or degrading punishments or treatments.
3. The capital punishment shall be abolished. No one shall be sentenced to such a penalty, nor executed.

Article 25. Individual freedom and security of person

1. Individual freedom and security of person shall be inviolable.
2. Search, detainment in custody or arrest of a person shall be allowed only in cases and pursuant to the procedure foreseen by the law.
3. The period of detention in custody may not exceed 72 hours.
4. Arrest shall be made under a warrant issued by a judge for a period of 30 days at the most. The arrested person may lodge a complaint with a hierarchically superior court of law on the legality of the warrant, under the terms of law. The term of detention may be extended, under the law, only by the judge or court of law to 12 months at the most.
5. The detained in custody or arrested person shall be informed without delay on the reasons of his/her detention or arrest, and notified of the charges against him/her, as soon as possible; the notification of the charges shall be made only in the presence of a lawyer, either chosen by the defendant or appointed ex officio.
6. The release of the detained or arrested person shall be mandatory, if the reasons of his/her detention or arrest have been eliminated.

Article 27. Right of free movement

1. The right of free movement throughout the country shall be guaranteed.
2. Every citizen of the Republic of Moldova shall be guaranteed the right to settle his/her domicile or place of residence anywhere within the national territory, to travel abroad, to emigrate and to return to the country.

Article 43. Right to work and labour protection

1. Every person shall benefit by the right to work, to freely choose his/her profession and workplace, and to equitable and satisfactory working conditions, as well as to the protection against unemployment.
2. All employees shall have the right to social protection of labour. The protecting measures shall bear upon the labour safety and hygiene, working conditions for women and young people, the introduction of a minimum wage per economy, week-ends and annual paid leave, as well as the difficult working conditions and other specific situations.
3. The length of the working week shall not exceed 40 hours.

4. The right to hold labour bargaining and the binding nature of collective agreements shall be guaranteed.

Article 44. Prohibition of forced labour

1. Forced labour shall be prohibited.
2. It shall not be regarded as forced labour:
 - a. any service of military character or activities performed in lieu thereof by those who, under the law, are exempted from compulsory military service;
 - b. the work of a sentenced person, carried out under normal conditions, during detention or conditional release;
 - c. services such as required to deal with calamities or other dangers, as well as those which are part of normal civil obligations, as foreseen by law.

Article 50. Protection of mothers, children and young people

4. The exploitation of minors and their involvement in activities, which might be injurious to their health, moral conduct, or endanger their life or proper development shall be forbidden.

PENAL CODE

Article 165. Trafficking in Human Beings

(1) The recruitment, transportation, transfer, concealment or receipt of a person, with or without his/her consent, for the purpose of commercial or non-commercial sexual exploitation, for forced labour or services, for begging, for slavery or similar conditions, for use in armed conflicts or criminal activities, for the removal of human organs or tissues committed by:

- a) the threat of physical or mental violence not dangerous to the person's life and health, including kidnapping, the seizure of documents, and servitude for the purpose of paying a debt, the amount of which was not set within a reasonable limit, as well as through the threat of disclosure of confidential information of the family of the victim or of other persons, both individuals and legal entities;
- b) deception;
- c) the abuse of vulnerability or abuse of power, giving or receiving payments or benefits to get consent of a person controlling another person;

shall be punished by imprisonment for 5 to 12 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities of the liquidation of the legal entity.

(2) The same actions committed:

- a) by a person who previously committed an act set forth in par. (1);
- b) against two or more persons;
- c) against a pregnant woman;
- d) by two or more persons;
- e) by an official or a high-ranking official;
- f) with violence dangerous to the person's life, physical or mental health;
- g) with torture, inhumane or degrading treatment aimed at ensuring the person's subordination, or with the use of rape, physical dependence, or a weapon;

shall be punished by imprisonment for 7 to 15 years with the deprivation of the right to hold certain positions or to practice certain activities for 2

to 5 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 7000 conventional units with the deprivation of the right to practice certain activities or the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2):

a) committed by an organized criminal group or by a criminal organization;

b) that cause severe bodily injury or mental disorder, or the death, or his/her suicide;

shall be punished by imprisonment for 10 to 20 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 7000 to 9000 conventional units with the deprivation of the right to practice certain activities or the liquidation of the legal entity.

(4) The victim of trafficking in human beings shall be exempted from criminal liability for any crimes committed by him/her in relation to this procedural status.

Article 165. Using the results of the work or services of a person who is a victim of trafficking in human beings

(1) Use of and / or services are the result of exploitation offenses of human trafficking or child trafficking, supplied by a person whom the recipient knows it victims of such crimes, if the act does not contain the elements of trafficking or trafficking, is punished with imprisonment from 2 to 5 years, with a fine, legal entities, in the amount of 2000 to 4000 conventional units with the deprivation the right to perform certain activities.

(2) The person who committed the act in para. (1) is released from criminal liability if she voluntarily committing to other persons offenses of human trafficking or child trafficking assists in solving these crimes or actively contributed to research these cases.

Article 166. Illegal Deprivation of Liberty

(1) The illegal deprivation of the liberty of a person, if unrelated to the kidnapping of that person, shall be punished by community service for 120 to 240 hours or by imprisonment for up to 2 years.

(2) The same action committed:

b) against two or more persons;

c) against a person known to be a juvenile or against a pregnant woman or by taking advantage of the victim's known or obvious helpless condition caused by advanced age, disease, physical or mental handicap or another factor;

d) by two or more persons;

e) with violence dangerous to the person's life or health;

f) with the use of a weapon or another object used as a weapon, shall be punished by imprisonment for 2 to 7 years.

(3) The actions set forth in par. (1) or (2), provided that such actions caused severe bodily injury or damage to health or death of the victim shall be punished by imprisonment for 5 to 10 years.

Article 167. Slavery and Conditions Similar to Slavery

Placing or keeping a person in conditions where another person owns him/her or forcing the person through deceit, coercion, violence or the threat of violence to enter into or remain in an extramarital or marital

relationship shall be punished by imprisonment for 3 to 10 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

Article 168. Forced Labour

Forcing a person to work against his/her will, keeping a person under servitude for paying off a debt, obtaining labor or services by means of deception, coercion, violence or the threat of violence shall be punished by imprisonment for up to 3 years.

Article 206. Trafficking in Children

(1) The recruitment, transportation, transfer, harboring, or receipt of a child, as well as giving or receiving payments or benefits to obtain the consent of the person who exerts control over the child for the purpose of:

- a) commercial or non-commercial sexual exploitation in prostitution or a pornographic industry;
- b) exploitation by forced labor or services;
- b¹) practicing begging or other base purposes;
- c) exploitation in slavery or in conditions similar to slavery including illegal adoption;
- d) participating in armed conflicts;
- e) participating in criminal activities;
- f) removing human organs or tissues;
- g) abandonment abroad;
- h) sale or purchase;

shall be punished by imprisonment for 8 to 12 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(2) The same actions involving:

- a) physical or mental violence, the use of weapons or the threat of their use;
- b) sexual abuse and violence;
- c) the abuse of authority or the child's vulnerability, the threat of disclosure of confidential information to the child's family or to other persons;
- f) the removal of human organs or tissues;

shall be punished by imprisonment for 10 to 15 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in amount of 5000 to 7000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2):

- a) committed by a person who has previously committed the same actions;
- b) committed against two or more children;
- c) committed by an official or by a high-ranking official;
- d) committed by an organized criminal group or a criminal organization;
- e) causing severe bodily injury or mental disorder of the child or his/her death or suicide;
- f) committed against a child aged under 14,

shall be punished by imprisonment for 15 to 20 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years or with life imprisonment, whereas a legal entity shall be punished by a fine in the amount of 7000 to 9000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(4) A victim of trafficking in children shall be exempted from criminal liability for any crimes committed by him/her in relation to this procedural status.

Article 207. Illegally Taking Children Out of the Country

Taking a child out of the country based on false documents or any other illegal means and his/her abandonment abroad for purposes other than those specified in art. 206 shall be punished by imprisonment for 2 to 6 years.

LABOUR CODE

Article 7 Prohibition of forced (obligatory) work

(1) Forced (obligatory) work shall be prohibited.

(2) By forced (obligatory) work is understood any work or service imposed to one person by threatening or without his consent.

(3) Utilization, under any form, of forced (obligatory) work is prohibited, and namely:

a) as method of political or educational influence or as punishment for supporting or expressing some political opinions or principles contrary to the existing political, social or economic system;

b) as method of mobilization and utilization of the working force for economic purposes;

c) as method of maintaining the work discipline;

d) as method of punishment for participation in strike;

e) as method of discrimination following criteria of social, national, religious or racial status.

(4) As forced (obligatory) work shall be considered:

a) the breach of terms for the established payment or its partial payment;

b) the employer's demand that employee fulfills his labour obligations in the absence of some collective or individual protection systems or in the event that fulfillment of the required work implies danger to the life or health of the employee or his neighbor.

c) the work imposed in the situation created by calamities or any other danger, as well as the work which is a part of the normal civil obligations established by the law.

Romania

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code which criminalises placing or keeping a person in slavery and trafficking in slaves under article 209. Enslavement may also form an element of an offence of trafficking under articles 210 and 211 of the Criminal Code and articles 12 and 13 of the 2001 Law on the Prevention and Combat of Trafficking in Human Beings.

ii) There appears to be **no legislation** in place in Romania which prohibits **servitude**, although procedures similar to enslavement may form an element of an offence of trafficking under articles 210 and 211 of the Criminal Code and 'other ways to deprive a person of his/her freedom or to force the person into submission' may form an element of an offence of trafficking under articles 12 and 13 of the 2001 Trafficking Law.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 42 and the Criminal Code which criminalises pressing into forced or compulsory labour under article 212. Forced labour may also form an element of an offence of trafficking under articles 210 and 211 of the Criminal Code and articles 12 and 13 of the 2001 Trafficking Law.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking in human beings at article 210 and trafficking in underage persons at article 211. The 2001 Trafficking law also criminalises trafficking under articles 12 and 13.

2) International Obligations: Romania consents to:

1926 Slavery Convention: (22 June 1931, ratification)
 1930 Forced Labour Convention: (28 May 1957, ratification)
 1953 Protocol to the 1926 Slavery Convention: (13 November 1957, signature)
 1956 Slavery Convention: (13 November 1957, ratification)
 1957 Abolition of Forced Labour Convention: (3 August 1998, ratification)
 1966 ICCPR: (9 December 1974, ratification)
 1998 Rome Statute of the ICC: (11 April 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (4 December 2002, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Romania appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to servitude; and
- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 397

The Romanian People's Republic...intends to co-operate in the abolition of slavery and maintains in its penal laws a special text (article 491 of the 1936 Criminal Code, reissued on 27 February 1948, with the subsequent amendments) to punish those acts, should they be committed abroad or in Romanian territory.

Paragraph 399

Article 491 of the Criminal Code: "Anyone who reduces a person to, or keeps him in slavery or a similar condition or takes part in the slave trade or in the conveyance of slaves commits the offence of slavery and shall be liable to a term of one to five years' correctional imprisonment.

CONSTITUTION OF ROMANIA

Article 22. The right to life and to physical and mental well-being

(1) The right to life, as well as the right to physical and mental integrity of person are guaranteed.

(2) No one may be subjected to torture or to any kind of inhuman or degrading punishment or treatment.

Article 23. Individual freedom

(1) Individual freedom and security of a person are inviolable.

Article 25. Free movement

(1) The right of free movement within the national territory and abroad is guaranteed. The law determines the conditions for the exercise of this right.

(2) Every citizen is assured the right to establish his domicile or residence anywhere in the country, to emigrate, as well as to return to his country.

Article 41. Labor and the social protection of labor

1. The right to work shall not be restricted. Everyone has the right to freely choose his/her profession, trade or occupation, as well as work place.

2. All employees are entitled to measures of social protection. Such measures concern employees' safety and health, working conditions for women and young people, the establishment of a national minimum wage, the weekly time off, paid annual holidays, work under difficult or special conditions, and other specific situations, as defined by law.

3. The maximum duration of a working day is 8 hours on average.

4. Women receive the same pay as men for equal work.

5. The right to collective bargaining and the binding nature of collective agreements are guaranteed.

Article 42. The prohibition of forced labor

1. Forced labor is prohibited.

2. The following do not constitute forced labor:

a. activities in the military service or activities which, in accordance with the law, are carried out in lieu thereof due to religious or conscience-related reasons;

b. work which is carried in normal conditions by a person which has received a sentence during detention or conditional release;

c. activities necessary in order to deal with a natural disaster or some other danger, or which result from normal civil obligations established by law.

Article 49. Protection of children and youth

3. The exploitation of minors and their employment in activities which might be harmful to their health or morals or which might endanger their life or normal development are prohibited.

4. Minors under the age of 15 cannot be hired as employees.

PENAL CODE

Article 182. Exploitation of a person

Exploitation of a person means:

- a) forcing a person to carry out work or a task;
- b) enslavement or other similar procedures to deprive of freedom or place in bondage;
- c) forcing persons into prostitution, pornography, in view of obtaining and distributing pornographic material or any other types of sexual exploitation;
- d) forcing into mendicancy;
- e) illegal collection of body organs, tissues or other cells.

Article 205. Illegal deprivation of freedom

(1) Illegal deprivation of freedom against a person shall be punished by strict imprisonment from 3 to 10 years.

(2) If the act is committed in one of the following circumstances:

- a) by simulating official qualities;
- b) by abduction;
- c) by a person who is armed;
- d) by two or more persons together;
- e) if in exchange for release a material or any other benefit is demanded;
- f) if the victim is a minor,
- g) if the victim is subjected to suffering or his/her health or life is endangered,

the penalty shall be strict imprisonment from 7 to 15 years.

(3) If for the person's release it is demanded, in any way, that the State, a natural or legal person, an international or intergovernmental organisation or a group of persons should accomplish or should not accomplish a certain act, the penalty shall be severe detention from 15 to 20 years.

(4) If the act resulted in the victim's death or suicide, the penalty shall be severe detention from 15 to 25 years.

Article 209. Slavery

Placing or keeping a person in slavery, as well as trafficking in slaves, shall be punished by strict imprisonment from 3 to 10 years and the prohibition of certain rights.

Article 210. Trafficking in human beings

(1) Recruitment, transportation, transfer, harboring or receipt of persons for exploitation purposes:

- a) by means of coercion, abduction, deception, or abuse of authority;
- b) by taking advantage of the inability of a person to defend themselves or to express their will or of their blatant state of vulnerability;

c) by offering, giving and receiving payments or other benefits in exchange for the consent of an individual having authority over such person,

shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(2) Trafficking in human beings committed by a public servant in the exercise of their professional duties and prerogatives shall be punishable by no less than 5 and no more than 12 years of imprisonment.

(3) The consent expressed by an individual who is a victim of trafficking does not represent an acceptable defense.

Article 211. Trafficking in underage persons

(1) Recruitment, transportation, transfer, harboring or receipt of a juvenile for the purpose of their exploitation shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(2) If such act was committed under the terms of Art. 210 par. (1) or by a public servant while in the exercise of their professional duties and prerogatives, it shall be punishable by no less than 5 and no more than 12 years of imprisonment and a ban on the exercise of certain rights.

(3) The consent expressed by an individual who is a victim of trafficking does not represent a acceptable defense.

Article 212. Pressing into forced or compulsory labour

An act of compelling a person, in cases other than the ones established by the legal stipulations, to work against their will or to compulsory labor shall be punishable by no less than 1 and no more than 3 years of imprisonment.

Article 213. Pandering

(1) The causing or facilitation of the practice of prostitution or the obtaining of financial benefits from the practice of prostitution by one or more individuals shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(2) In the event that a person was determined to engage in or continue the practice of prostitution through coercion, the penalty shall be no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(3) If such acts are committed against an underage person, the special limits of the penalty shall be increased by one-half.

(4) Practicing prostitution means having sexual intercourse with various individuals for the purpose obtaining financial benefits for oneself or for others.

Article 214. Exploitation of beggary

(1) An act of an individual who causes a juvenile or a person having physical or psychic disabilities to resort repeatedly to the public's pity in order to ask for material help or benefits from financial benefits from such activity shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.

(2) If such act is committed in the following situations:

a) by a parent, guardian, curator or by the person under whose care the begging person is;

b) by means of coercion,
it shall be punishable by no less than 1 and no more than 5 years of imprisonment.

Article 216. Use of exploited person's services

The action of using the services listed under Art. 182 by a person about whom the beneficiary knows that they are a victim of trafficking in human beings or of trafficking of underage persons, shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine, unless such action is a more serious offense.

Article 217. Punishing the attempt

The attempt to commit the offenses set forth by Art. 209-211 and Art. 213 par. (2) shall be punishable.

Article 439. Crimes against humanity

(1) The act of committing, as part of a generalized or systematic attack on a civilian population, one of the following offenses:

(c) Slavery or trafficking in human beings, especially women or children; Shall be punishable by life imprisonment or no less than 15 and no more than 25 years of imprisonment and a ban on the exercise of certain rights.

LAW ON THE PREVENTION AND COMBAT OF TRAFFICKING IN HUMAN BEINGS 2001

Article 2

In the present law, the terms and expressions below have the following meaning:

1. The phrase "trafficking in persons" means the violations stipulated in articles 12 and 13;
2. The phrase "exploitation of a person" means:
 - a. performing forced labor or services, in violation of the legal requirements on labor conditions, pay, health and security;
 - b. keeping such persons in a state of slavery or using other ways to deprive a person of his/her freedom or to force the person into submission;
 - c. compelling a person to engage in prostitution, in pornographic performances for the production and distribution of pornographic material, or in other forms of sexual exploitation;
 - d. harvesting of human organs;
 - e. engaging in other such activities that violate fundamental human rights and liberties.

Article 12

(1) Whoever recruits, transports, transfers, harbors or receives a person, through the use of threats or violence or the use of other forms of coercion, through kidnapping, fraud or misrepresentation, abuse of power or by taking advantage of that person's inability to defend him-/herself or to express his/her will or by giving or receiving money or other benefits in order to obtain the agreement of a person who has control over another person with the intent of exploiting the latter, commits a criminal violation of this Law and shall be punished with 3 to 12 years imprisonment and denial of a number of rights.

(2) Whoever engages in trafficking in human beings under the following circumstances:

- a) traffics two or more persons at the same time;

b) causes the victim to sustain serious bodily harm or serious health problems, shall be punished with 5 to 15 years imprisonment and denial of a number of rights.

(3) If the violation in this Article has resulted in the victim's death or suicide, the offender shall be punished by 15 to 25 years imprisonment and denial of a number of rights.

Article 13

(1) Whoever recruits, transports, transfers, harbors or receives a person aged between 15 and 18, with the intent of exploiting that person, commits the crime of trafficking in underage persons and shall be punished by 3 to 12 years imprisonment and denial of a number of rights.

(2) If the violation within paragraph (1) was committed against a person aged less than 15, the punishment shall be 5 to 15 years imprisonment and denial of a number of rights.

(3) If the violations within paragraphs (1) and (2) are committed with the use of threats or violence or of other forms of coercion, through kidnapping, fraud or misrepresentation, abuse of power or by taking advantage of that person's inability to defend him-/herself or to express his/her will or by giving or receiving money or other benefits in order to obtain the agreement of a person who has control over another person, the offender shall be punished with 5 to 15 years imprisonment and denial of a number of rights in the case of paragraph (1) and 7 to 18 years imprisonment and denial of a number of rights in the case of paragraph (2).

(4) For the violations within paragraphs (1), (2) and (3) that have been committed in the conditions of Article 12 paragraph (2) punishment shall be 5 to 15 years imprisonment and denial of a number of rights in the case of paragraph (1), 5 to 17 years imprisonment and denial of a number of rights in the case of paragraph (2) and 5 to 18 years imprisonment and denial of a number of rights in the case of paragraph (3), thesis 1 and 7 to 20 years imprisonment and denial of a number of rights in the case of paragraph (3), thesis 2.

(5) If the violations in this Article have resulted in the victim's death or suicide, the offender shall be punished with 15 to 25 years imprisonment and denial of a number of rights, or life imprisonment.

Article 14

Whoever commits the violations within Articles 12 and 13 as a member of an organized group or has obtained or produced, for him/herself or for others, significant material proceeds out of the commission of those violations shall receive 3 additional years to the maximum specific term of imprisonment.

Article 15

(1) The attempt to commit the crimes within Articles 12-14 is also punishable.

(2) The act of organizing the commission of the crimes within this Chapter constitutes a crime and shall be punished like crimes committed in an organized manner.

Article 16

Consent on the part of the trafficked person does not exonerate the offender from criminal liability.

Article 17

(1) Whoever causes or allows, knowingly, directly or through an intermediary, the entry or stay on the Romanian territory of a non-Romanian citizen who is being trafficked as defined by this law:

a) by the use of fraudulent means, violence or threats or other forms of coercion, or

b) by abusing the special state of the trafficked person, which results from that person's illegal or precarious situation of entry or stay in Romania or from pregnancy, a disease or disability or from a physical or mental challenge, commits a criminal offence and shall be punished for the crime of trafficking in human beings.

(2) Whoever commits the violations within paragraph 1 as a member of an organized group or repeatedly shall receive 2 additional years to the maximum specific term of imprisonment.

Russian Federation (Russia)

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code which criminalises the use of slave labour at article 127(2). Article 127 also criminalises unlawful deprivation of liberty and slave labour may form an element of an offence of trafficking under article 127(1).

ii) There appears to be **no legislation** in place in Russia which prohibits **servitude** although the Criminal Code criminalises deprivation of liberty (article 127) and illegal adoption (article 154). 'Subjection' may also form an element of an offence of trafficking under article 127(1).

iii) **Provisions** related to **forced labour** are found in the Constitution which forbids compulsory labour at article 37 and the Labour Code which prohibits forced labour at article 4. Article 143 of the Criminal Code criminalises violation of labour protection rules, although requires grave injury to or death of the victim.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under article 127(1), in this provision exploitation is defined to include use of slave labour and subjection but does not specifically reference servitude or forced or compulsory work or services.

2) International Obligations: Russia consents to:

1926 Slavery Convention: (8 August 1956, accession)
 1930 Forced Labour Convention: (23 June 1956, ratification)
 1953 Protocol to the 1926 Slavery Convention: (8 August 1956, accession)
 1956 Slavery Convention: (12 April 1957, ratification)
 1957 Abolition of Forced Labour Convention: (2 July 1998, ratification)
 1966 ICCPR: (16 October 1973, ratification)
 1998 Rome Statute of the ICC: (13 September 2000, signature)
 2000 Palermo Protocol (Trafficking in Persons): (26 May 2004, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Russia appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF RUSSIA 1993 (REV.
2014)

Article 17

1. In the Russian Federation human and civil rights and freedoms shall be recognized and guaranteed according to the universally recognized principles and norms of international law and this Constitution.
2. Basic human rights and freedoms shall be inalienable and shall be enjoyed by everyone from birth.
3. The exercise of human and civil rights and freedoms must not violate the rights and freedoms of other people.

Article 21

1. Human dignity shall be protected by the State. Nothing may serve as a basis for its derogation.
2. Nobody should be subjected to torture, violence, or other severe or humiliating treatment or punishment. Nobody may be subjected to medical, scientific or other experiments without voluntary consent.

Article 22

1. Everyone shall have the right to freedom and personal inviolability.
2. Arrest, detention and keeping in custody shall be permissible only under a court order. A person may not be detained for more than 48 hours without a court order.

Article 37

1. Labour shall be free. Everyone shall have the right freely to use his (her) labour skills and to choose the type of activity and occupation.
2. Compulsory labour shall be forbidden.
3. Everyone shall have the right to work in conditions, which meet safety and hygiene requirements, and to receive remuneration for labour without any discrimination whatsoever and not below the minimum wage established by federal law, as well as the right of protection against unemployment.
4. The right of individual and collective labour disputes with the use of the methods for their resolution, which are provided for by federal law, including the right to strike, shall be recognized.
5. Everyone shall have the right to rest. For those working under labour contracts the duration of work time, days of rest and public holidays and annual paid leave established by federal law shall be guaranteed.

CRIMINAL CODE

Article 127. Illegal Deprivation of Liberty

1. Illegal deprivation of a person's liberty, which is not related to his abduction, shall be punishable by restraint of liberty for a term of up to two years, or by compulsory labour for a term of up to two years, or by arrest for a term of from three to six months, or deprivation of liberty for a term of up to two years.
2. The same deed committed:
 - a) by a group of persons by previous concert;
 - b) abolished
 - c) with the use of violence with danger to human life and health;
 - d) with the use of weapons or objects used as weapons;
 - e) against an obvious juvenile;
 - f) against a woman who is in a state of pregnancy, which is evident to the culprit;
 - g) against two or more persons,

shall be punishable by compulsory labour for a term of up to five years or by deprivation of liberty for a term of three to five years.

3. Deeds provided for by the first or second parts of this Article, if they have been committed by an organised group or have entailed by negligence the death of the victim, or any other grave consequences, Shall be punishable by deprivation of liberty for a term of from four to eight years.

Article 127(1) Trafficking in persons

1. The purchase-and-sale of a human being, other transactions with respect to a person, as well as the recruiting, carriage, transfer, concealment or receiving performed for the purpose of his or her exploitation -

shall be punishable by compulsory labour for a term of up to five years or by deprivation of liberty for a term of up to six years.

2. The same deeds committed:

- a) in respect of two or more persons;
- b) in respect of a minor;
- c) by a person through his official position;
- d) moving the victim across the State Border of the Russian Federation or illegally keeping him abroad;
- e) using forged documents, as well as seizing, concealing or destroying the documents;
- f) with application of force or with the threat of applying it;
- g) for the purpose of cutting out the victim's organs and tissues;
- h) with respect to a person who is, knowingly for the guilty person, in a helpless state or is materially or otherwise dependent on the guilty person;
- i) with respect to a woman who, knowingly for the guilty person, is in the state of pregnancy, -

shall be punishable by deprivation of liberty for a term of three to ten years with deprivation of the right to hold definite offices or to engage in definite activities for a term of up to fifteen years or without such and with restriction of liberty for a term of up to two years or without such.

3. The deeds provided for by Parts One and Two of this Article:

- a) which have entailed the victim's death by negligence, the infliction of major damage to the victim's health or other grave consequences;
- b) committed in a way posing a danger to the life or health of many people;
- c) committed by an organised group -

Shall be punishable by deprivation of liberty for a term of from eight to 15 years with restriction of liberty for a term of up to two years or without such.

Note. 1. A person who has committed for the first time the deeds provided for by Part One or Item "a" of Part Two of this Article, has voluntarily released the victim and has contributed to solving the crime shall be released from criminal liability if there are no other formal components of a crime in his acts.

2. The exploitation of a person shall mean in this Article the use of the engagement in prostitution by other persons and other forms of sexual exploitation, slave labour (services), subjection.

Article 127(2) Use of Slave Labour

1. The use of the labor of any person over whom power similar to the right of ownership is exercised, if such person, for reasons beyond his control, is unable to refuse to perform such labor or services- shall be punishable by a term of imprisonment of up to 5 years.
2. The same act:
 - (a) committed with regard to two or more persons;
 - (b) committed with regard to a person known to be a minor;
 - (c) committed by a person through his official position;
 - (d) committed through blackmail, force, or threat of force;
 - (f) committed through the use of false documents, or by the seizure, concealment, or destruction of the victim's identity documents;
 shall be punishable by a term of imprisonment of 3 to 10 years.
3. Acts specified in Parts One or Two of this Article which result in death through negligence, or severe damage to the health of the victim, or any other grave consequences; or committed by an organized group, shall be punishable by a term of imprisonment of 8 to 15 years.

Article 143. Violation of Labour Protection Rules

1. Violation of safety rules or any other labour protection rules, committed by a person who has the duty of observing these rules, if this entailed by negligence the infliction of grave injury to the victim, shall be punishable with a fine in an amount of 100 thousand roubles to 300 thousand roubles or in the amount of a wage/salary or other income of the convicted person for a term of one year to two years, or by compulsory labour for a term of up to four years, or by deprivation of freedom for the same term.
2. The same act entailing, by negligence, the death of a person, shall be punishable with a fine in an amount of up to 200 thousand roubles, or in the amount of a wage/salary, or any other income of the convicted person for a period of up to eighteen months, or by obligatory labour for a term of up to four hundred and eighty hours, or by corrective labour for a term of up to two years, or by compulsory works for a term of up to one year, or by deprivation of liberty for the same term.

Article 145(1). Non-payment of Salaries, Wages, Pensions, Stipends, Benefits and Other Payments

1. A partial non-payment within more than three months of salaries, wages, pensions, stipends, benefits and other payments established by law which is committed by the head of an organisation or by an employer being a natural person, by the head of a branch, representative office or other separate structural unit of an organisation owing to a mercenary or other personal interest - shall be punishable by a fine in an amount of up to one hundred and twenty thousand roubles or in the amount of the salary or wages or other income of the convicted person for a period of up to one year, or by deprivation of the right to occupy certain posts or to be engaged in a certain activity for a period of up to one year, or by compulsory labour for a term of up to two years, or by deprivation of freedom for a term of up to one year.
2. A full non-payment within more than two months of salaries, wages, pensions, stipends, benefits and other payments established by law, or payment of salaries or wages within over two months in the amount which is below the minimum labour wage owing to mercenary or other personal interest by the head of an organization, by the employer who is

a natural person, by the head of a branch, representative office or other separate structural unit of an organisation -
shall be punishable by a fine in an amount of one hundred thousand to five hundred thousand roubles or in the amount of the salary or wages or other income of the convicted person for a period of up to three years, or by compulsory labour for a term of up to three years with deprivation of the right to hold specified offices or to engage in specified activities for a term of up to three years or without such, or by deprivation of liberty for a term of up to three years with deprivation of the right to occupy certain posts or to be engaged in a certain activity for a period of up to three years or without such.

3. The deeds provided for by Parts One or Two of this article, if they have entailed grave consequences -

shall be punishable by a fine in the amount of two hundred thousand to five hundred thousand roubles or in the amount of salaries or wages or other income of the convicted persons for a period of one year to three years or by deprivation of liberty for a term of two to five years with deprivation of the right to occupy certain posts or to be engaged in a certain activity for a term up to five years or without such.

Note. A partial non-payment of salaries, wages, pensions, stipends, benefits and other payments established by law means in this article their payment in the amount of less than half the sum to be paid.

Article 154. Illegal Adoption

Illegal adoption of children, placement of them under guardianship, transfer of them for upbringing to foster families, committed repeatedly or out of mercenary motives,

Shall be punishable with a fine in an amount of up to 40 thousand roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of up to three months, or by compulsory works for a term of up to 360 hours, or by corrective labour for a term of up to one year, or by arrest for a term of up to six months.

Article 240. Inducing to Prostitution

1. Inducing to prostitution or forcing to continue prostitution -

Shall be punishable with a fine in an amount of up to 200 thousand roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of up to 18 months, or by restriction of liberty for a term of up to three years, or by compulsory labour for a term of up to three years, or by deprivation of liberty for the same term.

2. The same deed committed:

a) with the application of violence or with the threat of its application;

b) with a victim's movement across the State Border of the Russian Federation or with the illegal detention thereof abroad;

c) by a group of persons by previous concert -

Shall be punishable by deprivation of liberty for a term of up to six years with restriction of liberty for a term of up to two years or without such.

3. The deeds provided by Parts One and Two of this Article which are committed by an organised group or in respect of a minor -

Shall be punishable by deprivation of liberty for a term of three to eight years with or without deprivation of the right to hold definite offices or to engage in definite activities for a term of up to fifteen years and with restriction of liberty for a term of up to two years or without such.

Article 241. Organization of Prostitution

1. Deeds aimed at organisation of prostitution, as well as at the maintenance of hangouts for prostitution or the systematic provision of premises for prostitution -

shall be punishable by a fine in the amount of 100 thousand to 500 thousand roubles, or in the amount of a wage/salary or other income of the convicted person for a period of one year to three years, or by compulsory labour for a term of up to five years, or by deprivation of liberty for the same term.

2. The same deeds committed:

- a) by a person through his official position;
- b) with the application of violence or with the threat of applying it;
- c) with the involvement of minors in prostitution -

Shall be punishable by deprivation of liberty for a term of up to six years with or without deprivation of the right to hold definite offices or to engage in definite activities for a term of up to ten years and with restriction of liberty for a term of up to two years or without such.

3. The deeds provided for by Parts One and Two of this Article which are committed with the involvement in prostitution of persons who are to be under 14 years old -

Shall be punishable by deprivation of liberty for a term of three to 10 years with or without deprivation of the right to hold definite offices or to engage in definite activities for a term of up to fifteen years and with restriction of liberty for a term of from one year to two years or without such.

LABOUR CODE

Article 4. Prohibition of forced labor

Forced labor shall be prohibited.

The forced labor shall be performance of work under duress by menaces of applying some penalty (violent act), including:

- in order to maintain labor discipline;
- as a retributive step for participating in a strike;
- as a means of mobilizing and using labor force for the purpose of economic development;
- as a penalty for holding or expressing the political beliefs contrary to the established political, social or economic system;
- as a discriminatory measure on the grounds of race, social, national or religious status.

The forced labor shall include:

- disregard of set dates for payment of wages as well as their incomplete payment;
- the employer requiring the employee to perform his/her work duties when the employee is not provided with group or individual protection means or the work is hazardous to the employee's life or health.

For the purpose of this Code the forced labor shall not include:

- the work whose performance is required by the law on military duty and military service or the alternative civil service in lieu of it;
- the work performed in the conditions of an emergency situation, in other words, in cases of the declared state of emergency or martial law, of a disaster or a threat of disaster (fires, floods, hunger, earthquakes, intense epidemics or epizootics) as well as

- in other situations threatening life or normal living conditions of the whole population or its part;
- the work performed pursuant to the final court verdict under supervision of the official state bodies responsible for enforcing laws at serving sentences.

Rwanda

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2012 Penal Code which criminalises abducting, arresting, detaining, transporting any person to make them slaves or causing such, and selling any person as a slave under article 252. Article 254 also criminalises buying a person as provided under article 252.

ii) There appears to be **no legislation** in place in Rwanda which prohibits **servitude**, although the Penal Code criminalises participating in the adoption of a child for the purpose of trafficking (article 225), illegal adoption upon payment (as trafficking, article 252) forced marriage of minors (article 195), and forced marriage (article 275). Practices similar to slavery and domestic servitude may also form elements of an offence of trafficking under articles 252-268.

iii) **Provisions** related to **forced labour** are found in the Penal Code which criminalises forced labour at article 178. Article 8 of the 2009 Labour Law also prohibits forced labour and article 30 of the Constitution provides the right to free choice of employment.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises trafficking under articles 252-268.

2) International Obligations: Rwanda consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (23 May 2001, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (4 October 2006, ratification)
 1957 Abolition of Forced Labour Convention: (18 September 1962, ratification)
 1966 ICCPR: (16 April 1975, ratification)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (26 September 2003, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Rwanda appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 405

Legislative provision in force for the prevention of slavery and practices similar to slavery:

Article 25 of the Constitution: “All forms of slavery shall be abolished and may not be restored.”

Article 40 of the Constitution: “Forced labour, except as a criminal penalty, shall be abolished and may not be restored.”

Paragraph 406

A new Rwandese penal code is in the process of being drafted.

Meanwhile, the legal provisions concerning slavery which date from the period of Belgian trusteeship still apply, in particular the following, in chronological order:

- (a) Decree of the King-Sovereign of 1 July 1891 suppressing the slave trade.
- (b) Legislative Order No. 28/128 of 28 March 1923 abolishing domestic slavery and providing for penal servitude of one to five years for anyone reducing another person to slavery or maintaining him in that state.
- (c) The International Slavery Convention of 25 September 1926 approved by the Belgian Act of 18 July 1927.
- (d) The Penal Code of 30 January 1940, article 68 of which states: “The penalties and qualifications of the previous article shall apply to anyone who has abducted or caused to be abducted, apprehended or caused to be apprehended, or detained or caused to be detained any persons whatsoever in order to sell them as slaves, or who has disposed of persons placed under his authority for the same purpose.

Article 67 of the Penal Code reads as follows: “A person who by violence, fraud or threats has abducted or caused to be abducted, arbitrarily apprehended or caused to be apprehended, or detained or caused to be detained any person whatsoever shall be liable to a term of penal servitude of one to five years.

CONSTITUTION OF RWANDA 2003 (REV. 2015)

Article 13. Inviolability of a human being

A human being is sacred and inviolable.

The State has an obligation to respect, protect and defend the human being.

Article 14. Right to physical and mental integrity

Everyone has the right to physical and mental integrity.

No one shall be subjected to torture or physical abuse, or cruel, inhuman or degrading treatment.

No one shall be subjected to experimentation without his or her informed consent.

Modalities of the consent and experiments are determined by law.

Article 17. Right to marry and found a family

The right to marry and found a family is guaranteed by the law.

A civil monogamous marriage between a man and a woman is the only recognised marital union.

However, a monogamous marriage between a man and a woman contracted outside Rwanda in accordance with the law of the country of celebration of that marriage is recognised.

No one can be married without his or her free and full consent.

Spouses are entitled to equal rights and obligations at the time of marriage, during the marriage and at the time of divorce.
A law determines conditions, formalities and consequences of marriage.

Article 24. Right to liberty and security of person

A person's liberty and security are guaranteed by the State.
No one shall be subjected to prosecution, arrest, detention or punishment unless provided for by laws in force at the time the offence was committed.
No one shall be subjected to security measures except as provided for by law and for reasons of public order or State security.

Article 26. Right to freedom of movement and residence

Every Rwandan has the right to move freely and to reside anywhere in Rwanda.
Every Rwandan has the right to leave Rwanda and to return.
These rights may only be restricted by law for reasons of public order and of national security, in order to avert a public threat or to protect persons in danger.

Article 30. Right to free choice of employment

Everyone has the right to free choice of employment.
All individuals, without any form of discrimination, have the right to equal pay for equal work.

1977 LEGAL DECREE N ° 21/77 - CRIMINAL CODE

The penalties provided for in Article 388 and according to the distinctions that are drawn, the person who abducts or kidnaps, stops, detains or has detained or transports or has transported, any persons to reduce them to a slave enslave or to sell them as a slave or to disposed of persons under his authority for the same purpose.
Law No 33 BIS/2003 repressing the crime of genocide, crimes against humanity and war crimes
Chapter 3. CRIMES AGAINST HUMANITY AND THEIR SANCTIONS
Article 5:
3° enslavement;

PENAL CODE 2012

Article 120: Definition of the crime against humanity

The crime against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population because of its national, political, ethnic or religious affiliation:
3° enslavement;
7° rape, sexual slavery, forced prostitution, forced sterilization, or any other form of sexual violence of comparable gravity;
11° other inhuman acts of a similar character intentionally causing great suffering, or serious injury to mental or physical health.

Article 121: Punishment of the crime against humanity

Any person who commits a crime against humanity provided under items 1°, 2°, 3°, 6°, 7° and 9° of Article 120 of this Organic Law shall be liable to life imprisonment with special provisions.
Any person who commits a crime against humanity provided for under items 4°, 5°, 8°, 10° and 11° of Article 120 of this Organic Law shall be

liable to a term of imprisonment of ten (10) years to twenty five (25) years.

When the crime against humanity provided under paragraph 2 of this Article is accompanied by inhuman and degrading treatments, the offender shall be liable to life imprisonment with special provisions.

Article 126: Other acts which qualify as war crimes

A war crime shall also mean any of the following acts committed in armed conflicts:

5° enslavement and slave trade, slavery-like practices and forced labour in any form;

Article 127: Penalties for other acts qualifying as war crimes

Any person who commits any of the acts qualifying as war crimes provided under Article 126 of this Organic Law shall be liable to the following penalties:

1° life imprisonment if the person has committed one of the crimes provided under items 1°, 4°, 5°, 6°, 9° and 10°;

Article 178: Forced labour

Any person who imposes forced labour on another person shall be liable to a term of imprisonment of six (6) months to two (2) years and a fine of five hundred thousand (500,000) to two million (2,000,000) Rwandan francs or one of these penalties.

Article 195: Participating in early or forced marriage of a minor

Any person who plays a role in early or forced marriage of a minor shall be liable to a term of imprisonment of six (6) months to two (2) years and a fine of one hundred thousand (100,000) to three hundred thousand (300,000) Rwandan francs.

Article 204: Definition of prostitution

Prostitution means involvement by either a man or a woman in sex work as an occupation in exchange for consideration.

Article 206: Encouraging, inciting or manipulating a person for the purpose of prostitution

Any person who encourages, incites or manipulates an adult, even with his/her consent, for the purpose of prostitution, shall be liable to a term of imprisonment of one (1) year to three (3) years and a fine of five hundred thousand (500,000) to two million (2,000,000) Rwandan francs or one of these penalties.

The same penalties shall apply to any person who keeps another for prostitution purposes, even with the consent of that person.

Article 209: Running, managing or investing in a brothel

Any person who, directly or through an intermediary, runs, manages or invests in a brothel shall be liable to a term of imprisonment of six (6) months to two (2) years and a fine of one million (1,000,000) to three million (3,000,000) Rwandan francs.

If the acts referred to in Paragraph One of this Article are committed against children, the person found guilty shall be liable to a term of

imprisonment of more than five (5) years to seven (7) years and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs.

Article 225: Participating in the adoption of a child for the purpose of trafficking

Any person who participates in the adoption of a child for the purpose of trafficking shall be liable to a term of imprisonment of three (3) years to five (5) years and a fine of five million (5,000,000) to ten million (10,000,000) Rwandan francs.

If the offence under paragraph one of this Article is committed against a child under fourteen (14) years, the offender shall be liable to a term of imprisonment of ten (10) years to fifteen (15) years and a fine of ten million (10,000,000) to twenty million (20,000,000) Rwandan francs.

If a person commits the offence under paragraph one of this Article against a child between the age of fourteen (14) and sixteen (16) years, he/she shall be liable to a term of imprisonment of more than five (5) years to seven (7) years and a fine of twenty million (20,000,000) to thirty million (30,000,000) Rwandan francs.

If the abducted child is from an orphanage, the offender shall be liable to the maximum penalty under this Article.

Article 250: Definitions of terms

Under this Chapter, the following terms shall have the following meanings:

1° Human trafficking means the acts by which the individual becomes a commodity consisting in recruitment, transfer of a person to another part of the country or to another country by use of deception, threat, force or coercion, position of authority over the person, in most cases for the purpose of harming his/her life or unlawfully exploiting by indecent assault, prostitution, unlawful practices, practices similar to slavery by torturing and subjecting to cruel treatment or domestic servitude because he/she is vulnerable due to troubles with the authorities, being a single pregnant woman, ill, disabled or due to other situation which impairs a normal person to act.

Human trafficking also means the exploitation of people by involving them in forced begging, illegal adoption upon payment, taking indecent pictures, harmful sports, armed conflicts and living together with them as husband and wife for the purpose of torturing them and selling their body organs.

2° Child trafficking means the recruitment, transportation, transfer, harbouring and kidnapping of children for personal interests even if the means used are other than those provided under item one of this Paragraph.

3° Exploitation means any form of interests based on sex, forced labour, slavery and other similar practices or the removal of an organ of a human being.

Article 251: Participating in trafficking persons out of the country

Any person who participates in any way, personally or through an intermediary, in trafficking a person out of Rwanda to a foreign country by:

1° means of deception, use of force, threat or any other form of coercion;

2° taking advantage of his/her troubles with the authorities, conflict with the law, being an orphan, a destitute, lonely, limited knowledge, hard

labour, living in a family with children close in age, unemployment, disease, physical or mental disability, a loophole in the law or any other situation likely to impair a normal person to act;
shall be liable to a term of imprisonment of one (1) year to three (3) years and a fine of five hundred thousand (500,000) to two million (2,000,000) Rwandan francs. The penalties under this Article shall be doubled if the victim is a child.

Article 252: Penalty for human trafficking

Any person who abducts or causes to be abducted, arrests or causes to be arrested, detains or causes to be detained, transports or causes to be transported any person in order to make them slaves, sell them as slaves, force them into begging, illegally adopt them on payment of a consideration, take them in indecent pictures, in dangerous sports, in armed conflicts, live together as husband and wife for the purpose of torturing them or selling their organs shall be liable to a term of imprisonment of seven (7) years to ten (10) years and a fine of five million (5,000,000) to ten million (10,000,000) Rwandan francs.

If the acts under Paragraph One of this Article are committed at an international level, the offender shall be liable to a term of imprisonment of ten (10) years to fifteen (15) years and a fine of ten million (10,000,000) to twenty million (20,000,000) Rwandan francs.

Article 253: Penalty for a person owning a place for human trafficking

Any person who takes advantage of the vulnerability of another person to sell, rent or assign a building or any other place for illicit exploitation of that person shall be liable to a term of imprisonment of one (1) year to three (3) years and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs.

Article 254: Penalty for buying a human being

A person who buys a human being as provided under Articles 252 and 253 of this Organic Law shall be liable to a term of imprisonment of more than five (5) years to seven (7) years and a fine of one million (1,000,000) to five million (5,000,000) Rwandan francs.

Article 255: Penalties for a person engaged in trafficking in a human being for the purpose of indecent practices

Any person who:

- 1° recruits, induces, manipulates or holds any person in order to involve him/her in indecent practices to satisfy his/her sexual desire;
 - 2° opens a centre intended for indecent acts;
 - 3° sells, rents or lends a building or any other place for the purpose of indecent acts for his/her interests ;
 - 4° pursues interests by involving another person in indecent acts;
- shall be liable to a term of imprisonment of six (6) months to one (1) year and a fine of five hundred thousand (500,000) to three (3) million (3,000,000) Rwandan francs.

Article 256: Penalties for trafficking in persons as a profession

The offences of buying, selling and trafficking in human beings under Articles 252, 253 and 254 of this Organic Law shall be punishable by a term of imprisonment of seven (7) years to ten (10) years and a fine of

two million (2,000,000) to ten million (2,000,000) Rwandan francs if elements of the offences are committed as a profession.

If the offences are committed as a profession within the framework of a criminal organization, they shall be punishable by a term of imprisonment of ten (10) years to twelve (12) years and a fine of five million (5,000,000) to ten million (10,000,000) Rwandan francs.

Article 259: Penalties for a person who engages in child trafficking for the purpose of prostitution or indecent practices

Any person who:

1° engages in anti-culture by inciting, helping or facilitating a child to engage in indecent practices or in prostitution to satisfy another person's sexual desire shall be liable to a term of imprisonment of three (3) years to five (5) years and a fine of two million (2,000,000) to five million (5,000,000) Rwandan francs;

2° involves a child aged twelve (12) to eighteen (18) years in prostitution or indecent practices shall be liable to a term of imprisonment of more than five (5) years to seven (7) years and a fine of three million (3,000,000) to eight million (8,000,000) Rwandan francs;

3° involves a child under twelve (12) years into prostitution or indecent practices shall be liable to a term of imprisonment of seven (7) years to ten (10) years and a fine of five million (5,000,000) to ten million (10,000,000) Rwandan francs.

Article 260: Penalties for child trafficking and involving children in indecent practices through different ways

Any person who personally or through an intermediary:

1° recruits, induces, manipulates or holds a child in order to involve him/her in indecent practices to satisfy another person's sexual desire ;

2° opens a building intended for indecent practices or prostitution in which children involve in indecent practices ;

3° sells, rents or lends a building or any other place to a child for the purpose of making profits from indecent practices committed by a child;

4° pursues interests by involving a child in any form of indecent practices;

shall be liable to a term of imprisonment of more than five (5) years to seven (7) years and a fine of five million (5,000,000) to ten million (10,000,000) Rwandan francs.

Article 261: Child trafficking by criminal organizations

If the offenses under Article 259 of this Organic Law are committed by members of a criminal organization as their principal or subsidiary occupation even if the offender is not in the leadership of the organization, they shall be liable to a term of imprisonment of seven (7) years to ten (10) years and a fine of eight million (8,000,000) to fifteen million (15,000,000) Rwandan francs.

Article 262: Penalties for members of a criminal organization whose occupation is to involve children in prostitution

If the offenses under Article 260 of this Organic Law are committed by a criminal organization whose occupation is to involve children in prostitution, they shall be liable to a term of imprisonment of seven (7)

years to ten (10) years and a fine of ten million (10,000,000) to fifteen million (15,000,000) Rwandan francs.

Article 264: Removal of one's organs for sale or for other interests

Any person who removes any of his/her body organs in order to sell it or for other interests shall be liable to a term of imprisonment of two (2) years to five (5) years and a fine of one million (1,000,000) to three million (3,000,000) Rwandan francs.

Article 265: Removal of human organs for sale or for other interests

Any person who removes human organ or forces an other person to remove it for the purpose of selling shall be liable to a term of imprisonment of more than five (5) years to seven (7) years and a fine of three million (3,000,000) to seven million (7,000,000) Rwandan francs. Any person who removes a child body's organ or forces him/her to remove it for the purpose of begging shall be liable to a term of imprisonment of seven (7) years to ten (10) years.

Article 266: Trafficking in human body organs

Any person who:

- 1° sells body organs of a living person even if he/she proves that such person is expected to die shall be liable to a term of imprisonment of more than five (5) years to seven (7) years and a fine of fifteen million (15,000,000) to thirty million (30, 000,000) Rwandan francs;
- 2° who sells a dead body or dead body organs contrary to scientific or rescue rules shall be liable to a term of imprisonment of seven (7) years to ten (10) years and a fine of thirty million (30,000,000) to fifty million (50,000,000) Rwandan francs;
- 3° sells the organs of a person he/ she has killed or when such removal may result in his/her death shall be liable to life imprisonment.

Article 267: Trafficking in human body organs in any other form

Any person who engages in trafficking in human body organs in any other form and products of body organs or engages for profitmaking purposes shall be liable to a term of imprisonment of more than five (5) years to ten (10) years and a fine of five million (5,000,000) to ten million (10,000,000) Rwandan francs.

Article 268: Trafficking in human body organs at international level

Any person who traffics in human body organs at international level shall be liable to a term of imprisonment of ten (10) years to fifteen (15) years and a fine of ten million (10,000,000) to fifteen million (15,000,000) Rwandan francs.

Article 273: Kidnapping and unlawful detention of a person

Any person who, by violence, deception or threats, kidnaps or causes to be kidnapped, arrests or causes to be arrested, detains or causes confinement of a person shall be liable to a term of imprisonment of two (2) years to five (5) years.

If the person kidnapped, arrested or detained is under eighteen (18) years, the maximum penalty provided under paragraph one of this Article shall be applied. If the detention or the confinement exceeds one (1) month, the penalty may be seven (7) years.

Any person who provides a place for detention or confinement shall be liable to a term of imprisonment of two (2) years to five (5) years.

Article 274: Kidnapping or confinement of a person with intent to live together as wife and husband

Kidnapping or confinement of a person with intent to live together as wife and husband shall be punishable by imprisonment of one (1) year to three (3) years and a fine of fifty thousand (50,000) to two hundred thousand (200,000) Rwandan francs.

Article 275: Forcing a person to marry or not to marry a partner of his/her choice

Any person who forces a person to marry or not marry someone in any way shall be liable to a term of imprisonment of one (1) month to five (5) months and a fine of one hundred thousand (100,000) to five hundred thousand (500,000) Rwandan francs or one of these penalties.

LABOUR LAW 2009

Article 8: Prohibition of forced works

It shall be an offence to cause, to provoke, to allow or to impose, directly or indirectly, forced works whatsoever. However, forced labor shall not include:

1. Any kind of work executed in accordance with the law governing military service;
2. Any kind of work executed for the purpose of implementing the civic education ;
3. Any kind of work or service which is part of the normal civic obligations of the citizens of Rwanda;
4. Any kind of work or service required of a person according to a decision of the court and which is executed under the responsibility and control of a public institution or authority;
5. Any work or service required in case of an emergency such as during the time of war or disaster.

Saint Kitts and Nevis

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 6(1) which declares that no person shall be held in slavery. Slavery may also form an element of an offence of trafficking under article 3 of the Trafficking in Persons (Prevention) Act.

ii) **Provisions** related to **servitude** are found in the Constitution at article 6(1) which declares that no person shall be held in servitude. Servitude and practices similar to slavery may also form elements of an offence of trafficking under article 3 of the Trafficking in Persons (Prevention) Act.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 6(2) which declares that no person shall be required to perform forced labour. Forced labour may also form an element of an offence of trafficking under article 3 of the Trafficking in Persons (Prevention) Act.

iv) **Provisions** related to **trafficking in persons** are found in the 2008 Trafficking in Persons (Prevention) Act which criminalises trafficking under article 3.

2) International Obligations: St. Kitts and Nevis consents to:

1926 Slavery Convention: *N/A*
 1930 Forced Labour Convention: (12 October 2000, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: *N/A*
 1957 Abolition of Forced Labour Convention: (12 October 2000, ratification)
 1966 ICCPR: *N/A*
 1998 Rome Statute of the ICC: (22 August 2006, accession)
 2000 Palermo Protocol (Trafficking in Persons): (21 May 2004, accession)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: St. Kitts and Nevis appears to be:

- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

FEDERATION OF SAINT
KITTS AND NEVIS
CONSTITUTIONAL
ORDER OF 1983

3. Fundamental rights and freedoms.

Whereas every person in Saint Christopher and Nevis is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origin, birth, political opinions, colors, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

a) life, liberty, security of the person, equality before the law and the protection of the law;

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any person does not impair the rights and freedoms of others or the public interest. Protection of freedom of movement.

6. Protection from slavery of forced labour.

(1) A person shall not be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression "forced labour" does not include-

a) any labour required in consequence of the sentence or order of a court;

b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;

c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a defence force, any labour that person is required by law to perform in place of such service; or

d) any labour required during any period of public emergency or in the event of any accident or natural calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that accident or natural calamity, for the purpose of dealing with that situation.

14. Protection of freedom of movement

(1) A person shall not be deprived of his freedom of movement, that is to say, the right to move freely throughout Saint Christopher and Nevis, the right to reside in any part of Saint Christopher and Nevis, the right to enter Saint Christopher and Nevis, the right to leave Saint Christopher and Nevis and immunity from expulsion from Saint Christopher and Nevis.

OFFENCES AGAINST
THE PERSON ACT,
CHAPTER 4.21

Article 25. Not providing apprentices or servants with food, etc., whereby life is endangered

Any person who, being legally liable, either as a husband, parent, guardian or committee, master or mistress, nurse or otherwise to provide for any person as wife, child, ward, lunatic or idiot, apprentice or servant, infant, or otherwise, necessary food, clothing, or lodging, wilfully and without lawful excuse, refuses or neglects to provide the same, or unlawfully or maliciously does, or causes to be done, any bodily harm to any such apprentice or servant, so that the life of such

apprentice or servant is endangered, or the health of such apprentice or servant has been or is likely to be, permanently injured, commits a misdemeanour, and, on conviction, shall be liable to be imprisoned for a term not exceeding two years, with or without hard labour.

49. Forcible abduction of any woman with intent to marry her

Any person who, by force, takes away or detains against her will any woman of any age with intent to marry or carnally know her, or to cause her to be married, or carnally known by any other person, commits a felony, and, on conviction, shall be liable to be imprisoned for a term not exceeding five years.

TRAFFICKING IN PERSONS (PREVENTION) ACT 2008

2. Interpretation

In this Act, unless the context otherwise requires

“debt bondage” means the status or condition of a debtor arising from a pledge of the debtor of his or her personal services or those of the persons under his or her control as 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;

“exploitation” includes

- (a) keeping a person in a state of slavery;
- (b) subjecting a person to practise similar to slavery;
- (c) compelling or causing a person to provide forced labour or services;
- (d) keeping a person in a state of servitude, including sexual servitude;
- (e) the prostitution of a person or engaging in any other form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel and child pornography;
- (f) illicit removal of human organs.

“forced labour” means labour or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint;

“practices similar to slavery” includes, debt bondage, serfdom, forced or servile marriage and delivery of children for exploitation;

“servitude” means a condition of dependency in which labour or services of a person are provided or obtained by threats of 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 labour or services, that person or another person would suffer serious harm;

“slavery” means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;

“trafficking in persons” means the recruitment, transportation, transfer, harbouring 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 a position of vulnerability, or by the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;

3. Trafficking in persons

(1) A person who engages in, conspires to engage in, attempts to engage in, assists another person to engage in, or organises or directs another person to engage in trafficking in persons commits an offence

and is liable on indictment to imprisonment for a period of twenty years or to a fine of two hundred and fifty thousand dollars or to both such fine and imprisonment.

(2) The recruitment, transportation, harbouring or receipt of a child, or giving of payment or benefits to obtain the consent of a person having control of a child, for the purpose of exploitation, constitutes trafficking in persons irrespective of whether any of the means described in the definition of “trafficking in persons” have been established.

Saint Lucia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 4(1) which declares that no person shall be held in slavery. Slavery may also form an element of an offence of trafficking under article 5 of the 2010 Counter-Trafficking Act.

ii) **Provisions** related to **servitude** are found in the Constitution at article 4(1) which declares that no person shall be held in servitude. Article 181 of the Criminal Code also criminalises causing marriage by force or duress, and servitude and practices similar to slavery may form elements of an offence of trafficking under article 5 of the Counter-Trafficking Act.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 4(2) which declares that no person shall be required to perform forced labour and the Labour Code which prohibits forced labour at article 6 although no penalties are prescribed. Forced Labour may also form an element of an offence of trafficking under article 5 of the Counter-Trafficking Act.

iv) **Provisions** related to **trafficking in persons** are found in the Counter-Trafficking Act which criminalises trafficking under article 5.

2) International Obligations: St. Lucia consents to:

1926 Slavery Convention: (14 February 1990, succession)
 1930 Forced Labour Convention: (14 May 1980, ratification)
 1953 Protocol to the 1926 Slavery Convention: (14 February 1990, succession)
 1956 Slavery Convention: (14 February 1990, succession)
 1957 Abolition of Forced Labour Convention: (14 May 1980, ratification)
 1966 ICCPR: (22 September 2011, signature)
 1998 Rome Statute of the ICC: (18 August 2010, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (16 July 2013, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: St. Lucia appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 547

After 1 August, 1834, all slaves in the British Colonies were emancipated, slavery was forever abolished in all British possessions and declared unlawful (Slavery Abolition Act 1833).

THE SAINT LUCIA CONSTITUTION

Article 1. Protection of fundamental rights and freedoms

Whereas every person in Saint Lucia is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

- a) life, liberty, security of the person, equality before the law and the protection of the law;
- b) freedoms of conscience, of expression and of assembly and association; and
- c) protection for his family life, his personal privacy, the privacy of his home and other property and from deprivation of property without compensation,

the provisions of this Chapter shall have effect of the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

Article 3.

(1) A person shall not be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say:

Article 4. Protection from slavery and forced labour

- (1) No person shall be held in slavery or servitude.
- (2) No person shall be required to perform forced labour.
- (3) For the purposes of this section, the expression "forced labour" does not include-
 - a) any labour required in consequence of the sentence or order of a court;
 - b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
 - c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objection to service as a member of a naval, military or air force, any labour that person is required by law to perform in place of such service;
 - d) any labour required during any period of public emergency or in the event of any accident or natural calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that accident or natural calamity, for the purpose of dealing with that situation.

5. Protection from inhuman treatment

No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

12. Protection of freedom of movement

(1) A person shall not be deprived of his freedom of movement that is to say, the right to move freely throughout Saint Lucia, the right to reside in any part of Saint Lucia the right to enter Saint Lucia, the right to leave Saint Lucia and immunity from expulsion from Saint Lucia.

(2) Any restriction on a person's freedom of movement that is involved in this lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision for the imposition of restrictions on the movement or residence within Saint Lucia of any person or non any person's right to leave Saint Lucia that are reasonably required in the interest of defence, public safety or public order;

CRIMINAL CODE

Article 143. Keeping brothel

(1) Any person who keeps or manages or appears, acts, or behaves as master or mistress or as the person having the care, control, or management, or assists in the care, control, or management of a brothel is deemed to be the keeper thereof and commits an offence, and is liable to be prosecuted and punished as such keeper, and it is immaterial whether or not he or she is the real keeper.

(2) Any person who, being the tenant, lessee, or occupier or person in charge of any premises—

(a) knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution;

(b) and being a male or female uses such premises for habitual prostitution of himself or herself, commits an offence.

(3) Any person who, being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the premises or any part of it with the knowledge that such premises or part of it is to be used as a brothel or for purposes of habitual prostitution, commits an offence.

(4) If the Commissioner of Police brings to the attention of the lessor or landlord, or his or her agent by a notice in writing signed by him or her that such premises are being used as a brothel or for purposes of habitual prostitution, the lessor or landlord or agent is deemed to have had such knowledge or to wilfully aid and abet the continued use of such premises or any part of it as a brothel or for purposes of habitual prostitution.

(5) Any person who commits an offence under subsections (2) and (3) is liable on summary conviction to a fine not exceeding \$15,000 or to imprisonment for 3 years.

(6) In addition to any fine or term of imprisonment imposed under subsection (5) the person may be required by the Court to enter into a recognisance with or without sureties to be of good behaviour for a period not exceeding one year, and in default of compliance with such recognisance is liable to imprisonment for a further period not exceeding one year.

Article 147. Trading in prostitution

A magistrate upon a complaint on oath that there is reason to suspect that a house or part of a house is used by a male or female for purposes of prostitution, and that any male or female person who resides in or frequents the house lives wholly or in part on the earnings of the prostitute, may, by warrant under his or her hand, authorise any police officer to enter the house at any time and to arrest and bring that male or female person before him or her, to be dealt with according to law.

Article 149. Trading in prostitution by female

A female who is proved to have, for the purposes of gain, exercised control, or influence over the movements of a prostitute in such manner as to show that she is aiding and abetting or compelling her prostitution with the person or generally, is liable on conviction on indictment to imprisonment for 5 years, or on summary conviction to imprisonment for 2 years.

Article 163. Abduction of male or female of any age with intent to marry or defile

(1) Any person who takes away or detains a male or female of any age against his or her will, with intent to marry, or have sexual intercourse or sexual connection with him or her or to cause him or her to be married or have sexual intercourse or sexual connection with any other person, is liable on conviction on indictment to imprisonment for 14 years.

(2) Any person who, knowing that a person has committed an offence under subsection (1) aids and abets the unlawful detention of the person or otherwise aids and abets the execution of the intent with which that offence was committed, also commits that offence.

Article 176. Compulsory marriage of person

Where a person is compelled to marry another person in circumstances which renders the marriage void or voidable, such marriage is of no effect for the purposes of Part 2 of Chapter One of this Code with respect to consent.

Article 181. Causing marriage by force or duress

(1) A person who, by use of force or duress, causes any other person to marry against his or her will is liable on conviction on indictment to imprisonment for 2 years.

(2) Any person who knowing that a person has committed an offence under subsection (1) aids and abets the unlawful detention of the person, or otherwise aids and abets the execution of the intent with which that offence was committed, also commits that offence.

LABOUR CODE

Article 6. Prohibition against forced labour

(1) A person shall not be required to perform forced labour.

(2) For the purposes of this section, “forced labour” shall have the same meaning assigned to it under section 4 of the Constitution of Saint Lucia, Cap. 1.01.

Article 9. Direct complaint to the Tribunal

A person who alleges a contravention of this Part may make a complaint directly to the Tribunal.

Article 122. Prohibition of child labour

(1) Notwithstanding section 18 (2) and subject to subsection (2), a person shall not employ or allow to be employed any child who is under the minimum school leaving age as declared by any law in force in Saint Lucia except for employment during school holidays in light work.

(2) A person may not employ or allow to be employed a child or young person in employment that is inappropriate for a person of that age, being work which places at risk the child or young person's wellbeing, education, safety, physical or mental health, or spiritual, moral or social development.

(3) The provisions of subsection (1) do not apply to —

(a) work done by children or young persons in technical schools as part of their technical program where such work is approved and supervised by the relevant public authority;

(b) work done under order of detention in a reformatory or industrial school where such work is approved and supervised by the relevant public authority; or

(c) work done by children on job training or work experience activities where such work is approved and supervised by the relevant public authority;

(d) non-hazardous work done as a community service or for a charity outside of normal school hours where such work does not prejudice the child's capacity to benefit from the instruction received;

(e) work done by members of a recognized youth organization which is engaged collectively in such employment for the purposes of fund raising for such organization or charity outside of normal school hours where such work does not prejudice the child's capacity to benefit from the instruction received;

(f) work done by persons over the age of thirteen years which is characterised as light work which is not harmful, prejudicial or dangerous to the child or young person and does not place at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development and such light work may include but is not limited to —

(i) newspaper rounds;

(ii) car-washing;

(iii) cake sales and other sales at school and charity fairs;

if such light work is approved by the Labour Commissioner by Order published in the Gazette after consultation with organizations of employers and employees concerned;

(g) work done by children or young persons participating in artistic performances based on a permit granted by the Minister in his or her discretion on a case by case basis limiting hours to be worked and indicating conditions of work.

Article 127. Penalties for child and young person labour

Any employer who contravenes sections 122, 123 or 124 commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term of two years or both.

Article 433. Orders declaring rights and imposing duties

The Tribunal shall have authority to make orders —

(a) declaring the rights of the parties in any matter arising out of this Code;

(b) directing any person to comply with any duty imposed on him or her by this Code.

COUNTER-
TRAFFICKING ACT
2010

Article 2. Interpretation

2. In this Act –

“debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or those of the persons 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;

“exploitation” means at a minimum –

- (a) keeping a person in a state of slavery;
- (b) subjecting a person to practices similar to slavery;
- (c) compelling or causing a person to provide forced labour or services;
- (d) keeping a person in a state of servitude, including sexual servitude;
- (e) the exploitation of the prostitution of another;
- (f) engaging in any 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;

“exploitation of the prostitution of others” means the deriving by one person of monetary or other benefit through the provision of sexual services for money or other benefit by another person;

“forced labour” means labour or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint;

“practices similar to slavery” means, in general, debt bondage, serfdom, forced or servile marriages and delivery of children for exploitation;

“servitude” means a condition of dependency in which labour or services of a person are provided or obtained by threats of 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 labour or services, that person or another person would suffer serious harm;

“slavery” means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;

“trafficking in children” means the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, irrespective of whether any of the means described in the definition of “trafficking in persons” has been established;

“trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other means of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;

Article 5. Offence of trafficking in persons

(1) A person who engages in, conspires to engage in, attempts to engage in, assists another person to engage in, or organizes or directs another person to engage in trafficking in persons commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or a term of imprisonment not exceeding five years.

(2) The recruitment, transportation, harbouring, or receipt of a child, or giving of payment or benefits to obtain the consent of a person having control of a child, for the purpose of exploitation, constitutes trafficking in persons irrespective of whether any of the means of trafficking in persons has been established.

Article 7. Offence of transporting a person for the purpose of exploiting such person's prostitution

(1) Whoever knowingly transports, or conspires to transport or attempts to transport, or assist another person engaged in transporting any person in Saint Lucia, or across an international border for the purposes of exploiting that person's prostitution commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or imprisonment for a term not exceeding five years.

(2) The presence of any one of the following aggravating factors resulting from acts of the defendant may permit a longer sentence up to ten years, together with forfeiture of the conveyance used for transporting the victim-

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

**THE EDUCATION ACT
NO. 41 OF 1999**

Note: makes it an offense to employ a child between the ages of 5 and 15 during the school year.

Saint Vincent and the Grenadines

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 4(1) which declares that no person shall be held in slavery. Slavery may also form an element of an offence of trafficking under article 7 of the Prevention of Trafficking in Persons Act.

ii) **Provisions** related to **servitude** are found in the Constitution at article 4(1) which declares that no person shall be held in servitude. Servitude and practices similar to slavery may also form elements of an offence of trafficking under article 7 of the Prevention of Trafficking in Persons Act.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 4(2) which declares that no person shall be required to perform forced labour. Forced labour may also form an element of an offence of trafficking under article 7 of the Prevention of Trafficking in Persons Act.

iv) **Provisions** related to **trafficking in persons** are found in the 2011 Prevention of Trafficking in Persons Act which criminalises trafficking under article 5.

2) International Obligations: St. Vincent and the Grenadines consents to:

1926 Slavery Convention: (9 November 1981, accession)
 1930 Forced Labour Convention: (21 October 1998, ratification)
 1953 Protocol to the 1926 Slavery Convention: (9 November 1981, accession)
 1956 Slavery Convention: (9 November 1981, accession)
 1957 Abolition of Forced Labour Convention: (21 October 1998, ratification)
 1966 ICCPR: (9 November 1981, accession)
 1998 Rome Statute of the ICC: (3 December 2002, accession)
 2000 Palermo Protocol (Trafficking in Persons): (29 October 2010, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: St. Vincent and the Grenadines appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 524

The main legislative measures taken are:

- (a) The Slavery Abolition Act 1833 (Imperial) – An Act for the Abolition of Slavery throughout the British Colonies
- (b) An Act for the Abolition of Slavery in the island of St. Vincent and its Dependencies in consideration of compensation and for promoting the industry and good conduct of manumitted slaves, was passed in St. Vincent in 1834.
- (c) An Act for the more effectual suppression of the Slave Trade was passed by the Imperial Parliament in 1843.
- (d) An Act for consolidating with Amendments the Acts for carrying into effect Treaties for the more effectual suppression of the Slave Trade and for other purposes connected with the Slave Trade was passed by the Imperial Parliament in 1873.

Paragraph 527

(Dealing in slaves is prohibited or aiding, abetting or counselling any person so to do. Punishment is as described below:

£100 sterling per slave and all property or pretended property in such slaves forfeited. Prosecution as a felony punishable by imprisonment for five years.

Paragraph 528

The law and constitution do not recognize slavery, and any person dealing in slaves is liable to be prosecuted and imprisoned.

CONSTITUTION OF SAINT VINCENT AND THE GRENADINES, 1979

1. Fundamental rights and freedoms

Whereas every person in Saint Vincent is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely--

- a.life, liberty, security of the person and the protection of the law;
- b.freedom of conscience, of expression and of assembly and association;

and
c.protection for the privacy of his home and other property and from deprivation of property without compensation,
the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

3. Protection of right to personal liberty

1. No person shall be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say:--

4. Protection from slavery and forced labor

1. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced labour.
3. For the purposes of this section, the expression "forced labour" does not include--
 - a.any labour required in consequence of the sentence or order of a court;

- b.labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
- c.any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;
- d.any labour required during any period of public emergency or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.

5. Protection from inhuman treatment

No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

12. Protection of freedom of movement

1. A person shall not be deprived of his freedom of movement that is to say, the right to move freely throughout Saint Vincent, the right to reside in any part of Saint Vincent, the right to enter Saint Vincent, the right to leave Saint Vincent and immunity from expulsion from Saint Vincent.

PREVENTION OF TRAFFICKING IN PERSONS ACT 2011

Article 2. Interpretation

In this Act, unless the context otherwise requires –

“debt bondages” means the status or condition of a debtor arising from a pledge by the debtor of his personal services or those of the persons under his 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;

“exploitation” includes –

- (a) keeping a person in a state of slavery;
 - (b) subjecting a person to practices similar to slavery;
 - (c) compelling or causing a person to provide forced labour or services;
 - (d) keeping a person in a state of servitude, including domestic and sexual servitude;
 - (e) child pornography;
 - (f) the exploitation of the prostitution of another;
 - (g) engaging in any form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel;
 - (h) engaging in sexual exploitation;
 - (i) the illicit removal of human organs;
 - (j) causing a person to transport illegal items within or across borders;
- and

- (k) deriving a benefit through the abuse of another person;

“forced labour” means labour or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint;

“practices similar to slavery” includes –

- (a) debt bondage

- (b) serfdom
- (c) forced or servile marriages; and
- (e) delivery of children for exploitation.

“servitude” means a condition of dependency in which labour or services of a person are provided or obtained by threats of 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 labour or services, that person or another person would suffer serious harm;

“slavery” means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;

“trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of a person by means of the threat or use of force or other means of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;

Article 5. Offence of trafficking in persons

(1) A person who engages in, conspires to engage in, attempts to engage in, assists another person to engage in, or organises or directs another person to engage in trafficking in persons commits an offence and is liable on conviction on indictment to a fine of two hundred and fifty thousand dollars or to imprisonment for fifteen years or both.

(2) The recruitment, transportation, harbouring, or receipt of a child, or giving of payment or benefits to obtain the consent of a person having control of a child, for the purpose of exploitation, constitutes trafficking in persons irrespective of whether any of the means described in the definition of “trafficking in persons” have been established.

THE EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN ACT

Note: Sets the minimum age for employment, including hazardous work, Children below the age of 18 are prohibited from being employed at night. For example, kidnapping or detaining a woman against her will for the purpose of prostitution is an offense punishable with up to 14 years in prison.

Samoa

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Samoa which prohibits **slavery** although article 6 of the Constitution guarantees the right to personal liberty. Article 157 of the 2013 Crimes Act also criminalises selling, buying, transferring, bartering, renting, hiring or dealing in a person under 18 for the purpose of sexual exploitation, removal of body parts or forced labour.

ii) There appears to be **no legislation** in place in Samoa which prohibits **servitude**.

iii) **Provisions** related to **forced labour** are found in the 1960 Constitution of the Independent State of Western Samoa which prohibits forced or compulsory labour at article 8. Article 157 of the Crimes Act also criminalises engaging a person under 18 in forced labour or permitting such engagement.

iv) **Provisions** related to **trafficking in persons** are found in the Crimes Act which criminalises trafficking by means of coercion or deception under article 155 although this provision requires international movement and does not require exploitation. Article 157 also criminalises trafficking in persons under 18 for the purpose of sexual exploitation, removal of body parts or forced labour.

2) International Obligations: Samoa consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (30 June 2008, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (30 June 2008, ratification)

1966 ICCPR: (15 February 2008, accession)

1998 Rome Statute of the ICC: (16 September 2002, ratification)

2000 Palermo Protocol (Trafficking in Persons): *N/A*

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Samoa appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION 1962
(REV. 2013)

6. Right to personal liberty

(1) No person shall be deprived of his personal liberty except in accordance with law.

7. Freedom from inhuman treatment

No person shall be subjected to torture or to inhuman or degrading treatment or punishment.

8. Freedom from forced labour

(1) No person shall be required to perform forced or compulsory labour.

(2) For the purposes of this Article, the term "forced or compulsory labour" shall not include-

(a) Any work required to be done in consequence of a sentence of a court; or

(b) Any service of a military character or, in the case of conscientious objectors, service exacted instead of compulsory military service; or

(c) Any service exacted in case of an emergency or calamity threatening the life or well-being of the community; or

(d) Any work or service which is required by Samoan custom or which forms part of normal civic obligations.

CRIMES ACT 2013

153. Terms used in this Part of the Act

In this part, unless the context otherwise requires:

"act of coercion against the person" includes:

(a) abducting the person;

(b) using force in respect of the person;

(c) harming the person; or

(d) threatening the person (expressly or by implication) with the use of force in respect of, or the harming of, the person or some other person.

"act of deception" includes fraudulent action;

154. Smuggling migrants

(1) A person is liable to imprisonment for a term not exceeding 10 years who arranges for an unauthorised migrant to enter Samoa or any other country, if the person:

(a) does so for a material benefit; and

(b) either knows that the person is, or is reckless as to whether the person is, an unauthorised migrant.

(2) A person is liable to imprisonment for a term not exceeding 10 years who arranges for an unauthorised migrant to be brought to Samoa or any other country, if the person:

(a) does so for a material benefit; and

(b) either knows that the person is, or is reckless as to whether the person is, an unauthorised migrant; and

(c) either -

(i) knows that the person intends to try to enter that other country; or

(ii) is reckless as to whether the person intends to try to enter that other country.

(3) Proceedings may be brought under subsection (1) or subsection (2) even if the unauthorised migrant did not in fact enter or was not brought to the country concerned.

(4) A person is liable to imprisonment for a term not exceeding 10 years or to a fine not exceeding 100 penalty units or to both, who knowingly

facilitates the continued presence of an unauthorised person in a receiving country in order to obtain a material benefit.

155. Trafficking in people by means of coercion or deception

(1) A person is liable to imprisonment for a term not exceeding 14 years who:

- (a) arranges the entry of a person into Samoa or any other country by one (1) or more acts of coercion against the person, one (1) or more acts of deception of the person, or both; or
- (b) arranges, organises, or procures the reception, concealment, or harbouring in Samoa or any other country of a person, knowing that the person's entry into Samoa or that other country was arranged by one (1) or more acts of coercion against the person, one (1) or more acts of deception of the person, or both.

(2) Proceedings may be brought under this section even if the person coerced or deceived:

- (a) did not in fact enter the state concerned; or (as the case may be);
- (b) was not in fact received, concealed, or harboured in the state concerned.

(3) Proceedings may be brought under this section even if parts of the process by which the person coerced or deceived was brought or came to or towards the state concerned were accomplished without an act of coercion or deception.

156. Aggravating factors

(1) When determining the sentence to be imposed on, or other way of dealing with, a person convicted of an offence against section 154 or 155, a court must take into account:

- (a) whether bodily harm or death (whether to or of a person in respect of whom the offence was committed or to or of any other person) occurred during the commission of the offence; or
- (b) whether the offence was committed for the benefit of, at the direction of, or in association with, an organised criminal group (within the meaning of section 146); or
- (c) whether a person in respect of whom the offence was committed was subjected to inhuman or degrading treatment as a result of the commission of the offence; or
- (d) if during the proceedings concerned the person was convicted of the same offence in respect of two (2) or more people, the number of people in respect of whom the offence was committed.

(2) When determining the sentence to be imposed on, or other way of dealing with, a person convicted of an offence against section 155, a court must also take into account:

- (a) whether a person in respect of whom the offence was committed was subjected to exploitation (for example, sexual exploitation, a requirement to undertake forced labour, or the removal of organs) as a result of the commission of the offence;
- (b) the age of the person in respect of whom the offence was committed and, in particular, whether the person was under the age of 18 years;
- (c) whether the person convicted committed the offence, or took actions that were part of it, for a material benefit.

(3) The examples in paragraph (a) of subsection (2) do not limit the generality of that paragraph.

(4) This section does not limit the matters that a court may take into account when determining the sentence to be imposed on, or other way of dealing with, a person convicted of an offence against section 154 or section 155.

157. Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour

(1) A person is liable to imprisonment for a term not exceeding 14 years who:

(a) sells, buys, transfers, barter, rents, hires, or in any other way enters into a dealing involving a person under the age of 18 years for the purpose of –

- (i) the sexual exploitation of the person; or
- (ii) the removal of body parts from the person; or
- (iii) the engagement of the person in forced labour; or

(b) engages a person under the age of 18 years in forced labour; or

(c) permits a person under the age of 18 years to be engaged in forced labour; or

(d) detains, confines, imprisons, or carries away a person under the age of 18 years for the purpose of –

- (i) the sexual exploitation of the person; or
- (ii) the removal of body parts from the person; or
- (iii) the engagement of the person in forced labour; or

(e) removes, receives, transports, imports, or brings into any place a person under the age of 18 years for the purpose of –

- (i) the sexual exploitation of the person; or
- (ii) the removal of body parts from the person for a material benefit; or
- (iii) the engagement of the person in forced labour; or

(f) induces a person under the age of 18 years to sell, rent, or give himself or herself for the purpose of –

- (i) the sexual exploitation of the person; or
- (ii) the removal of body parts from the person for a material benefit; or
- (iii) the engagement of the person in forced labour; or

(g) induces a person to sell, rent, or give another person (being a person who is under the age of 18 years and who is dependent on him or her or in his or her charge) for the purpose of –

- (i) the sexual exploitation of the other person; or
- (ii) the removal of body parts from the other person; or
- (iii) the engagement of the other person in forced labour; or

(h) builds, fits out, sells, buys, transfers, rents, hires, uses, provides with personnel, navigates, or serves on board a ship, aircraft, or other vehicle for the purpose of doing an act stated in any of paragraphs (a) to (g); or

(i) agrees or offers to do an act stated in any of paragraphs (a) to (h).

(2) It is a defence to a charge under this section if the person charged proves that he or she believed on reasonable grounds that the person under the age of 18 years concerned was of or over the age of 18 years.

(3) For the purposes of subsection (1), sexual exploitation, in relation to a person, includes the following acts:

(a) the taking by any means, or transmission by any means, of still or moving images of the person engaged in explicit sexual activities (whether real or simulated);

(b) the taking by any means or transmission by any means, for a material benefit, of still or moving images of the person's genitalia, anus, or breasts (not being an act described in subsection (4) or subsection (5));

- (c) the person's participation in a performance or display (not being an act described in subsection (4)) that –
 - (i) is undertaken for a material benefit; and
 - (ii) involves the exposure of the person's genitalia, anus, or breasts;
- (d) the person's undertaking of an activity (such as, employment in a restaurant) that –
 - (i) is undertaken for a material benefit; and
 - (ii) involves the exposure of the person's genitalia, anus, or breasts.
- (4) For the purposes of paragraphs (b) and (c) of subsection (3), sexual exploitation, in relation to a person, does not include the recording or transmission of an artistic or cultural performance or display honestly undertaken primarily for purposes other than the exposure of body parts for the sexual gratification of viewers.
- (5) For the purposes of subsection (3)(b), "sexual exploitation", in relation to a person, does not include the taking or transmission of images of the person's genitalia, anus, or breasts for the purpose of depicting a medical condition, or a surgical or medical technique, for the instruction or information of health professionals.
- (6) For the purposes of subsection (3)(b), "sexual exploitation", in relation to a person, does not include the taking or transmission of images of the person's genitalia, anus, or breasts if the images are honestly intended:
 - (a) to provide medical or health education; or
 - (b) to provide information relating to medical or health matters; or
 - (c) to advertise a product, instrument, or service intended to be used for medical or health purposes.
- (7) The person under the age of 18 years in respect of whom an offence against this section was committed cannot be charged as a party to the offence.
- (8) This section does not limit or affect the generality of section 154 and 155.

THE MARRIAGE ORDINANCE 1961

Note: the minimum age of marriage for males is 18 years and 16 years for females. However, a marriage officer is not permitted to marry any man under the age of 21 years or any woman under the age of 19 years without the consent of a parent or guardian. All marriages must be registered. directs that marriages are void if performed in the absence of a marriage officer and that all marriages must be registered. Any form of bigamy or polygamy is also illegal. Adultery is also a criminal offence under the Crimes Ordinance 1961. The age of consent in civil marriage is different for boys than for girls. Civil marriage is prohibited for boys below the age of 18 and for girls under 16.

San Marino

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in San Marino which prohibits **slavery**.
- ii) There appears to be **no legislation** in place in San Marino which prohibits **servitude**.
- iii) There appears to be **no legislation** in place in San Marino which prohibits **forced labour**.
- iv) There appears to be **no legislation** in place in San Marino which prohibits **trafficking in persons**.

2) International Obligations: San Marino consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (1 February 1995, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: (29 August 1967, ratification)
1957 Abolition of Forced Labour Convention: (1 February 1995, ratification)
1966 ICCPR: (18 October 1985, ratification)
1998 Rome Statute of the ICC: (13 May 1999, ratification)
2000 Palermo Protocol (Trafficking in Persons): (20 July 2010, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: San Marino appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

DECLARATION ON
THE CITIZENS' RIGHTS
AND FUNDAMENTAL
PRINCIPLES OF SAN
MARINO
CONSTITUTIONAL
ORDER (REV. 2002)

Article 5

Human rights shall be inviolable

Article 6

Everybody shall enjoy civil and political freedoms in the Republic. In particular, personal freedoms, freedom of residence, establishment and expatriation, freedom of assembly and association, freedom of thought, conscience and religion shall be guaranteed.

The privacy of any form of communication shall be protected. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary for the protection of public order and general welfare.

Arts, science and education shall be free. The law shall secure education to all citizens, free and at no cost.

Article 9

Each citizen shall have both the right and duty to work. Fair remuneration, annual holidays, weekly rest and the right to strike shall be secured by law.

All citizens shall be entitled to social security

PENAL CODE

No text available

São Tomé and Príncipe

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Penal Code which criminalises reducing a person to a state or condition of slavery, selling, assigning, or acquiring a person, and possessing a person with the intention of maintain a state or condition of slavery under article 159.
- ii) There appears to be **no legislation** in place in São Tomé and Príncipe which prohibits **servitude**.
- iii) There appears to be **no legislation** in place in São Tomé and Príncipe which prohibits **forced labour**, although the Penal Code criminalises trafficking for labour exploitation (article 160) and coercion (article 154).
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises trafficking for labour exploitation (article 160), trafficking for prostitution requiring international movement (article 172), and trafficking of minors for sexual exploitation requiring international movement (article 181(2)).

2) International Obligations: São Tomé and Príncipe consents to:

1926 Slavery Convention: *N/A*
1930 Forced Labour Convention: (4 May 2005, ratification)
1953 Protocol to the 1926 Slavery Convention: *N/A*
1956 Slavery Convention: *N/A*
1957 Abolition of Forced Labour Convention: (4 May 2005, ratification)
1966 ICCPR: *N/A*
1998 Rome Statute of the ICC: (28 December 2000, signature)
2000 Palermo Protocol (Trafficking in Persons): (23 August 2006, accession)
2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: São Tomé and Príncipe appears to be:

- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
SAO TOME AND
PRINCIPE 1975 (REV.
1990)

Article 22. Right to personal integrity

1. The moral and physical integrity of the people is inviolable.
2. No one may be submitted to torture or to cruel, inhuman or degrading treatment or punishment.

Article 32. Right of relocation and immigration

1. To all citizens the right is guaranteed to freely relocate and establish themselves in any part of the national territory.
2. To all is guaranteed the right to emigrate or to leave the national territory and the right to return.

Article 35. Personal freedom and security

1. All have the right to personal freedom and to personal security.
2. No one may be deprived of freedom, except in cases provided for in the law and always by decision or with the review of the appropriate court.

Article 41. Right to work

1. All have the right to work.
2. The obligation to work is inseparable from the right to work.
3. It is incumbent upon the State to ensure equality of opportunity in the choice of profession or type of work and conditions so that access to any position, work or professional category are not blocked.
4. The right to exercise professions is guaranteed in the conditions obtaining in the law.

Article 42. Rights of workers

1. All the workers have rights:
 - a. To recompense for work, according to quantity, nature and quality, observing the principal of equal salary for equal work, so as to guarantee a deserved living;
 - b. To labor-union freedom, as a means of promoting their unity, defending their legitimate rights and protecting their interests;
 - c. To the organization of work in socially dignifying conditions, in order to facilitate personal accomplishment;
 - d. To being able to perform work in hygienic and safe conditions;
 - e. To a maximum limit to the work day, to weekly rest and to periodic paid holidays;
 - f. To strike, under terms to be regulated by law, taking into account the interests of the workers and of the National economy.

PENAL CODE

Article 154 [coercion]

1. Whoever, through violence, threatens violence, threatens a criminal complaint or discloses a fact that infringes upon honor and consideration, or threatens to commit a crime, causes others to commit an act or omission or to bear a Activity is punishable by imprisonment for up to two years or a fine of up to 200 days.
2. The attempt is punishable.
3. Coercion shall be punishable only where the use of the means to achieve the intended purpose is objectionable and is not intended to prevent suicide or the practice of a typical wrongful act.
4. The punishment for this crime does not consume that which will fit the means employed to execute.

5. If the act occurs between spouses, ascendants and descendants or adopters and adoptees, or between persons living in a situation similar to that of the spouses, the criminal procedure depends on a complaint.

Article 155 [Serious coercion]

1. When coercion is made:

- A) Through the threat of crime which corresponds to a sentence of more than 3 years in prison;
- B) By official, with serious abuse of his authority;
- C) through a threat resulting in, as an appropriate consequence, suicide or attempted suicide of the threatened person or person to whom the harm is due;
- D) The persons referred to in article 130, paragraph 2, point h) shall be sentenced to up to 3 years imprisonment.

2. In the case of points b) of the previous number, if the coercion aims to obtain money, services or anything else that is due, the arrest may amount to 5 years.

Article 158 [Kidnapping]

1. Any person who detains, arrests, holds or apprehends another person, or in any way deprives them of their liberty, shall be punished with imprisonment for up to four years.

2. The imprisonment is, however, from 2 to 10 years if deprivation of liberty:

- A) Last for more than 2 days;
- B) is preceded or accompanied by assault on physical integrity, torture, cruel and inhuman treatment or use of other violent means;
- C) is practiced with the false pretext that the victim suffered from a psychic anomaly;
- D) It is practiced by simulation of public authority, or by an official with serious abuse of authority;
- E) It results in suicide, deprivation of reason or permanent incapacity for the work of the victim;
- F) occur after the offended has been fraudulently attracted to a place in terms of not being able to rely on the public authority or third parties to get rid of detention;
- G) It is practiced by two or more persons.

3. For the purpose of sub-paragraph b) of the preceding paragraph, deprivation of liberty with the use of other violent means is considered to be preceded or accompanied by threats with a weapon, the use of narcotics or other substances that may cancel or diminish resistance Of the victim or of the threat of inflicting an evil that constitutes a crime against the victim or the person of his family.

4. When deprivation of liberty results in the death of the victim the agent shall be punished with imprisonment from 3 to 15 years.

Article 159 [Slavery]

1. Whoever reduces another person to the state or condition of slave is punished with imprisonment of 8 to 15 years.

2. In the same sentence, anyone who sells, assigns or acquires a human person or possesses it with the intention of maintaining it in the situation described in the previous paragraph.

Article 160 [Trafficking in Persons for the Exploitation of Labor]

1. Who offers, delivers, entices, accepts, transports, lodges or welcomes persons for the purpose of work exploitation:
 - A) By violence, abduction or serious threat;
 - B) by fraudulent scheme or maneuver;
 - C) With abuse of authority resulting from a relationship of hierarchical, economic, work or family dependency;
 - D) Taking advantage of a psychic incapacity or situation of special vulnerability of the victim, or by obtaining the consent of the person who has control over the victim
 shall be punished with imprisonment from 2 to 8 years.
2. In the same sentence, anyone who, through any means, entices, transports, accommodates or receives a minor, or delivers, offers or accepts, for the purpose of work exploitation.
3. In the case referred to in the previous paragraph, if the agent uses any of the means provided for in paragraph 1, or acts professionally or for profit, or if the victim is under 16 years of age, he shall be punished with a prison sentence of 3 to 10 years.
4. If the acts referred to above are carried out by the representatives or bodies of a legal person or equivalent, on their behalf and in the collective interest, they are the same criminally responsible, being punishable by a fine to set between 10 million and 500 million folds, And its dissolution may be decreed.

Article 161 [Marketing of persons]

1. Any person who disposes of, transfers or acquires a person by any means and for any purpose, including for the purpose of sexual exploitation or extraction of organs, shall be punished with imprisonment from 5 to 15 years.
2. Anyone who alienates, relinquishes or acquires a person dominated by compassion, despair or reason of significant social or moral value, who appreciably diminishes his or her guilt, shall be punished with imprisonment from one to five years.
3. Any person who obtains or consents to the adoption of a minor upon payment or compensation of any kind, or who, as an intermediary, induces the necessary consent to the adoption of a minor in serious breach of applicable legal norms, shall be punished with a penalty Prison term of 1 to 5 years.
4. If the acts referred to in 1, 2 and 3 are committed by the representatives or bodies of a legal person or equivalent, on their behalf and in the collective interest, they are criminally liable and punishable by a fine of between 10 million And 500 million bends, and its dissolution may be decreed.

Article 162 [Rapture]

1. Who by means of violence, threat or cunning, kidnap another person with the intention of subjecting the victim to extortion; Commit a crime against the victim's sexual freedom and self-determination; Obtain redemption or reward, or embarrass the public authority or a third party to an action or omission, or to carry on an activity, shall be punished with imprisonment from 2 to 8 years.
2. If the abduction is accompanied by any of the circumstances foreseen in number 2 of article 158, the penalty is imprisonment of 3 to 10 years.

3. If the circumstances provided for in the preceding paragraph result in the death of the victim, the sentence is from 3 to 15 years in prison.

Article 164 [Rapture of minors]

1. Any person who abducts or deprives a minor under 16 years of age with the intention of exploiting or obtaining reward for his or her delivery or with libidinous intentions or of use in prostitution shall be punished with imprisonment of 5 to 10 years.
2. If the crime is accompanied by any of the circumstances provided for in article 162, paragraph 2, the penalty is imprisonment of 8 to 15 years.
3. If the abuses referred to in the preceding paragraph result in death, the penalty is imprisonment of 10 to 20 years.

Article 172 [Trafficking in persons for the practice of prostitution]

Any person who, through violence, a serious threat, a fraud or a fraudulent maneuver, causes another person to practice in a foreign country of prostitution or sexual acts of relief, shall be punished with imprisonment from 2 to 8 years.

Article 173 [Pimping]

1. Those who, professionally or with a lucrative intention, encourage, favor or facilitate the exercise by another person of prostitution or the practice of sexual acts of relief shall be punished with imprisonment from one to five years.
2. If the agent uses violence, serious threat, arduous or fraudulent maneuver, or takes advantage of the victim's psychic incapacity, situations of abandonment or extreme economic need, he shall be punished with imprisonment from 2 to 8 years.

Article 179 [Prostitution of minors]

1. Those who, being a major, perform a sexual act of relief with a minor between 14 and 18 years, offering remuneration or other consideration, shall be punished with imprisonment up to 2 years or with a fine of up to 200 days.
2. Anyone who is a minor has intercourse, anal intercourse or oral intercourse between the ages of 14 and 18, offering compensation or other consideration, shall be punished with a prison sentence of up to three years or a fine of up to 300 days.
3. The attempt is punishable.

Article 181 [Pimping and trafficking of minors]

1. Anyone who promotes, favors or facilitates the practice of prostitution under the age of 18 or the practice of sexual acts by the latter is punishable by a term of imprisonment of 1 to 5 years.
2. Anyone who entices, transports, accommodates or receives children under the age of 18, or provides the conditions for practicing prostitution or sexual acts in a foreign country, shall be punished by imprisonment of 2 to 8 years .
3. If the agent uses violence, serious threat, ruse, fraudulent maneuver, abuse of authority resulting from a relationship of hierarchical, economic or work dependency, acting professionally or for profit, or taking advantage of the victim's psychic incapacity, or Any other situation that

constitutes a special vulnerability, or even if this is under 16 years, is punished with a prison sentence of 3 to 10 years.

Saudi Arabia

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Saudi Arabia which prohibits **slavery**, although slavery may form an element of an offence of trafficking under articles 2 and 3 of the 2009 Law for Combating Crimes of Trafficking in Persons.
- ii) There appears to be **no legislation** in place in Saudi Arabia which prohibits **servitude**, although 'quasi-slavery practices' may form an element of an offence of trafficking under articles 2 and 3 of the 2009 Law for Combating Crimes of Trafficking in Persons.
- iii) There appears to be **no legislation** in place in Saudi Arabia which prohibits **forced labour**, although coercive service may form an element of an offence of trafficking under articles 2 and 3 of the 2009 Law for Combating Crimes of Trafficking in Persons.
- iv) **Provisions** related to **trafficking in persons** are found in the Law for Combating Crimes of Trafficking in Persons which criminalises trafficking under articles 2 and 3.

2) International Obligations: Saudi Arabia consents to:

1926 Slavery Convention: (5 July 1973, accession to Convention as amended by the 1953 Protocol)
1930 Forced Labour Convention: (15 June 1978, ratification)
1953 Protocol to the 1926 Slavery Convention: (5 July 1973, accession to Convention as amended by the 1953 Protocol)
1956 Slavery Convention: (5 July 1973, accession)
1957 Abolition of Forced Labour Convention: (28 July 1961, ratification)
1966 ICCPR: N/A
1998 Rome Statute of the ICC: N/A
2000 Palermo Protocol (Trafficking in Persons): (20 July 2007, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Saudi Arabia appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 409

“Saudi Arabia was the last country in Arabia to abolish the legal status of slavery. This was done by a Royal Decree in November 1962.

ENGEN REPORT

Paragraph 24

On 2nd October, 1936, King Ibn Saud made a decree entitled ‘The Instructions concerning Traffic in Slaves’...

Paragraph 25

The text of the decree referred to above was reproduced in an annex attached to a memorandum entitled “The Abandonment by His Majesty’s Government in the United Kingdom of the Right to Manumit Slaves Presenting themselves as His Majesty’s Legation at Jedda,” transmitted by the United Kingdom Government on 8 March 1937 to the Secretary-General of the League of Nations (League document C.188.M.173.1937.VI, annex 6), as follows:

Instructions Concerning Traffic in Slaves (Promulgated on October 2nd, 1936)

Part I

Art 1. Whereas the provisions of the Islamic Law require that the subjects of treaty States shall not be enslaved or sold, it is absolutely prohibited:

- (1) To import slaves into the Kingdom of Saudi Arabia from any country by sea;
- (2) To import slaves into the Kingdom of Saudi Arabia by land routes unless the importer produces a Government document confirming that the person imported was recognized as a slave in the country from which he is imported at the time of the publication of this regulation;
- (3) To enslave free persons in the Kingdom of Saudi Arabia;
- (4) To buy or obtain possession of any slave who has been imported or enslaved in any manner contravening the forgoing paragraphs after the promulgation of this regulation.

In the event of any contravention of the provisions of the foregoing paragraphs, the person committing such contravention shall be liable to the following penalty:

- (1) The slave concerned shall be considered free and set at liberty;
- (2) The customs regulations against smugglers shall be enforced;
- (3) Rigorous imprisonment shall be imposed for a period not exceeding one year.

...

Art. 12. It is not permitted to engage in the traffic of slaves as an agent or broker except in accordance with an official licence issued by the competent authority.

Paragraph 26

...The Government of Saudi Arabia... contributed to the suppression of this trade by making regulations in 1936 prohibiting the importation into Saudi Arabia of slaves by sea or land.

SAUDI ARABIA CONSTITUTION 1992 (REV. 2013)

Article 1

The aim of this Law is to improve the standard of the administrative work and the development in the provinces of the Kingdom. It is also aimed at

maintaining security and order, and guaranteeing citizens' rights and freedom within the framework of the Sharia.

Article 7

Every emir shall assume the administration of the region according to the general policy of the State in compliance with provisions of this Law and other laws and regulations. In particular, he is expected to do the following:

- Guarantee human rights and freedom, refrain from any action which affects such rights and freedom except within the limits provided by the Sharia and the Law,

Article 28

The State shall provide job opportunities to all able-bodied people and shall enact laws to protect both the employee and the employer.

LAW FOR COMBATING CRIMES OF TRAFFICKING IN PERSONS 2009 (ROYAL DECREE NO. M/40)

Article 1

The following terms, wherever they occur herein, shall have the meanings given opposite to each one of them unless otherwise required by the context:

1. Human Trafficking: It is the use, attachment, transportation, sheltering or receiving of any person with the purpose of exploiting him.

Article 2

It is prohibited to traffic any person in any form whatsoever including coercion, threat, deception, fraud, kidnapping, abuse of power or influence, use of some power over him, exploiting his weakness, giving him financial amounts or privileges or receiving the same to acquire the approval of a person having control over another for the purpose of sexual assault, labour, coercive service, begging, enslaving, quasi-enslaving practices, detachment of organs or medical experimentation.

Article 3

Any person who perpetrates human trafficking shall be punished by imprisonment for a period not more than fifteen years or a fine of not more than one million riyals or both.

Article 4

The punishment provided for in this law shall be doubled in the following cases:

1. If the crime is committed by an organized criminal gang,
2. If it is committed against a woman or a handicapped person,
3. If it is committed against a child even if the perpetrator does not know that the victim is a child,
4. If the perpetrator uses or threatens to use a weapon,
5. If the perpetrator is a spouse of the victim, his parent, offspring or guardian or if he has control over him,
6. If the perpetrator is a law enforcement officer,
7. If it is committed by more than one person,
8. If the crime is a transnational one, or
9. If the crime results in a serious harm or permanent disability to the victim.

Article 5

The victim's acceptance with regard to any of the crimes provided for herein shall not be taken into consideration.

Article 7

Any person who is aware of committing or a plot to commit any of the crimes provided for herein even if he is in charge of professional confidence or if he obtains any related information or guidelines either directly or indirectly and fails to inform the competent authorities shall be punished by imprisonment for a period of not less than two years and a fine not more than one hundred thousand riyals or both.

Article 8

The same punishment applied against the perpetrator shall be applied to everyone who participates in the human trafficking crime and everyone who interferes in any of the crimes provided for under articles 2, 4 and 6 hereof.

Article 10

Any plot to commit any of the crimes under articles 2, 4 and 6 is punishable by full punishment.

LABOUR LAW

Article 61

In addition to the duties provided for in this Law and the regulations and decisions issued for its implementation, the employer shall be required to:

- 1) Refrain from using the worker without pay and shall not, without a judicial instrument, withhold the worker's wages or any part thereof. The employer shall treat his workers with due respect and refrain from any action or utterances that may infringe upon their dignity and religion.
- 2) Give the workers the time required to exercise their rights as provided for in this Law without any deductions from their wages against such time. He may regulate the exercise of this right in a manner not detrimental to the work progress.
- 3) Facilitate for the employees of the competent authorities any task related to the enforcement of the provisions of this law.

Note: prohibits the employment of children under 13 years of age and restricts the working hours of children to six hours per day, during which a rest period must be granted. Children are not allowed to work for more than five consecutive hours, at night or in heavy or hazardous work. The age of 18 years is defined as the minimum age for admission to employment in the public or private sectors. A child under 13 years of age is not allowed to work even with the consent of his legal guardian.

DECREE NO. 109 (5 JUMADA I 1391 AH)

Note: the Supreme Judicial Council issued a circular to the courts and registrars of marriage on the need to ascertain a woman's consent to her marriage.

PENAL CODE

Text not available

Senegal

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Senegal which prohibits **slavery**, although slavery may form an element of an offence of trafficking under article 1 of the 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims.
- ii) There appears to be **no legislation** in place in Senegal which prohibits **servitude**, although article 18 of the Constitution forbids forced marriage. Practices similar to slavery and servitude may also form elements of an offence of trafficking under article 1 of the 2005 Law to Combat Trafficking in Persons.
- iii) **Provisions** related to **forced labour** are found in the Labour Code which criminalises forced labour under articles 4 and 279. Forced labour or services may also form an element of an offence of trafficking under article 1 of the 2005 Law to Combat Trafficking in Persons.
- iv) **Provisions** related to **trafficking in persons** are found in the 2005 Law to Combat Trafficking in Persons which criminalises trafficking under article 1.

2) International Obligations: Senegal consents to:

1926 Slavery Convention: (25 August 1961, ratification)
1930 Forced Labour Convention: (4 November 1960, ratification)
1953 Protocol to the 1926 Slavery Convention: (7 December 1964, ratification)
1956 Slavery Convention: (19 July 1979, ratification)
1957 Abolition of Forced Labour Convention: (28 July 1961, ratification)
1966 ICCPR: (13 February 1978, ratification)
1998 Rome Statute of the ICC: (2 February 1999, ratification)
2000 Palermo Protocol (Trafficking in Persons): (27 October 2003, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Senegal appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 421

Legislative Measures: Decree 12 December 1905 concerning the suppression of the slave trade (Journal Officiel de l'Afrique-Occidentale Française 1906, page 17), amended by the Decrees of 8 August 1920 and 30 April 1946

Decree of 20 February 1946, making the marriage of a woman under marriageable age or without her consent tantamount to her enslavement. (J.O.S. 1946, page 334).

Article 341 of the Penal Code, amended by the Decree of 19 November 1947 prohibiting the enslaving or the pledging of a third person.

Article 3 and 249 Of Art No. 61-34 of 15 June 1961, establishing a labour code (Journal Officiel 1961, page 1015), which define and provide penalties for forced labour.

CONSTITUTION OF SENEGAL 2001 (REV. 2009)

Article 7

The human person is sacred. It is inviolable. The State has the obligation to respect it and to protect it.

Every individual has the right to life, to liberty, to security, to the free development of his personality, to corporeal integrity, notably to protection against all physical mutilations.

The Senegalese people recognize the existence of the inviolable and inalienable rights of man as the basis of all human community, of peace and of justice in the world.

Article 8

The Republic of Senegal guarantees to all citizens the fundamental individual freedoms, the economic and social rights as well as the collective rights. These freedoms and rights are notably:

- the civil and political freedoms: freedom of opinion, freedom of expression, freedom of the press, freedom of association, freedom of assembly, freedom of movement [déplacement], [and] freedom of manifestation,
- the right to work,

These freedoms and these rights are exercised within the conditions provided for by the law.

Article 9

All infringement of the freedoms and all voluntary interference with the exercise of a freedom are punished by the law.

Article 14

All the citizens of the Republic have the right to move themselves and to establish themselves freely on the whole extent of the national territory as well as abroad.

These freedoms are exercised within the conditions provided for by the law.

Article 18

Forced marriage is a violation of individual liberty. It is forbidden and punished within the conditions established by the law.

Article 25

Everyone has the right to work and the right to seek [prétendre] employment. No one may be impeded in their work for reason of their origins, of their sex, of their opinions, of their political choices or of their beliefs. The worker may affiliate with a union and defend their rights through union action.

PENAL CODE

Article 245

Begging is prohibited.

Soliciting alms the days, in the places and under conditions consecrated by religious traditions is not an act of begging.

Any act of begging is liable to imprisonment three months to six month. Will be punished in the same trouble those who leave beg minors twenty one years under their authority.

All have beggars worn or threat will entered without permission occupier or persons his house or in a home or in a pens or dependent; Or who will pretend wounds or disabilities; Or who will beg in meeting, unless it are husband and wife, the parent and Young children, the blind and its driver, will be punished by imprisonment of six months to two years.

Article 334

Those who, without an order from the constituted authorities, and in cases where the law orders the seizure of the accused, shall have arrested the detained or sequestered persons of any kind, shall be punished with penalties for forced labor in the course of ten to twenty years.

Anyone who lent a place to execute detention or imprisonment shall be subject to the same penalty.

The same penalty shall also be imposed on those who have concluded a convocation for the purpose of alienating the liberty of a third person free of charge or for consideration. The confiscation of money, objects or securities received in execution of the said agreement shall always be pronounced. The maximum penalty shall always be imposed if the person subject to the agreement is less than fifteen years of age. Anyone who has placed or received a person as a pledge for any reason shall be liable to imprisonment From one month to two years and a fine of between 2,000 and 150,000 francs or one of these penalties only. The term of imprisonment may be increased to five years if the person put up or received as a pledge is less than fifteen years of age.

The offenders may in any case be deprived of the rights mentioned in Article 34 for at least five years and not more than ten years.

Article 335

If the detention lasted more than one month, the penalty will be that of forced labor in perpetuity.

Article 346

Anyone who, by fraud or violence, abducts or causes to be abducted or has been dragged, diverted, displaced or has been dragged, diverted or displaced from places where they were placed by the authorities or the administration Of which they were subjected or entrusted, will undergo the penalty of forced labor in time of five to ten years.

Article 347

If the minor thus abducted or diverted is under the age of fifteen years, the penalty shall be that of forced labor in perpetuity. However, the penalty will be that of forced labor from five to ten years if the juvenile is found alive before the sentence has been handed down. The abduction will carry the death penalty if followed by the death of the minor.

LABOUR CODE

Art.L.4.

Forced or compulsory labor is prohibited.

The term "forced or compulsory labor" means all work or service which is exacted from any person under the threat of any penalty or sanction and for which the said person has not offered himself willingly.

However the term "forced or compulsory labor" do not understand :

- any work or service required under the laws military service and assigned to work military character;
- any work or service required of an individual as a consequence of a conviction handed by the judicial authority;
- any work or service required of an individual in case of war, disaster and putting circumstance endanger or threaten to endanger, the life or normal living conditions of the whole or a part of the population ;
- any work or service required of an individual in case of war, disaster and putting circumstance endanger or threaten to endanger, the life or normal living conditions of the whole or a part of the population ;
- the work of general interest as they are defined by the laws on civil obligations

Art.L.279.

be punishable by a fine of 500 000 1,000,000 CFA francs and with imprisonment of 3 months to 1 year or one of these penalties :

c) any person who, by violence, threat deception, fraud or promise, or will be forced tried to force a worker to to hire, against his will, or by the same means, have tried to prevent or will have prevented from hiring or fill the obligations under the contract;

LAW TO COMBAT TRAFFICKING IN PERSONS AND RELATED PRACTICES AND TO PROTECT VICTIMS 2005

Section 1. trafficking

First article. The recruitment, transportation, transfer, harboring, receipt of persons by threat or use of violence, abduction, fraud, deception, abuse of power or of position of vulnerability or of the giving or benefit payment acceptance to achieve the consent of a person having control over another person, for the purpose of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude is punished with imprisonment from 5 to 10 years and a fine of 5 to 20 million francs. The offense is constituted when the recruitment, transportation, transfer, harboring or involves a minor, even if none of the means listed in the preceding paragraph is used. Criminal detention from 10 to 30 years is incurred when the offense is committed through the use of torture or barbarism or to human organ harvesting or it exposes the victim to an immediate risk of death or nature of injuries lead to permanent disability.

Serbia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 2006 Constitution which declares that no person may be kept in slavery at article 26. Article 390 of the Criminal Code also criminalises enslaving a person, holding a person in slavery, buying, selling, handing over or mediating in such, or inducing a person to sell their freedom.

ii) **Provisions** related to **servitude** are found in the Constitution which declares that no person may be kept in servitude at article 26. Article 390 of the Criminal Code also criminalises placing or holding a person in a position similar to slavery buying, selling, handing over or mediating in such, or inducing a person to sell their freedom.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 26. Forced labour may also form an element of an offence of trafficking under article 388 of the Criminal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution which prohibits all forms of human trafficking under article 26. The Criminal Code also criminalises human trafficking (article 388) and trafficking in children for adoption (article 389). Although article 388 does not specifically refer to slavery, practices similar to slavery or servitude in the listed exploitative purposes it does include exploitation of labour and forced labour.

2) International Obligations: Serbia consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (24 November 2000, ratification)
 1953 Protocol to the 1926 Slavery Convention: (12 March 2001, succession)
 1956 Slavery Convention: (12 March 2001, succession)
 1957 Abolition of Forced Labour Convention: (10 July 2003, ratification)
 1966 ICCPR: (12 March 2001, succession)
 1998 Rome Statute of the ICC: (6 September 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (6 September 2001, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Serbia appears to be:

- in breach of its obligations under the ICCPR in regards to forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

REPUBLIC OF SERBIA
THE CONSTITUTION
2006

Article 23. Dignity and free development of individuals

Human dignity is inviolable and everyone shall be obliged to respect and protect it.

Everyone shall have the right to free development of his personality if this does not violate the rights of others guaranteed by the Constitution.

Article 25. Inviolability of physical and mental integrity

Physical and mental integrity is inviolable.

Nobody may be subjected to torture, inhuman or degrading treatment or punishment, nor subjected to medical and other experiments without their free consent.

Article 26. Prohibition of slavery, servitude and forced labour

No person may be kept in slavery or servitude.

All forms of human trafficking are prohibited.

Forced labour is prohibited. Sexual or financial exploitation of person in unfavourable position shall be deemed forced labour.

Labour or service of persons serving sentence of imprisonment if their labour is based on the principle of voluntariness with financial compensation, labour or service of military persons, nor labour or services during war or state of emergency in accordance with measures prescribed on the declaration of war or state of emergency, shall not be considered forced labour.

Article 27. Right to freedom and security

Everyone has the right to personal freedom and security. Depriving of liberty shall be allowed only on the grounds and in a procedure stipulated by the law.

Article 39. Freedom of movement

Everyone shall have the right to free movement and residence in the Republic of Serbia, as well as the right to leave and return.

Freedom of movement and residence, as well as the right to leave the Republic of Serbia may be restricted by the law if necessary for the purpose of conducting criminal proceedings, protection of public order, prevention of spreading contagious diseases or defense of the Republic of Serbia.

Entry and stay of foreign nationals in the Republic of Serbia shall be regulated by the law. A foreign national may be expelled only under decision of the competent body, in a procedure stipulated by the law and if time to appeal has been provided for him and only when there is no threat of persecution based on his race, sex, religion, national origin, citizenship, association with a social group, political opinions, or when there is no threat of serious violation of rights guaranteed by this Constitution.

Article 60. Right to work

Right to work shall be guaranteed in accordance with the law.

Everyone shall have the right to choose his occupation freely.

All work places shall be available to everyone under equal conditions.

Everyone shall have the right to respect of his person at work, safe and healthy working conditions, necessary protection at work, limited working hours, daily and weekly interval for rest, paid annual holiday, fair

remuneration for work done and legal protection in case of termination of working relations. No person may forgo these rights. Women, young and disabled persons shall be provided with special protection at work and special work conditions in accordance with the law.

Article 64. Rights of the child

A child shall be protected from psychological, physical, economic and any other form of exploitation or abuse.

Article 66. Special protection of the family, mother, single parent and child

Children under 15 years of age may not be employed, nor may children under 18 years of age be employed at jobs detrimental to their health or morals.

CRIMINAL CODE

Article 133. Violation of Freedom of Movement and Residence

- (1) Whoever denies or restricts freedom of movement or residence in the territory of Serbia to the citizen of Serbia, shall be punished with a fine or imprisonment up to one year.
- (2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty, such person shall be punished with imprisonment up to three years.

Article 134. Abduction

- (1) Whoever by use of force, threat, deceit or otherwise removes or holds another with the intent to extort money or other property gain from that person or another or to coerce that person or another to do or refrain from doing something or to endure, shall be punished with imprisonment from two to ten years.
- (2) Whoever threatens the abducted person for the purpose of accomplishing the aim of abduction with murder or grievous bodily harm, shall be punished with imprisonment from three to twelve years.
- (3) If the abducted person is held more than ten days or treated in cruel manner or his health is seriously impaired or other serious consequences resulted or whoever commits the offence specified in paragraph 1 of this Article against a juvenile, shall be punished with imprisonment of three to fifteen years.
- (4) If due to the offence specified in paragraphs 1, 2 and 3 of this Article result in death of the abducted person or the offence is committed by a group, the offender shall be punished with imprisonment of five to eighteen years.
- (5) If the offence referred to in paragraphs 1 and 2 hereof has been perpetrated by an organized crime group, the offender shall be punished with imprisonment of five to fifteen years.

Article 135. Coercion

- (1) Whoever by use of force or threat coerces another to do or refrain from doing something, or to endure, shall be punished with imprisonment up to three years.
- (2) Whoever commits the offence specified in paragraph 1 of this Article in a cruel manner or by threat of murder or grievous bodily harm or abduction,

shall be punished with imprisonment of six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article result in grievous bodily harm or other serious consequences, the offender shall be punished with imprisonment from one to ten years.

(4) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person under coercion or if committed by an organised group, the offender shall be punished with imprisonment from three to twelve years.

Article 137. Ill-treatment and Torture

(1) Whoever ill-treats another or treats such person in humiliating and degrading manner,

shall be punished with fine or imprisonment up to one year.

(2) Whoever causes anguish to another with the aim to obtain from him or another information or confession or to intimidate him or a third party or to exert pressure on such persons, or if done from motives based on any form of discrimination,

shall be punished with imprisonment from six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty, such person shall be punished for the offence in paragraph 1 by imprisonment from three months to three years, and for the offence specified in paragraph 2 of this Article by imprisonment of one to eight years.

Article 163. Violation of Labour Rights and Social Security Rights

Whoever deliberately fails to comply with law or other regulations, collective agreement and other general acts on labour rights and on special protection of young persons, women and disabled persons at work, or on social insurance rights and thereby deprives or restricts another's guaranteed right,

shall be punished with a fine or imprisonment up to two years.

Article 164. Violation of the Right to Employment and during Unemployment

Whoever deliberately contravenes regulations or otherwise unlawfully deprives or restricts a citizen's right to be freely employed under equal conditions in the territory of Serbia,

shall be punished with a fine or imprisonment up to one year.

The penalty specified in paragraph 1 of this Article shall be imposed on whoever deliberately fails to comply with law and other regulations or general acts on rights of citizens during unemployment and thereby deprives or restricts a guaranteed right of the unemployed person.

Article 183. Pimping and Procuring

(1) Whoever pimps a minor for sexual intercourse or an equal act or other sexual act,

shall be punished with imprisonment of one to eight years and a fine.

(2) Whoever procures a minor for sexual intercourse or an act of equal magnitude or other sexual act,

shall be punished with imprisonment of six months to five years and a fine.

Article 184. Mediation in Prostitution

(1) Whoever causes or induces another person to prostitution or participates in handing over a person to another for the purpose of prostitution, or who by means of media or otherwise promotes or advertises prostitution, shall be punished with imprisonment of six months to five years and a fine.

(2) If the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished with imprisonment from one to ten years and a fine.

Article 371. Crimes against Humanity

Whoever in violation of the rules of international law, as part of a wider and systematic attack against civilian population orders: murder ; inflicts on the group conditions of life calculated to bring about its complete or partial extermination, enslavement, deportation, torture, rape; forcing to prostitution ; forcing pregnancy or sterilisation aimed at changing the ethnic balance of the population ; persecution on political, racial, national, ethical, sexual or other grounds, detention or abduction of persons without disclosing information on such acts in order to deny such person legal protection ; oppression of a racial group or establishing domination or one group over another ; or other similar inhumane acts that intentionally cause serious suffering or serious endangering of health, or whoever commits any of the above-mentioned offences, shall be punished by imprisonment of minimum five years or imprisonment of thirty to forty years.

Article 372 War Crimes against Civilian Population

(1) Whoever in violation of international law at time of war armed conflict or occupation orders an attack on civilian population, settlement, particular civilians, persons incapacitated for combat or members or facilities of humanitarian organisations or peace mission ; wanton attack without target selection harming civilian population or civilian buildings under special protection of international law ; attack against military targets knowing that such attack would cause collateral damage among civilians or damage to civilian buildings that is obviously disproportionate with the military effect ; ordering against civilian population inflicting of bodily injury, torture, inhumane treatment, biological, medical or other research experiments, or taking of tissue or organs for transplantation or performing other acts causing harm to health or inflicting great suffering or who orders deportation or relocation or forced change of nationality or religion ; forcing to prostitution or rape; applying intimidation and terror measures, taking of hostages, collective punishment, unlawful depriving of freedom and detention ; depriving of the rights to a fair and impartial trial ; proclaiming the rights and acts of enemy nationals prohibited, suspended or non-allowed in court proceedings ; compelling into service of a hostile power or its intelligence or administration services; compelling to military service persons under seventeen years of age ; forced labour ; starving of population; unlawful seizure, appropriation or destruction of property not justified by military necessity ; taking unlawful and disproportionate contributions and requisitions; devaluing of local currency or unlawful issuing of currency, or whoever commits any of the above offences,

shall be punished by imprisonment of minimum five years.

Article 388. Human trafficking

(1) Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts,

shall be punished by imprisonment of three to twelve years.

(2) When the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.

(3) If the offence specified in paragraph 1 of this Article is committed against a minor,

the offender shall be punished by imprisonment of minimum five years.

(4) If the offence referred to in paras 1 and 2 of this article resulted in severe bodily harm, the perpetrator shall be punished with imprisonment from five to fifteen years, and in case of severe bodily harm to a juvenile person due to the offence referred to in para 3, the perpetrator shall be punished with minimum five years' imprisonment.

(5) If the offence specified in paragraphs 1 and 3 of this Article resulted in death of one or more persons,

the offender shall be punished by imprisonment of minimum ten years.

(6) Whoever habitually engages in offences specified in paragraphs 1 and 3 of this Article or if the offence is committed by a group, shall be punished by imprisonment of minimum five years.

(7) If the offence referred to in paragraphs 1 through 3 hereof has been perpetrated by an organized crime group,

the offender shall be punished with imprisonment of minimum ten years.

(8) Whoever knows or should have known that a person is a victim of human trafficking and abuses their position or allows another to abuse their position for the purpose of exploitation referred to in paragraph 1 hereof

shall be punished with imprisonment of six months to five years.

(9) If the offence referred to in paragraph 8 hereof has been committed against a person whom the offender knows or should have known is a minor,

the offender shall be punished with imprisonment of one year to eight years.

(10) Person's consent to be exploited or held in slavery or servitude referred to in paragraph 1 hereof shall not prejudice the existence of the criminal offence stipulated under paragraphs 1, 2, and 6 hereof.

Article 389. Trafficking in Minors for Adoption

(1) Whoever abducts a child under sixteen years of age for the purpose of adoption contrary to laws in force or whoever adopts such a child or mediates in such adoption or whoever for that purpose buys, sells or hands over another person under fourteen years of age or transports such a person, provides accommodation or conceals such a person, shall be punished by imprisonment of one to five years.

- (2) Whoever habitually engages in activities specified in paragraph 1 of this Article or if the offence is committed by a group, shall be punished by imprisonment of minimum three years.
- (3) If the offence referred to in paragraph 1 hereof has been perpetrated by an organized crime group, the offender shall be punished with imprisonment of minimum five years.

Article 390. Holding in Slavery and Transportation of Enslaved Persons

- (1) Whoever in violation of international law enslaves another person or places a person in similar position, or holds a person in slavery or similar position, or buys, sells, hands over to another or mediates in buying, selling and handing over of such person or induces another to sell his freedom or freedom of persons under his support or care, shall be punished by imprisonment of one to ten years.
- (2) Whoever transports persons in slavery or other similar position from one country to another, shall be punished by imprisonment of six months to five years.
- (3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article against a minor, shall be punished by imprisonment of five to fifteen years.

LABOUR LAW

Article 16. Duties of employers

Any employer shall:

- 1) Pay the salary to the employee for the work performed, pursuant to the law, general document and labor contract;
- 2) Provide working conditions and organize tasks for securing safety, life and health protection, pursuant to the law and other regulations;
- 3) Provide to the employee information on working conditions, organization of work, rules referred to in Article 15, point 2) of this law and rights and duties resulting from the occupational regulations and regulations relating to protection of life and health at work;
- 4) Provide to the employee to perform tasks set in the labor contract;
- 5) Ask for advice of trade union in cases stipulated under the law; in case the trade union has not been set up with that employer, of a representative designated by employees.

Seychelles

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 17(1) which declares that everyone has the right not to be held in slavery or bondage. The Penal Code also criminalises importing, exporting, removing, buying, selling, disposing, accepting, receiving or detaining any person as a slave at article 250 and habitually dealing in slaves under article 251.

ii) There appears to be **no legislation** in place in Seychelles which prohibits **servitude**, although article 4(2) of the 2014 Prohibition of Trafficking in Persons Act criminalises adopting, fostering or obtaining guardianship of a child with the intention of exploitation.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 17(2) which declares that every person has a right not to be compelled to perform forced or compulsory labour. The Penal Code also criminalises forced labour under article 251.

iv) **Provisions** related to **trafficking in persons** are found in the Prohibition of Trafficking in Persons Act which criminalises trafficking in persons under article 3 and trafficking in children under article 4.

2) International Obligations: Seychelles consents to:

1926 Slavery Convention: (5 May 1992, ratification)
1930 Forced Labour Convention: (6 February 1976, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: (5 May 1992, ratification)
1957 Abolition of Forced Labour Convention: (6 February 1976)
1966 ICCPR: (5 May 1992, ratification)
1998 Rome Statute of the ICC: (10 August 2010, ratification)
2000 Palermo Protocol (Trafficking in Persons): (22 June 2004, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Seychelles appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude; and
- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION 1993
(REV. 2011)

Article 16.

Every person has a right to be treated with dignity worthy of a human being and not to be subjected to torture, cruel, inhuman or degrading treatment or punishment.

Article 17.

1. Every person has a right not to be held in slavery or bondage.
2. Every person has a right not to be compelled to perform forced or compulsory labour.
3. Labour forced or compelled to be performed pursuant to a law necessary in a democratic society does not infringe clause (2).

Article 18.

1. Every person has a right to liberty and security of the person.

Article 25.

1. Every person lawfully present in Seychelles has a right of freedom of movement and for the purpose of this article this right includes the right to move freely within Seychelles, the right to reside in any part of Seychelles, the right to leave Seychelles and the right not to be expelled from Seychelles.

Article 31.

The State recognises the right of children and young persons to special protection in view of their immaturity and vulnerability and to ensure effective exercise of this right the State undertakes-

- a. to provide that the minimum age of admission to employment shall be fifteen years, subject to exceptions for children who are employed part-time in light work prescribed by law without harm to their health, morals or education;
- b. to provide for a higher minimum age of admission to employment with respect to occupations prescribed by law which the State regards as dangerous, unhealthy or likely to impair the normal development of a child or young person;
- c. to ensure special protection against social and economic exploitation and physical and moral dangers to which children and young persons are exposed;
- d. to ensure, save in exceptional and judicially recognized circumstances, that a child of young age is not separated from his parents.

Article 35.

The State recognises the right of every citizen to work and to just and favourable conditions of work and with a view to ensuring the effective exercise of these rights the State undertakes-

- a. to take necessary measures to achieve and maintain a high and stable level of employment, as is practicable, with a view to attaining full employment;
- b. subject to such restrictions as are necessary in a democratic society, to protect effectively the right of a citizen to earn a dignified living in a freely chosen occupation, profession or trade;
- c. to promote vocational guidance and training;
- d. to make and enforce statutory provisions for safe, healthy and fair conditions of work, including reasonable rest, leisure, paid holidays,

remuneration which guarantees, as a minimum, dignified and decent living conditions for the workers and their families, fair and equal wages for work of equal value without distinction and stability of employment.

- e. to promote machinery for voluntary negotiations between employers and workers or their organizations with a view to the regulation of conditions of employment by means of collective agreements;
- f. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitrations for the settlement of labour disputes;
- g. subject to such restrictions as are necessary in a democratic society, and necessary for safeguarding public order, for the protection of health or morals and the rights and freedoms of others, to ensure the right of workers to organise trade unions and to guarantee the right to strike.

1952 PENAL CODE

133A. Abduction of girls under eighteen years

(1) Any person who unlawfully takes an unmarried girl under the age of eighteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her and against the will of such father or mother or other person, if she is taken with the intention that she may be unlawfully and carnally known by any man whether any particular man or generally, is guilty of a misdemeanour.

(2) It shall be sufficient defence to a charge under this section if it shall be made to appear to the court before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of eighteen years.

134. Abduction of girls under sixteen

Any person who unlawfully takes an unmarried girl under the age of fifteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour.

138. Procuration

Any person who-

- (a) procures or attempts to procure any girl or woman under the age of twenty-one years, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either in Seychelles or elsewhere, with any other person or persons; or
 - (b) procures or attempts to procure any woman or girl to become, either in Seychelles or elsewhere, a common prostitute; or
 - (c) procures or attempts to procure any woman or girl to leave Seychelles, with intent that she may become an inmate of or frequent a brothel elsewhere; or
 - (d) procures or attempts to procure any woman or girl to leave her usual place of abode in Seychelles (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Seychelles or elsewhere,
- is guilty of a misdemeanour:

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

139. Procuring defilement by threats, etc

Any person who-

(a) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either in Seychelles or elsewhere; or

(b) by false pretences or false representations procures any woman or girl, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either in Seychelles or elsewhere; or

(c) applies, administers to, or causes to be taken by any woman or girl any drug, matter, or thing with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

is guilty of a misdemeanour:

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

140. Householder permitting defilement of girls under thirteen

(1) Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a felony, and is liable to imprisonment for five years.

(2) Any person who, being the owner or occupier of premises or having or assisting in the management or control thereof, induces or knowingly suffers any girl not under the age of thirteen years but under the age of fifteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a misdemeanour.

(3) It shall be a sufficient defence to any charge this section if it shall be made to appear to the court before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of fifteen years.

141. Detention of female in brothel and elsewhere

Any person who detains any woman or girl against her will-

(a) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or

(b) in any brothel,

is guilty of a misdemeanour.

When a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

143. Procuring for prostitution for purposes of gain

Whoever for purposes of gain-

- (a) procures, entices or leads away, for purposes of prostitution, another person (even with the consent of that other person); or
 - (b) exploits, or is an accessory in, the prostitution of another person (even with the consent of that other person), or the illicit carnal connection of two other persons,
- is guilty of a misdemeanour.

144. Procuring for prostitution, etc., other than for purposes of gain

Whoever-

- (a) procures, entices or leads away, for purposes prostitution, another person (even with the consent of that other person); or
 - (b) exploits, or is an accessory in, the prostitution of another person (even with the consent of that other person),
- where the person procured, enticed, led away or exploited is less than twenty-one years old at the time of the offence, or is procured, enticed, led away or exploited for the purpose of being sent abroad, or by the use of fraud, deceit, threat, violence or any other means of duress, is guilty of a misdemeanour.

155. Brothel

(1) A person who-

- (a) keeps or manages, or acts or assists in the keeping or management of a brothel;
- (b) being the owner, tenant, lessee or occupier or person in charge of any premises, knowingly permits the premises or any part of the premises to be used as a brothel;
- (c) being the owner, lessor or landlord or the agent of the owner, lessor or landlord, of any premises-
- (i) lets out the premises or any part of the premises knowing that the premises or any part of the premises is to be used as a brothel; or
- (ii) is willfully a party to the continued use of the premises or any part of the premises as a brothel,

is guilty of an offence and liable to imprisonment for three years.

(2) In this section "brothel" means any premises or any part of any premises resorted to or used by any person for the purposes of prostitution or lewd sexual practices.

156. Living on earning of prostitution

A person who-

- (a) procures, entices or leads away, for the purposes of prostitution, another person;
- (b) knowingly lives wholly or in part on the earnings of prostitution of another person;-
- (c) knowingly exploits the prostitution of another person.
- (d) for the purposes of gain, exercises control, direction of influence over the movements or action of another person in a manner as to show that the person is aiding, abetting, encouraging or compelling the prostitution of that other person,

is guilty of an offence and liable to imprisonment for five years.

245. Kidnapping with intent to do harm, slavery, etc.

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of felony, and is liable to imprisonment for fourteen years.

249. Buying or disposing of a person as slave

Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for ten years.

250. Slave dealing

Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for fourteen years.

251. Forced labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour and is liable to imprisonment for three years.

PROHIBITION OF
TRAFFICKING IN
PERSONS ACT 2014

Article 2. Interpretation

In this Act, unless the context otherwise requires –
“exploitation” includes –

- (a) Sexual exploitation;
- (b) Forced labour or services;
- (c) Subjecting a person to practices similar to slavery;
- (d) Involuntary servitude;
- (e) Fraudulent use of a person for removal of their organs or body parts;
- or
- (f) Forced marriage;

Article 3. Trafficking in persons

(1) A person who recruits, transports, transfers, harbours or receives another person by any of the following means –

- (a) threat;
- (b) use of force or other forms of coercion;
- (c) abduction;
- (d) fraud;
- (e) deception; including any misrepresentation by words or conduct as to financial incentive or promise of reward or gain and other conditions of work;
- (f) abuse of power or of another person’s position of vulnerability;
- (g) giving or receiving of payments or benefits, knowingly or intentionally, to achieve the consent of a person having control over another person,

For the purposes of exploitation, commits the offence of trafficking in persons and shall on conviction be liable to imprisonment for a term not exceeding 14 years, or such imprisonment and a fine not exceeding SCR500,000.

(2) Where it is proved to the satisfaction of the Court that any of the means referred to in subsection (1)(a) to (g) has been used in committing the offence of trafficking, it shall not be a defence that the trafficked person consented to such act.

Article 4. Child trafficking

(1) A person who recruits, transports, transfers, harbours or receives a child, knowingly or recklessly disregarding that the person is a child, whether or not by use of any means referred to in section 3(1)(a) to (g), commits the offence of child trafficking and shall on conviction be liable to imprisonment for a term not exceeding 25 years, or such imprisonment and a fine not exceeding SCR800,000.

(2) A person who adopts, fosters or obtains the guardianship of a child with the intention of exploitation, commits an offence and shall on conviction be liable to imprisonment for a term not exceeding 25 years, or such imprisonment and a fine not exceeding SCR800,000.

Sierra Leone

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 19 which declares that no person shall be held in slavery. Slavery may also form an element of an offence of trafficking under article 2 of the Anti-Human Trafficking Act.

ii) **Provisions** related to **servitude** are found in the Constitution at article 19 which declares that no person shall be held in servitude. Practices similar to slavery and servitude may also form elements of an offence of trafficking under article 2 of the Anti-Human Trafficking Act.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 19 which declares that no person shall be required to perform forced labour. Forced labour may also form an element of an offence of trafficking under article 2 of the Anti-Human Trafficking Act.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution at article 19 which declares that no person shall traffic or deal in human beings. The 2005 Anti-Human Trafficking Act also criminalises trafficking under articles 2 and 22.

2) International Obligations: Sierra Leone consents to:

1926 Slavery Convention: (13 March 1962, succession)
 1930 Forced Labour Convention: (16 June 2003, ratification)
 1953 Protocol to the 1926 Slavery Convention: (13 March 1962, ratification)
 1956 Slavery Convention: (13 March 1962, ratification)
 1957 Abolition of Forced Labour Convention: (16 June 1977, ratification)
 1966 ICCPR: (23 August 1996, ratification)
 1998 Rome Statute of the ICC: (15 September 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (12 August 2014, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Sierra Leone appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 424.

Section 6 of the Provinces Act Cap. 60 provides for the abolition of slavery status or slavery in any form whatsoever, and section 7 and its subsections enact measures to be adopted for the punishment of those dealing in slavery – whether those persons are received or placed in any service as a pledge or security for debt, induced to go to the Provinces in order that such persons may be dealt with or traded in, or whether a contract or agreement is entered into or not.

[para 425 speaks to the Constitutional provisions noted below].

ENGEN REPORT

Paragraph 78

In Sierra Leone, the Protectorate (No. 2) (Amendment) Ordinance 1926 and the Legal Status of Slavery (Abolition) Ordinance 1927 put an end to all forms of domestic slavery and no cases have been heard of for a very long time.

SIERRA LEONE'S CONSTITUTION OF 1991 (REINST. 1996, REV. 2008)

15. Fundamental human rights and freedoms of the individual

Whereas every person in Sierra Leone is entitled to the fundamental human rights and freedoms of the individual, that is to say, has the right, whatever his race, tribe, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following—

a. life, liberty, security of person, the enjoyment of property, and the protection of law;

17. Protection from arbitrary arrest or detention

1. No person shall be deprived of his personal liberty except as may be authorised by law in any of the following cases, that is to say—

18. Protection of freedom of movement

1. No person shall be deprived of his freedom of movement, and for the purpose of this section the said freedom means the right to move freely throughout Sierra Leone, the right to reside in any part of Sierra Leone, the right to enter or leave Sierra Leone, and immunity from expulsion from Sierra Leone.

19. Protection from slavery and forced labour

1. No person shall be held in slavery or servitude or be required to perform forced labour or traffic or deal in human beings.

2. For the purposes of this section the expression “forced labour” does not

include—

a. any labour required in consequence of a sentence or order of a court; or

b. labour required of any person while he is lawfully detained, which though not required in consequence of the sentence or order of a court, is reasonably necessary in the interest of hygiene or for the maintenance of the place in which he is detained; or

c. any labour required of a member of a defence force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as such a member, any labour which that person is required by law to perform in place of such service; or Right to conscientious objection

- d.any labour required during a period of public emergency or calamity which threatens the life or well-being of the community; or
- e. communal labour or labour which forms part of other civic obligation

ANTI-HUMAN TRAFFICKING ACT 2005

Article 1.

In this Act, unless the context otherwise requires–

“coercion” means force or some form of non-violent or psychological force 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 person; or

(c) the abuse or threatened abuse of the legal process;

“debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his personal services or those of a person under his 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;

“forced labour” means labour or services obtained or maintained through force, threat of force or other means of coercion or physical restraint;

“practices similar to slavery” includes debt bondage, serfdom, forced or servile marriages and delivery of children for exploitation;

“servitude” means a condition of dependency in which the labour or services of a person are provided or obtained by threats of serious harm to that person or other person, or through any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labour or services, that person or another person would suffer serious harm;

“slavery” means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;

Article 2.

(1) It is an offence for any person to engage in the trafficking in persons.

(2) A person engages in the trafficking in persons if he undertakes the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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.

(3) For the purposes of subsection (2), “exploitation” includes, at a minimum–

- (a) keeping a person in a state of slavery;
- (b) subjecting a person to practices similar to slavery;
- (c) compelling or causing a person to provide forced labour 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;
- (h) exploitation during armed conflicts.

Article 15.

In a prosecution for trafficking under section 2–

- (a) the consent of a victim to the intended or realised exploitation is irrelevant where any of the means specified in subsection (2) of that section has been used;
- (c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be regarded as trafficking in persons even if this does not involve any of the means specified in subsection (2) of section 2;
- (d) the legal age of consent to sex, legal age of marriage or other discretionary age shall not be a defence to trafficking.

Article 18.

An attempt or conspiracy to commit trafficking or aiding, abetting, counselling, commanding or procuring the commission of trafficking shall be punishable as if the offence had been completed.

Article 21.

- (1) Any person who knowingly transports any person across an international border for the purpose of exploiting that person's prostitution commits an offence.
- (2) Persons convicted of an offence under subsection (1) shall be liable to imprisonment for a term not exceeding five years but the presence of any one of the following aggravating factors can permit a longer sentence up to a maximum of 10 years:–
 - (a) transporting two or more persons at the same time;
 - (b) permanent or life-threatening bodily injury to a person transported;
 - (c) transportation of one or more children; or
 - (d) transporting as part of the activity of an organized criminal group.

Article 22.

A person convicted of the offence of trafficking shall be liable to a fine not exceeding fifty million leones or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.

THE REGISTRATION OF CUSTOMARY MARRIAGE AND DIVORCE ACT, 2007

Article 2.

- (1) Subject to this Act, a customary marriage, contracted after the coming into operation of this Act, shall be valid only if –
 - (a) both spouses are not less than eighteen years old and consent to the marriage; and
 - (b) the marriage is contracted in accordance with the customary law applicable to any of the spouses.

Article 19.

Any person who–

- (a) applies to a local council for the registration of any customary marriage or divorce which he knows has not been lawfully contracted or dissolved, as the case may be, under the applicable customary law;
- (b) knowingly makes any false entry in the register or a certified copy thereof; or
- (c) with intent to defraud, alters any entry in the register or certified copy thereof,

commits an offence and shall, on conviction, be liable to a fine not exceeding Le1,000,000 or to a term of imprisonment not exceeding one year or to both the fine and imprisonment.

SEXUAL OFFENCES
ACT 2012

30. Obtaining the services of a child prostitute

A person who—

(a) participates as a client or is otherwise involved with a child in an act of child prostitution; or

(b) invites, persuades or induces a child to engage in child prostitution with him or her or any other person,

commits an offence and is liable on conviction to a term of imprisonment not exceeding fifteen years.

31. Offering, arranging or benefitting from child prostitution

(1) A person who—

(a) offers, arranges or facilitates the engagement of a child in prostitution; or

(c) knowingly receives any financial or other reward, favour or compensation from child prostitution,

commits an offence and is liable on conviction to a term of imprisonment not exceeding fifteen years.

Singapore

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution which prohibits slavery at article 10. Section 370 of the Penal Code prohibits buying or disposing of people as slaves, section 371 prohibits habitual dealing in slaves and section 367 prohibits kidnapping or abducting in order to subject a person to slavery. Slavery may also form an element of an offence of trafficking under articles 3 and 4 of the 2014 Prevention of Human Trafficking Act.

ii) There appears to be **no legislation** in place in Singapore which prohibits **servitude** although section 366 of the Penal Code prohibits kidnapping or abducting a woman to compel her to marriage. Practices similar to slavery and servitude may also form elements of an offence of trafficking under articles 3 and 4 of the Prevention of Human Trafficking Act.

iii) **Provisions** related to **forced labour** are found in the Constitution of the Republic of Singapore which prohibits forced labour at article 10 and section 374 of the Penal Code prohibits unlawful compulsory labour. Forced labour may also form an element of an offence of trafficking under articles 3 and 4 of the Prevention of Human Trafficking Act.

iv) **Provisions** related to **trafficking in persons** are found in the Prevention of Human Trafficking Act which criminalises trafficking under articles 3 and 4. Article 12 of the Children and Young Persons Act also criminalises trafficking in children and unlawful transfer of possession, custody or control of a child.

2) International Obligations: Singapore consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (25 October 1965, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (28 March 1972, succession)
 1957 Abolition of Forced Labour Convention: N/A (*denounced 19 April 1979*)
 1966 ICCPR: N/A
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (28 September 2015, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Singapore appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude; and
- in breach of its obligations towards the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 426

Slavery and the slave trade have been abolished in Singapore for many years now. The statutory provisions against slavery, which it has not been necessary to enforce in recent years, are to be found in the Penal Code, Sections 370 to 374...

Paragraph 427

...stringent provisions exist for the control and supervision of transferred children under the Children and Young Persons Ordinance (Cap. 128).
[Note: paragraph 430 – Annex contains the penal provisions reproduced below]

CONSTITUTION OF THE REPUBLIC OF SINGAPORE

9. Liberty of the person

(1) No person shall be deprived of his life or personal liberty save in accordance with law.

10. Slavery and forced labour prohibited

(1) No person shall be held in slavery.
(2) All forms of forced labour are prohibited, but Parliament may by law provide for compulsory service for national purposes.
(3) Work incidental to the serving of a sentence of imprisonment imposed by a court of law shall not be taken to be forced labour within the meaning of this Article.

13. Prohibition of banishment and freedom of movement

(1) No citizen of Singapore shall be banished or excluded from Singapore.
(2) Subject to any law relating to the security of Singapore or any part thereof, public order, public health or the punishment of offenders, every citizen of Singapore has the right to move freely throughout Singapore and to reside in any part thereof.

PENAL CODE (CHAPTER 224)

366. Kidnapping or abducting a woman to compel her marriage, etc.

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or to a life of prostitution, or knowing it to be likely that she will be forced or seduced to illicit intercourse, or to a life of prostitution, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

367. Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt or slavery, or to non-consensual penile penetration of the anus, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine or to caning.

370. Buying or disposing of any person as a slave

Whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any

person as a slave, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine. [Indian PC 1860, s. 370]

371. Habitual dealing in slaves

Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with imprisonment for life, or with imprisonment for a term not exceeding 10 years, and shall also be liable to fine.

372. Selling minor for purposes of prostitution, etc.

Whoever sells, lets to hire, or otherwise disposes of any person under the age of 21 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine. Explanation.—When a female under the age of 21 years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

373. Buying minor for purposes of prostitution, etc.

Whoever buys, hires or otherwise obtains possession of any person under the age of 21 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to 10 years, and shall also be liable to fine. Explanation.—Any prostitute, or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of 21 years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

373A. Importing woman for purposes of prostitution, etc.

Whoever — (a) by any false pretence, false representation, or fraudulent or deceitful means, brings, or assists in bringing, into Singapore any woman with intent that such woman may be employed or used for the purpose of prostitution; (b) brings, or assists in bringing, into Singapore any woman with intent that such woman may be sold or bought for the purpose of prostitution; or (c) sells or buys any woman for the purpose of prostitution, shall be punished with imprisonment for a term not exceeding 10 years, and shall also be liable to fine.

374. Unlawful compulsory labour

Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

PREVENTION OF
HUMAN TRAFFICKING
ACT 2014

2. Interpretation

In this Act, unless the context otherwise requires —

“coercion”, in relation to an individual, means the use of force or threat, whether violent or otherwise, against the individual or another individual, including —

- (a) any threat of harm to or physical restraint of the individual or the other individual;
- (b) any scheme, plan or pattern intended to cause the individual to believe that the failure to perform an act would result in serious harm to or physical restraint of the individual or the other individual; or
- (c) any abuse or threat related to the legal status of the individual or the other individual;

“debt bondage” means a status or condition arising from —

- (a) the pledging by a debtor of the personal services of the debtor or an individual under the debtor’s control, as security for a debt; and
- (b) the reasonable value of such services not being applied towards the discharge of the debt, or the length or nature of such services not being limited or defined, respectively;

“exploitation” means sexual exploitation, forced labour, slavery or any practice similar to slavery, servitude or the removal of an organ;

“practice similar to slavery” includes debt bondage, serfdom or any servile form of marriage;

“serfdom” means the condition or status of a tenant who is, by law, custom or agreement, bound to live and labour on land belonging to another person and to render any determinate service to that other person, whether for reward or not, and is not free to change that condition or status;

“servile form of marriage” means any institution or practice in which —

- (a) a woman or female child, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parent, guardian, family or any other person or group of persons;
- (b) the husband of a woman or female child, or his family or clan, has the right to transfer her to another person, whether for value received or otherwise; or
- (c) a woman or female child on the death of her husband is liable to be inherited by another person;

“servitude”, in relation to an individual, means any condition or obligation, not authorised by any written law, to work or render services from which the individual cannot escape or which the individual is not free to change;

3. Trafficking in persons

(1) Any person who recruits, transports, transfers, harbours or receives an individual (other than a child) by means of —

- (a) the threat or use of force, or any other form of coercion;
- (b) abduction;
- (c) fraud or deception;
- (d) the abuse of power;
- (e) the abuse of the position of vulnerability of the individual; or
- (f) the giving to, or the receipt by, another person having control over that individual of any money or other benefit to secure that other person’s consent,

for the purpose of the exploitation (whether in Singapore or elsewhere) of the individual shall be guilty of an offence.

(2) Any person who recruits, transports, transfers, harbours or receives a child for the purpose of the exploitation (whether in Singapore or elsewhere) of the child shall be guilty of an offence.

4. Punishment for trafficking in persons

(1) Any person who is guilty of an offence under section 3, upon conviction —

(a) in the case of a first offence, shall be punished with a fine not exceeding \$100,000 and with imprisonment for a term not exceeding 10 years, and shall be liable to caning not exceeding 6 strokes; and

(b) in the case of a second or subsequent offence, shall be punished with a fine not exceeding \$150,000, with imprisonment for a term not exceeding 15 years and with caning not exceeding 9 strokes.

(2) In determining the appropriate sentence for an offence under section 3, the court may take into account the aggravating factors relevant to the offence including the following:

(a) the offence involved serious injury to or the death (including death by suicide) of the trafficked victim or another individual;

(b) the trafficked victim was particularly vulnerable due to pregnancy, illness, infirmity, disability or any other reason, and the offender was aware of the trafficked victim's particular vulnerability;

(c) the trafficked victim was a child;

(d) the offence exposed the trafficked victim to a lifethreatening illness;

(e) the offence involved actual or threatened use of a weapon or drug;

(f) the offender was a public servant;

(g) the offender was the trafficked victim's spouse or conjugal partner;

(h) the offender was abusing a position of trust or authority in relation to the trafficked victim.

5. Abetment of trafficking in persons

(1) For the purposes of Chapter V of the Penal Code (Cap. 224), a person abets the commission of an offence under section 3 if —

(a) the person gives instruction to another person to commit the offence;

(b) the person provides or arranges any form of financing, transport, shelter, accommodation or any other facility with the intention of facilitating the commission of the offence; or

(c) the person —

(i) participates or assists in the recruitment, transport, transfer, harbouring or receiving of an individual;

(ii) employs or assists in the employment of any of the means specified in section 3(1)(a) to (f) in respect of the individual; or

(iii) does any act to promote or in furtherance of the actual or intended exploitation of the individual, with the intention of facilitating the commission of the offence against the individual.

(2) To avoid doubt, this section is without prejudice to the generality of the term "abetment" under the Penal Code.

6. Persons who receive payments in connection with exploitation of trafficked victims

(1) Any person who knowingly receives any payment in connection with the actual or intended exploitation in Singapore of a trafficked victim shall be guilty of an offence.

(2) Any person who is guilty of an offence under subsection (1), upon conviction —

- (a) in the case of a first offence, shall be punished with a fine not exceeding \$100,000 and with imprisonment for a term not exceeding 10 years, and shall be liable to caning not exceeding 6 strokes; and
- (b) in the case of a second or subsequent offence, shall be punished with a fine not exceeding \$150,000, with imprisonment for a term not exceeding 15 years and with caning not exceeding 9 strokes.

CHILDREN AND YOUNG PERSONS ACT (CHAPTER 38)

12. Trafficking in Children Unlawful transfer of possession, custody or control of child

- (1) Every person who takes any part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of a child for any valuable consideration shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 4 years.
- (2) Every person who, without lawful authority or excuse harbours or has in his possession, custody or control any child with respect to whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration by any other person within or outside Singapore shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 4 years.
- (3) It shall be a defence in any prosecution under this section to prove that the transfer took place in contemplation of or pursuant to a bona fide marriage or adoption and that at least one of the natural parents of the child or the legal guardian was a consenting party to the marriage or to the adoption by the adopting party, and had expressly consented to the marriage or adoption.
- (4) In this section, “legal guardian”, in relation to a child or young person, means a person lawfully appointed by deed or will or by the order of a competent court to be the guardian of that child or young person.

15. Consent to marriage

No female below the age of 18 years who is or has been detained or in respect of whom a bond or security has been taken under the provisions of this Act shall contract any form of marriage without the previous consent in writing of a protector.

WOMEN’S CHARTER

Note: Article 140 of the Women’s Charter prohibits forced prostitution involving detention or physical force, though it does not include non-physical forms of coercion, such as debt bondage or threat of abuse of the legal process.

Article 141 only prohibits the movement of women and girls for “trafficking” but does not define the term “trafficking.” Penalties prescribed for sex trafficking offenses in the Women’s Charter include a maximum of five years’ imprisonment”

Slovakia

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Slovakia which prohibits **slavery**, although section 182 of the Criminal Code criminalises deprivation of personal freedom and slavery may form an element of an offence of trafficking under sections 179 and 180.

ii) There appears to be **no legislation** in place in Slovakia which prohibits **servitude**, although placing a child under the control of another for the purpose of exploitation and in exchange for money is criminalised under section 181 of the Criminal Code. Practices similar to slavery and bondage may also form elements of an offence of trafficking under sections 179 and 180.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 18. Section 190 of the Criminal Code also criminalises gross coercion, and forced labour may form an element of an offence of trafficking under sections 179 and 180.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking in human beings under section 179 and trafficking in children under section 180.

2) International Obligations: Slovakia consents to:

1926 Slavery Convention: (10 October 1930, accession)
 1930 Forced Labour Convention: (1 January 1993, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: (28 May 1993, succession)
 1957 Abolition of Forced Labour Convention: (29 September 1997, ratification)
 1966 ICCPR: (28 May 1993, succession)
 1998 Rome Statute of the ICC: (11 April 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (21 September 2004, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Slovakia appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE SLOVAK
REPUBLIC 1992 (REV.
2014)

Article 12

1. All human beings are free and equal in dignity and rights. Their fundamental rights and freedoms are inalienable, irrevocable, and absolutely perpetual.

Article 14

Every person shall be entitled to his or her rights.

Article 16

1. The right of every individual to integrity and privacy shall be guaranteed. This right may be limited only in cases specifically provided by law.
2. No person shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 17

1. Personal liberty of every individual shall be guaranteed.

Article 18

1. No one may be subjected to forced labour or services.
2. Section (1) of this Article shall not apply to:
 - a. prisoners or persons sentenced to alternatives of imprisonment,
 - b. military service or other services performed in lieu of compulsory service in the armed forces,
 - c. services lawfully required in cases of natural disasters, calamities and other events threatening the lives, health or valuable property of citizens,
 - d. activities lawfully required for the protection of life, health and rights of other people,
 - e. minor municipality services on the basis of a law.

Article 23

1. Freedom of movement and residence shall be guaranteed.

Article 35

1. Every person shall have the right to choose freely his or her profession and to receive appropriate training, as well as the right to earn his or her living through entrepreneurial activities.
2. Terms of, or restrictions on, specific professions, trades or activities may be regulated by law.
3. Citizens shall have the right to work. The State shall guarantee, within reasonable limits, the material welfare of those who cannot enjoy this right through no fault of their own. The terms thereof shall be specified by law.
4. The rights of aliens provided in sections (1) to (3) of this Article, as concerns aliens, may be governed under a separate law.

Article 36

- All employees shall have the right to fair and satisfactory conditions at work. The law shall provide in particular for:
- a. the right to compensation for the work performed to secure a dignified standard of life,
 - b. the security from arbitrary dismissal and discrimination at work,
 - c. the protection of health and safety at work,
 - d. the setting of maximum working hours,

- e. reasonable rest time after work,
- f. a minimum amount of paid vacation,
- g. the right of collective bargaining.

CRIMINAL CODE

Section 179. Trafficking in Human Beings

(1) Any person who, by using fraudulent practices, a trick, restriction of personal freedom, violence, threatened violence, threat of grievous bodily harm or other forms of coercion, by accepting or offering monetary payment or other benefits in order to get approval of a person on whom another person depends, or by misusing his powers, or abusing of defencelessness or other vulnerable position, entices, transports, harbours, hands over or takes over another person, even upon his consent, for the purposes of his prostitution or another form of sexual exploitation, including pornography, forced labour or domestic slavery, slavery or practices similar to slavery, bondage, taking of organs, tissues or cells or other forms of exploitation, shall be liable to a term of imprisonment of four to ten years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on any person who entices, transports, harbours, hands over or takes over a person under eighteen years of age, even upon his consent, for the purposes of his prostitution or other form of sexual exploitation, including pornography, forced labour or domestic slavery, slavery or practices similar to slavery, bondage, taking of organs, tissues or cells or other forms of exploitation.

3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraphs 1 or 2, a) and obtains larger benefit for himself or another through its commission,

- b) against a protected person,
- c) by reason of specific motivation, or
- d) acting in a more serious manner.

(4) The offender shall be liable to term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraphs 1 or 2, a) and obtains substantial benefit for himself or another through its commission,

- b) and causes grievous bodily harm or death, or other particularly serious consequence through its commission, or
- c) as a member of a dangerous grouping.

(5) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraphs 1 or 2,

- a) and obtains large-scale benefit for himself or another through its commission, or
- b) and causes grievous bodily harm or death to several persons through its commission.

Note: Law No 204/2013 (no text available) amended section 179 as follows –

In section (1), instruments of THB also include abduction, the purposes of exploitation include, apart of forced service, also begging, and new purposes have been added, such as forced marriage and exploitation of criminal activities.

Qualified merits of the criminal offence of THB are specified in sections (2) to (5). Section (2) related to commitment of the criminal offense of trafficking in humans younger than 18 years of age has been fully substituted, and section (3) includes new letters b) and c)

Section 180. Trafficking in Children

- (1) Any person who, in breach of a generally binding legal regulation, places a child under the control of another for the purpose of adoption shall be liable to a term of imprisonment of up to three years.
- (2) The offender shall be liable to a term of imprisonment of four to ten years if he commits the offence referred to in paragraph 1,
 - a) and obtains larger benefit for himself or another through its commission, or
 - b) acting in a more serious manner.
- (3) The offender shall be liable to a term of imprisonment of ten to fifteen years if, through the commission of the offence referred to in paragraph 1, he causes grievous bodily harm or death, or other particularly serious consequence.

Section 181

- (1) Any person who, in exchange for money, places a child under the control of another for the purpose of exploiting the child for child labour, or for any other purpose, shall be liable to a term of imprisonment of four to ten years.
- 2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,
 - a) and obtains larger benefit for himself or another through its commission, or
 - b) acting in a more serious manner.
- (3) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraph 1,
 - a) and causes grievous bodily harm or death, or other particularly serious consequence through its commission, or
 - b) and obtains substantial benefit for himself or another through its commission.
- (4) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,
 - a) and obtains large-scale benefit for himself or another through its commission,
 - b) and causes death to several persons through its commission, or
 - c) as a member of a dangerous grouping.

Section 182. Deprivation of Personal Freedom

- (1) Any person who unlawfully deprives another of personal freedom shall be liable to a term of imprisonment of four to ten years.
- (2) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1
 - a) by reason of specific motivation,
 - b) against a protected person, or
 - c) acting in a more serious manner.
- (3) The offender shall be liable to a term of imprisonment of ten to fifteen years if he commits the offence referred to in paragraph 1,
 - a) and causes grievous bodily harm or death through its commission, or

- b) and obtains substantial benefit for himself or another through its commission.
- (4) The offender shall be liable to a term of imprisonment of fifteen to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,
 - a) and obtains large-scale benefit for himself or another through its commission,
 - b) as a member of a dangerous grouping, or
 - c) and causes death to several persons through its commission.

Section 183. Restriction of Personal Freedom

- (1) Any person who, without lawful authority, prevents another from enjoying personal liberty shall be liable to a term of imprisonment of between six months and three years.
- (2) The offender shall be liable to a term of imprisonment of three to eight years if he commits the offence referred to in paragraph 1
 - a) acting in a more serious manner,
 - b) by reason of specific motivation,
 - c) as a public figure,
 - d) against a protected person, or
 - e) and causes larger damage through its commission.
- (3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraph 1,
 - a) and causes grievous bodily harm or death through its commission, or
 - b) and causes substantial damage through its commission.
- (4) The offender shall be liable to a term of imprisonment of twelve to twenty-five years or to life imprisonment if he commits the offence referred to in paragraph 1,
 - a) and causes death to several persons through its commission,
 - b) and causes large-scale damage through its commission, or
 - c) as a member of a dangerous grouping.

Section 184. Restricting the Freedom of Residence

- (1) Any person who, through deception or violence, threat of violence or other harm,
 - a) forces without lawful authority other person to stay in a certain place, or
 - b) prevents without lawful authority other person from staying in a certain place,
 shall be liable to a term of imprisonment of between six months and three years.
- (2) The offender shall be liable to a term of imprisonment of one to five years if he commits the offence referred to in paragraph 1
 - a) acting in a more serious manner,
 - b) by reason of specific motivation, or
 - c) as a public figure.
- (3) The same sentence as referred to in paragraph 2 shall be imposed on the offender who forces without lawful authority other person to leave the territory of the Slovak Republic, or prevents other person from staying on the territory of the Slovak Republic.

Section 190. Gross Coercion

- (1) Any person who, by violence, the threat of violence or other serious harm, forces another to render consideration of proprietary or other than

proprietary nature for himself or for a third party in return for his own services or the services of a third party, which he forces on such person against his will, even if he pretends providing the services concerned, shall be liable to a term of imprisonment of four to ten years.

(2) The same sentence as referred to in paragraph 1 shall be imposed on the offender who, with respect to a group of persons because of their race, complexion, ethnicity, age or health condition, or with the intention to obtain an unlawful or undue advantage for himself or another,

a) without lawfull authority, forces them by violence or the threat of violence to do anything, omit doing or endure anything being done contrary to their fundamental human rights, or

b) batters, tortures or treats them in a similar inhuman and cruel manner.

(3) The offender shall be liable to a term of imprisonment of seven to twelve years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes larger damage through its commission,

b) against a protected person,

c) by reason of specific motivation, or

d) acting in a more serious manner.

(4) The offender shall be liable to a term of imprisonment of twelve to twenty years if he commits the offence referred to in paragraphs 1 or 2,

a) and causes grievous bodily harm or death through its commission, or

b) and causes substantial damage through its commission.

(5) The offender shall be liable to a term of imprisonment of twenty to twenty-five years or to life imprisonment if he commits the offence referred to in paragraphs 1 or 2,

a) and causes large-scale damage through its commission,

b) and causes death to several persons through its commission, or

c) as a member of a dangerous grouping.

Slovenia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code which criminalises placing or keeping a person in slavery, transporting, buying, selling or delivering a person or brokering such actions, and inducing a person to sell their freedom or the freedom of their dependent at article 112. Slavery may also form an element of an offence of trafficking under article 113 of the Criminal Code.

ii) **Provisions** related to **servitude** are found in the Criminal Code which criminalises placing or keeping a person in a condition similar to slavery, and inducing a person to sell their freedom or the freedom of their dependent at article 112. Servitude may also form an element of an offence of trafficking under article 113 of the Criminal Code.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 49. Forced labour may also form an element of an offence of trafficking under article 113 of the Criminal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under article 113.

2) International Obligations: Slovenia consents to:

1926 Slavery Convention: (28 September 1929, ratification – as former Yugoslavia)
1930 Forced Labour Convention: (29 May 1930, ratification)
1953 Protocol to the 1926 Slavery Convention: (21 March 1955, accession – as former Yugoslavia)
1956 Slavery Convention: (6 July 1956, succession)
1957 Abolition of Forced Labour Convention: (24 June 1957, ratification)
1966 ICCPR: (6 July 1966, succession)
1998 Rome Statute of the ICC: (31 December 1998, ratification)
2000 Palermo Protocol (Trafficking in Persons): (21 May 2004, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Slovenia appears to be:

- in breach of its obligations under the ICCPR in regards to forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
SLOVENIA 1991 (REV.
2013)

Article 18. Prohibition of torture

No one may be subjected to torture, inhuman or degrading punishment or treatment. The conducting of medical or other scientific experiments on any person without his free consent is prohibited.

Article 19. Protection of personal liberty

Everyone has the right to personal liberty.

No one may be deprived of his liberty except in such cases and pursuant to such procedures as are provided by law.

Article 32. Freedom of movement

Everyone has the right to freedom of movement, to choose his place of residence, to leave the country and to return at any time.

Article 34. Right to personal dignity and safety

Everyone has the right to personal dignity and safety.

Article 49. Freedom of work

Freedom of work shall be guaranteed.

Everyone shall choose his employment freely.

Everyone shall have access under equal conditions to any position of employment. Forced labour shall be prohibited.

Article 56. Rights of children

Children shall enjoy special protection and care. Children shall enjoy human rights and fundamental freedoms consistent with their age and maturity.

Children shall be guaranteed special protection from economic, social, physical, mental or other exploitation and abuse. Such protection shall be regulated by law.

PENAL CODE OF THE
REPUBLIC OF
SLOVENIA (AS OF 28
SEPTEMBER 2004)

Article 101 Crimes against Humanity

Whoever orders or carries out the following acts, which are part of a larger systematic attack against the civilian population and of which the perpetrators is aware :

...

- enslavement, which means performing of a particular or all justifications arising from the property right over a person and also include carrying out such justification in trafficking in human beings, especially women and children ;
 - imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law ;
 - rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population or to perform other severe violations of international law, enforced sterilization, or any other form of sexual violence of comparable gravity ;
 - other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
- shall be sentenced to imprisonment for not less than fifteen years.

Article 102 War Crimes

Whoever orders or commits war crimes, especially if they are committed as part of an integral plan or policy, or as part of an extensive implementation of such crimes, namely the following :

2) other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts :

- committing rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population or to perform other grave breaches of international law, enforced sterilization, or any other form of sexual violence, also constituting a grave breach of the Geneva Conventions ;

4) other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts :

- committing rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population, enforced sterilization, or any other form of sexual violence, also constituting a grave breach of Article 3, common to the four Geneva Conventions ;

Violation of Right to Equality

Article 141 (1) Whoever, due to differences in respect of nationality, race, colour of skin, religion, ethnic roots, gender, language, political or other beliefs, birth status, education, social position or any other circumstance, deprives or restrains another person of any human right or liberty recognised by the international community or laid down by the Constitution or the statute, or grants another person a special privilege or advantage on the basis of such discrimination shall be punished by a fine or sentenced to imprisonment for not more than one year. (2)

Whoever prosecutes an individual or an organisation due to his or its advocacy of the equality of people shall be punished under the provision of the preceding paragraph. (3) In the event of the offence under the first or the second paragraph of the present article being committed by an official through the abuse of office or of official authority, such an official shall be sentenced to imprisonment for not more than three years.

Criminal Coercion

Article 142 (1) Whoever, by means of force or serious threat, coerces another person to perform an act or to omit performing an act or to suffer any harm shall be sentenced to imprisonment for not more than one year. (2) The prosecution shall be initiated upon a complaint.

False Imprisonment

Article 143 (1) Whoever unlawfully incarcerates another person or keeps him incarcerated or otherwise deprives him of the freedom of movement shall be sentenced to imprisonment for not more than one year. (2) If the offence under the preceding paragraph is committed by an official through the abuse of office or of official authority, such an official shall be sentenced to imprisonment for not more than three years. (3) Any attempt to commit the offence under the first paragraph of the present article shall be punished. (4) Whoever either deprives another person unlawfully of his liberty for a period exceeding one week or acts so in an aggravated manner shall be sentenced to imprisonment for not less than six months and not more than five years.

Kidnapping

Article 144 (2) Whoever abducts another in order to compel him or any other person to perform an act or to omit to perform an act or to suffer any harm shall be sentenced to imprisonment for not less than six

months and not more than five years. (2) Whoever commits the offence under the preceding paragraph against a minor or threatens the kidnapped person with murder or serious bodily harm shall be sentenced to imprisonment for not less than one and not more than ten years. (3) The perpetrator of any of the offences under the first or second paragraphs of the present article who releases the kidnapped person before the payment of a ransom, the extortion of which was the motive of the kidnapping of that person, may be granted a reduction or remission of his sentence.

Threatening the Security of Another Person

Article 146 (1) Whoever threatens the security of another person by a serious threat to his life or limb shall be punished by a fine or sentenced to imprisonment for not more than one year. (2) The prosecution shall be initiated upon a complaint.

CRIMINAL CODE OF THE REPUBLIC OF SLOVENIA, 2008

Article 101. Crimes against Humanity

Whoever orders or carries out the following acts, which are part of a larger systematic attack against the civilian population and of which the perpetrators is aware:

- enslavement, which means performing of a particular or all justifications arising from the property right over a person and also include carrying out such justification in trafficking in human beings, especially women and children;
 - rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population or to perform other severe violations of international law, enforced sterilization, or any other form of sexual violence of comparable gravity;
- shall be sentenced to imprisonment for not less than fifteen years.

Article 102. War Crimes

Whoever orders or commits war crimes, especially if they are committed as part of an integral plan or policy, or as part of an extensive implementation of such crimes, namely the following:

2) other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

- committing rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population or to perform other grave breaches of international law, enforced sterilization, or any other form of sexual violence, also constituting a grave breach of the Geneva Conventions;

4) other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

- committing rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population, enforced sterilization, or any other form of sexual violence, also constituting a grave breach of Article 3, common to the four Geneva Conventions;

Article 112. Enslavement

- (1) Whoever, in violation of the rules of the international law, places another person into slavery or a similar condition, or keeps another person in such a condition, buys, sells or delivers another person to a third party, or brokers the buying, selling or delivery of such person, or induces another person to sell his freedom or the freedom of the person he supports or cares after, shall be punished by imprisonment of one up to ten years.
- (2) Whoever transports persons held in the condition of slavery or in similar condition from one state to another, shall be punished by imprisonment of six months up to five years.
- (3) Whoever commits the offence referred to in the first or the second paragraphs of this Article against a minor, shall be punished by imprisonment of at least three years.

Article 113. Trafficking in Human Beings

- (1) Whoever purchases another person, takes possession of it, accommodates it, transports it, sells it, delivers it or disposes with it in any other way, or acts as a broker in such operations, for the purpose of prostitution or other forms of sexual exploitation, forced labour, enslavement, servitude or trafficking in organs, human tissues or blood, shall be punished by imprisonment of one up to ten years.
- (2) If an offence from the preceding paragraph was committed against a minor or with force, threat, deception, kidnapping or abuse of a subordinate or dependent position, or with intention of forcing towards pregnancy or artificial insemination, the perpetrator shall be punished by imprisonment of at least three years.
- (3) The same punishment from the previous paragraph shall be imposed on whoever that commits an offence from the first or second paragraphs of this Article as a member of a criminal association for the commission of such offences, or if a large property benefit was gained through this offence.

Solomon Islands

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution of Solomon Islands which prohibits slavery at article 6(1). Article 251 of the Penal Code also criminalises kidnapping or abducting in order to subject a person to slavery.

ii) There appears to be **no legislation** in place in Solomon Islands which prohibits **servitude**, although servitude and practices similar to may form an element of an offence of trafficking under articles 776 and 77 of the Immigration Act and article 145 of the Penal Code.

iii) **Provisions** related to **forced labour** are found in the Constitution of Solomon Islands which prohibits forced labour at article 6(2) and the Penal Code which criminalises unlawful compulsory labour under article 256.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises internal trafficking under article 145, and the 2012 Immigration Act which criminalises people trafficking under article 76 and trafficking in children under article 77.

2) International Obligations: Solomon Islands consents to:

1926 Slavery Convention: (3 September 1981, succession)
 1930 Forced Labour Convention: (6 August 1985, ratification)
 1953 Protocol to the 1926 Slavery Convention: (3 September, succession)
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (13 April 2012, ratification)
 1966 ICCPR: N/A
 1998 Rome Statute of the ICC: (3 December 1998, signature)
 2000 Palermo Protocol (Trafficking in Persons): N/A
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Solomon Islands appears to be:

- in breach of its obligations under the 1926 Convention with regard to slavery.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF SOLOMON
ISLANDS 1978 (REV.
2009)

3. Fundamental rights and freedoms of the individual

Whereas every person in Solomon Islands is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely:

(a) life, liberty, security of the person and the protection of the law;

5. Protection of right to personal liberty

(1) No person shall be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say –

6. Protection from slavery and forced labour

(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression "forced labour" does not include –

(a) any labour required in consequence of the sentence or order of a court;

(b) any labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;

(c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;

(d) any labour required during any period of public emergency or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or

(e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

7. Protection from inhuman treatment

No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

14. Protection of freedom of movement

(1) No person shall be deprived of his freedom of movement, and for the purposes of this section the said freedom means the right to move freely throughout Solomon Islands, the right to reside in any part of Solomon Islands, the right to enter Solomon Islands and immunity from expulsion from Solomon Islands.

PENAL CODE (AS
AMENDED BY THE
PENAL CODE
AMENDMENT
(SEXUAL OFFENSE)
ACT 2016)

Article 41. General punishment for misdemeanours

When in this Code no punishment is specially provided for any misdemeanour, it shall be punishable with imprisonment for a term not exceeding two years or with a fine or with both.

Article 143. Child commercial sexual exploitation

(2) A person commits an offence if the person obtains commercial sexual services from a child.

Maximum penalty:

- (a) if the child is under 15 years of age – 20 years imprisonment; or
- (b) in any other case – 15 years imprisonment.

Article 145. Internal people trafficking

(1) In this section:

“exploitation” includes all forms of sexual exploitation (including sexual servitude), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs;

“internal people trafficking”: a person engages in internal people trafficking if the person recruits, transports, harbours or receives another person within the Solomon Islands for the purpose of exploitation.

(2) A person commits an offence if the person engages in internal people trafficking by one or more of the following means:

- (a) threats;
- (b) use of force or other coercion;
- (c) abduction;
- (d) fraud;
- (e) deception;
- (f) abuse of power or of a position of trust;
- (g) giving or receiving payments or benefits to obtain the consent of a person who has control over another person.

Maximum penalty:

- (a) if the person who is trafficked is a child – 25 years imprisonment; or
- (b) in any other case – 20 years imprisonment.

(3) A person commits an offence if the person engages in, or profits from, the exploitation of an internally trafficked person.

Maximum penalty: 15 years imprisonment.

Article 248. Definition of kidnapping and abduction

For the purposes of this Part of this Code–

(a) any person who conveys any person beyond the limits of Solomon Islands without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person; and

(b) any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Article 251. Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony, and shall be liable to imprisonment for ten years.

253. Child stealing

Any person who unlawfully, either by force or fraud, leads, or takes away, or decoys or entices away, or detains any child under the age of fourteen years, with intent to deprive any parent, guardian or other person having the lawful care or charge of such child, of the possession

of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong; and any person who with any such intent, receives or harbours any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained, as in this section before mentioned, is guilty of a felony, and shall be liable to imprisonment for seven years:

Provided that no person who shall have claimed in good faith any right to the possession of such child, or is the mother or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof, on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

255. Punishment for wrongful Confinement

Whoever wrongfully confines any person is guilty of a misdemeanour and shall be liable to imprisonment for one year or to a fine of four hundred dollars.

256. Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

IMMIGRATION ACT 2012

Article 70. Definitions

In this Act, unless the contrary intention appears –

“exploitation” includes all forms of sexual exploitation (including sexual servitude and exploitation of another person’s prostitution), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs;

“people trafficking”: a person engages in people trafficking if the person recruits, transports, harbours or receives another person (the trafficked person) for the purposes of exploitation;

Article 76. Offence of people trafficking

(1) A person commits an offence if the person engages in people trafficking by one or more of the following means -

- (a) threats;
- (b) use of force or other coercion;
- (c) abduction;
- (d) fraud;
- (e) deception;
- (f) abuse of power or of a position of trust;
- (g) giving or receiving payments or benefits to obtain the consent of a person who has control over another person.

(2) A person who is convicted of an offence under subsection (1) is liable to a fine not exceeding 45,000 penalty units or to imprisonment for a term not exceeding 5 years or, to both.

Article 77. Offence of trafficking in children

A person who engages in people trafficking, by any means, when the trafficked person is aged under 18 commits an offence and is liable on conviction to a fine not exceeding 90,000 penalty units or to imprisonment for a term not exceeding 10 years or, both.

Article 78. Offence of exploiting a trafficked person

A person who engages in, or profits from, the exploitation of a trafficked person commits an offence and is liable on conviction to a fine not exceeding 45,000 penalty units or to imprisonment for a term not exceeding 5 years, or both.

Article 79. Consent of trafficked person is not relevant

For the purpose of sections 76, 77, and 78, it is not a defence that the trafficked person consented to the people trafficking or to the exploitation.

THE ADOPTION ACT
2004

23. Prohibition of certain payments

(1) Subject to the provisions of this section, it shall not be lawful to make or give to any person any payment or reward for or in consideration of –

- (a) the adoption by that person of that infant;
- (b) the grant by that person of any consent required in connection with the adoption of an infant;
- (c) the transfer by that person of the care and possession of an infant with a view to the adoption of the infant; or
- (d) the making by that person of arrangements for the adoption of an infant.

(2) Any person who makes or gives, or agrees or offers to make or give, any payment or reward prohibited by this section, or who receives or agrees to receive or attempts to obtain any such reward, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars or to both, and the court may order any infant in respect of whom the offence was committed to be removed to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.

Somalia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 14 which declares that a person may not be subjected to slavery for any purpose and the Penal Code which criminalises reducing a person to slavery, dealing or trading in slaves, and sale, purchase, taking of possession, and holding of slaves under articles 455-457.

ii) **Provisions** related to **servitude** are found in the Constitution at article 14 which declares that a person may not be subjected to servitude for any purpose and the Penal Code which criminalises reducing a person to a condition similar to slavery, dealing or trading in persons in a condition similar to slavery, and sale, purchase, taking of possession, and holding of a person in a condition similar to slavery under articles 455-457. Article 458 of the Penal Code also criminalises 'enforced subjection'.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 14 which declares that a person may not be subjected to forced labour for any purpose and the Penal Code which criminalises compulsory labour at article 464.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution at article 14 which declares that a person may not be subjected to trafficking for any purpose.

2) International Obligations: Somalia consents to:

1926 Slavery Convention: N/A

1930 Forced Labour Convention: (18 November 1960, ratification)

1953 Protocol to the 1926 Slavery Convention: N/A

1956 Slavery Convention: N/A

1957 Abolition of Forced Labour Convention: (8 December 1961, ratification)

1966 ICCPR: (24 January 1990, accession)

1998 Rome Statute of the ICC: N/A

2000 Palermo Protocol (Trafficking in Persons): N/A

2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Somalia appears to be:

- in compliance with its basic obligations under the above instruments with regard to slavery, servitude, forced or compulsory labour, and trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 431

In the Somali Republic, there is no slaver or institution of practice similar to slavery. The Constitution and the Penal Code (Legislative Decree No. 5 of 16 December 1962) prohibit them.

The Constitution provides in Article 17:

“1. Every person shall have the right to personal liberty.

“2. Subjection to any form of slavery or servitude shall be punishable as a crime...”

Crimes relating to slavery:

[Note: the penal provisions listed in the report are reproduced below]

THE CONSTITUTION OF THE FEDERAL REPUBLIC OF SOMALIA 2012

Article 10. Human dignity

1. Human dignity is given by God to every human being, and this is the basis for all human rights.

2. Human dignity is inviolable and must be protected by all.

Article 14. Slavery, servitude and forced labour

A person may not be subjected to slavery, servitude, trafficking, or forced labour for any purpose.

Article 15. Liberty and security of the person

1. Every person has the right to personal liberty and security.

2. Every person has the right to personal security, which shall be safeguarded through the prohibition of illegal detention, all forms of violence, including any form of violence against women, torture, or inhumane treatment.

3. The physical integrity of every person is inviolable. No one may be subjected to medical or scientific experiments without their consent or, if a person lacks the legal capacity to consent, the consent of a near relative and the support of expert medical opinion.

Article 21. Freedom of movement and residence

1. Every person lawfully residing within the territory of the Federal Republic of Somalia has the right to freedom of movement, freedom to choose their residence, and freedom to leave the country.

Article 23. Freedom of trade, occupation and profession

Every citizen has the right to choose their trade, occupation or profession freely.

Article 24. Labour relations

1. Every person has the right to fair labour relations.

Article 28. Family care

5. No marriage shall be legal without the free consent of both the man and the woman, or if one or both of them have not reached the age of maturity.

Article 29. Children

3. No child may perform work or provide services that are not suitable for the child's age or create a risk to the child's health or development in any way.

THE PENAL CODE

Note: This Code is still applied in the Republic of Somaliland and in northern Somalia region of Puntland. It is still current in South and Central Somalia.

Article 407. Instigation, aiding and exploitation of prostitution

(1) Whoever instigates another to commit prostitution, or aids or in any manner facilitates prostitution, or exploits, wholly or in part, the proceeds of prostitution, shall be liable to the punishment provided for in paragraph 1 of article 405 [imprisonment from two months to two years and with fine from Sh. So. 100 to 2,000].

(2) The punishment shall be increased where:

- (a) the act is committed against a person who is incapable of giving consent;
- (b) the offender is an ascendant, spouse, brother, sister, or guardian of the person;
- (c) the act is committed against a person entrusted to the offender for care, education, instruction, supervision or custody.

Article 408. Compulsion to prostitution

(1) Whoever, by violence or threats, compels another to commit prostitution shall be punished with imprisonment from two to six years and with fine from Sh. So. 5,000 to 15,000.

(2) Where any of the conditions referred to in paragraph 2 of the preceding article exists, the punishment shall be increased.

Article 455. Reduction to Slavery

Whoever reduces a person to slavery or to a similar condition, shall be punished with imprisonment from five to twenty years.

Article 456. Dealing and Trading in Slaves

Whoever deals or in any manner trades in slaves or persons in a condition similar to slavery, shall be punished with imprisonment from five to twenty years.

Article 457. Sale and Purchase of Slaves

Whoever, other than in the cases referred to in the preceding articles, disposes of or transfers a person who is in a state of slavery or a similar condition, or takes possession of or purchases or holds such person in such state, shall be punished with imprisonment from five to fifteen years.

Article 458. Enforced subjection

Whoever compels another to submit to his own power, so as to reduce him to a total state of subjection, shall be punished with imprisonment from five to fifteen years.

Article 464. Compulsory Labour

Apart from the cases of military or civil emergency, or the cases in which compulsory labour is expressly provided for by law [2 Labour Code], whoever forces another to compulsory labour, shall be punished, where the act does not constitute a more serious offence, with imprisonment [96 P.c.] from six months to five years and fine [97 P.c.] from Sh. So. 5,000 to 20,000.

South Africa

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution at article 13 which declares that no one may be subjected to slavery.
- ii) **Provisions** related to **servitude** are found in the Constitution at article 13 which declares that no one may be subjected to servitude.
- iii) **Provisions** related to **forced labour** are found in the Constitution at article 13 which declares that no one may be subjected to forced labour.
- iv) **Provisions** related to **trafficking in persons** are found in the 2013 Prevention and Combating of Trafficking in Persons Act which criminalises trafficking under article 4. The 2007 Criminal Law (Sexual Offences and Related Matters) Amendment also criminalises trafficking in persons for sexual purposes under article 71 and the 2005 Children's Act criminalises trafficking in children under article 284.

2) International Obligations: South Africa consents to:

1926 Slavery Convention: *N/A*
 1930 Forced Labour Convention: (5 March 1997, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: *N/A*
 1957 Abolition of Forced Labour Convention: (5 March 1997, ratification)
 1966 ICCPR: (10 December 1998, ratification)
 1998 Rome Statute of the ICC: (19 October 2016, withdrawn)
 2000 Palermo Protocol (Trafficking in Persons): (20 February 2004, ratification)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: South Africa appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: reference below.

ENGEN REPORT

Paragraph 112

Under Bantu custom widows become the responsibility of the heir. If they are still capable of having children, they are in terms of the custom of levirate allotted to the brothers of the deceased. The law, however, forbids the compulsory application of the levirate and a widow need, therefore, not consort with a man unless she so desires.

CONSTITUTION 1996 (REV. 2012)

10. Human dignity

Everyone has inherent dignity and the right to have their dignity respected and protected.

12. Freedom and security of the person

1. Everyone has the right to freedom and security of the person, which includes the right-

- a. not to be deprived of freedom arbitrarily or without just cause;
- b. not to be detained without trial;
- c. to be free from all forms of violence from either public or private sources;
- d. not to be tortured in any way; and
- e. not to be treated or punished in a cruel, inhuman or degrading way.

2. Everyone has the right to bodily and psychological integrity, which includes the right-

- a. to make decisions concerning reproduction;
- b. to security in and control over their body; and
- c. not to be subjected to medical or scientific experiments without their informed consent.

13. Slavery, servitude and forced labour

No one may be subjected to slavery, servitude or forced labour.

21. Freedom of movement and residence

1. Everyone has the right to freedom of movement.

3. Every citizen has the right to enter, to remain in and to reside anywhere in, the Republic.

22. Freedom of trade, occupation and profession

Every citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law.

23. Labour relations

1. Everyone has the right to fair labour practices.

28. Children

1. Every child has the right-

- e. to be protected from exploitative labour practices;
- f. not to be required or permitted to perform work or provide services that-
 - i. are inappropriate for a person of that child's age; or
 - ii. place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;

Table of non-derogable rights

Row 5

Column 1. Section number

13

Column 2. Section title

Slavery, servitude and forced labour

Column 3. Extent to which the right is non-derogable

With respect to slavery and servitude

CRIMINAL LAW
(SEXUAL OFFENCES
AND RELATED
MATTERS)
AMENDMENT ACT 32
OF 2007

71. Trafficking in persons for sexual purposes

- (1) A person ('A') who trafficks any person ('B'), without the consent of B, is guilty of the offence of trafficking in persons for sexual purposes.
- (2) A person who-
- (a) orders, commands, organises, supervises, controls or directs trafficking;
 - (b) performs any act which is aimed at committing, causing, bringing about, encouraging, promoting, contributing towards or participating in trafficking; or
 - (c) incites, instigates, commands, aids, advises, recruits, encourages or procures any other person to commit, cause, bring about, promote, perform, contribute towards or participate in trafficking, is guilty of an offence of involvement in trafficking in persons for sexual purposes.
- (3) For the purpose of subsection (1), 'consent' means voluntary or uncoerced agreement.
- (4) Circumstances in which B does not voluntarily or without coercion agree to being trafficked, as contemplated in subsection (3), include, but are not limited to, the following-
- (a) where B submits or is subjected to such an act as a result of any one or more of the means or circumstances contemplated in subparagraphs (i) to (vii) of the definition of trafficking having been used or being present; or
 - (b) where B is incapable in law of appreciating the nature of the act, including where B is, at the time of the commission of such act-
 - (i) asleep;
 - (ii) unconscious;
 - (iii) in an altered state of consciousness, including under the influence of any medicine, drug, alcohol or other substance, to the extent that B's consciousness or judgement is adversely affected;
 - (iv) a child below the age of 12 years; or
 - (v) a person who is mentally disabled.
- (5) A person who has been trafficked is not liable to stand trial for any criminal offence, including any migration-related offence, which was committed as a direct result of being trafficked.
- (6)
- (a) A commercial carrier commits an offence if the carrier brings a person into or removes a person from the Republic and, upon entry into or departure from the Republic, the person does not have the travel documents required for lawful entry into or departure from the Republic.
 - (b) A commercial carrier is not guilty of an offence under paragraph (a) if-
 - (i) the carrier had reasonable grounds to believe that the documents that the person has are the travel documents required for lawful entry into or departure from the Republic by that person;

- (ii) the person possessed the travel documents required for lawful entry into or departure from the Republic when that person boarded, or last boarded, the means of transport to travel to or from the Republic; or
- (iii) entry into the Republic occurred only because of illness or injury to a child or adult on board, stress of weather or other circumstances beyond the control of the commercial carrier.
- (c) A commercial carrier is, in addition to any offence under this section, liable to pay the costs of the trafficked person's care and safekeeping and return from, the Republic.
- (d) A court must, when convicting a commercial carrier of an offence under this section, in addition order the commercial carrier concerned to pay the costs contemplated in paragraph (c).

PREVENTION AND COMBATING OF TRAFFICKING IN PERSONS ACT 2013

4. Trafficking in persons

- (1) Any person who delivers, recruits, transports, transfers, harbours, sells, exchanges, leases or receives another person within or across the borders of the Republic, by means of—
 - (a) a threat of harm;
 - (b) the threat or use of force or other forms of coercion;
 - (c) the abuse of vulnerability;
 - (d) fraud;
 - (e) deception;
 - (f) abduction;
 - (g) kidnapping;
 - (h) the abuse of power;
 - (i) the direct or indirect giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or
 - (j) the direct or indirect giving or receiving of payments, compensation, rewards, benefits or any other advantage, aimed at either the person or an immediate family member of that person or any other person in close relationship to that person,
 for the purpose of any form or manner of exploitation, is guilty of the offence of trafficking in persons.
- (2) Any person who—
 - (a) adopts a child, facilitated or secured through legal or illegal means; or
 - (b) concludes a forced marriage with another person, within or across the borders of the Republic, for the purpose of the exploitation of that child or other person in any form or manner, is guilty of an offence.

5. Debt bondage

Any person who intentionally engages in conduct that causes another person to enter into debt bondage is guilty of an offence.

6. Possession, destruction, confiscation, concealment of or tampering with documents

Any person who has in his or her possession or intentionally destroys, confiscates, conceals or tampers with any actual or purported identification document, passport or other travel document of a victim of trafficking in facilitating or promoting trafficking in persons is guilty of an offence.

7. Using services of victims of trafficking

Any person who intentionally benefits, financially or otherwise, from the services of a victim of trafficking or uses or enables another person to use the services of a victim of trafficking and knows or ought reasonably to have known or suspected that such person is a victim of trafficking, is guilty of an offence.

8. Conduct facilitating trafficking in persons

(1) Any person who—

(a) intentionally leases or subleases any room, house, building or establishment

for facilitating or promoting trafficking in persons or allows it to be used or ought reasonably to have known or suspected that it will be used to facilitate or promote trafficking in persons;

(b) subsequent to the lease or sublease of any room, house, building or establishment, becomes aware or ought reasonably to have known or suspected that it is being used to facilitate or promote trafficking in persons and fails to report that knowledge to a police official;

(c) intentionally advertises, publishes, prints, broadcasts, distributes or causes the

advertisement, publication, printing, broadcast or distribution of information that facilitates or promotes trafficking in persons by any means, including the use of the internet or other information technology; or

(d) finances, controls or organises the commission of an offence under this Chapter,
is guilty of an offence.

(2)

(a) An electronic communications service provider operating in the Republic must take all reasonable steps to prevent the use of its service for the hosting of information referred to in subsection (1)(c).

(b) An electronic communications service provider that is aware or becomes aware of any electronic communications which contain information referred to in subsection (1)(c) and which is stored upon or transmitted over its electronic communications system must—

(i) without delay report the electronic communications identity number from which those electronic communications originated and any other particulars available to such electronic communications service provider which can be used to identify the person or electronic communications service provider (including an electronic communications service provider operating outside the Republic) from who or from which those electronic communications originated, to the South African Police Service;

(ii) take such reasonable steps as are necessary to preserve evidence as may be required by the relevant investigation and prosecuting authorities, for purposes of investigation and prosecution by the relevant authorities; and

(iii) without delay take such reasonable steps as are necessary to prevent continued access to those electronic communications—

(aa) by any of the customers of that electronic communications service provider; or

(bb) by any person if they are stored on the system of the electronic communications service provider.

(3) An electronic communications service provider which fails to comply with the provisions of subsection (2)(a) or (b) is guilty of an offence.

(4) Nothing in this section places a general obligation on an electronic communications service provider to—

- (a) monitor the data which it transmits or stores; or
 - (b) actively seek facts or circumstances indicating an unlawful activity.
- (5) An electronic communications service provider is not liable for any loss sustained by or damage caused to any person as a result of any action taken in good faith in terms of subsection (2)(b)(iii).

10. Involvement in offences under this Chapter

(1) Any person who—

- (a) attempts to commit or performs any act aimed at participating in the commission of;
- (b) incites, instigates, commands, directs, aids, promotes, advises, recruits, encourages or procures any other person to commit; or
- (c) conspires with any other person to commit, an offence under this Chapter is guilty of an offence.

(2) A person who is found guilty of an offence referred to in subsection

(1) is liable, on conviction, to the penalties for the offence in question, as provided for in section 13.

13. Penalties

A person convicted of an offence referred to in—

- (a) section 4(1) is, subject to section 51 of the Criminal Law Amendment Act, 1997 (Act No. 105 of 1997), liable to a fine not exceeding R100 million or imprisonment, including imprisonment for life, or such imprisonment without the option of a fine or both;
- (b) section 4(2) is liable to a fine not exceeding R100 million or imprisonment, including imprisonment for life, or such imprisonment without the option of a fine or both;
- (c) section 5, 7 or 23 is liable to a fine or imprisonment for a period not exceeding 15 years or both;
- (d) section 6 or 8(1) is liable to a fine or imprisonment for a period not exceeding 10 years or both; or
- (e) section 8(3), 9, 18(9) or 19(13) is liable to a fine or imprisonment for a period not exceeding five years or both.

CHILDREN'S ACT 2005

282. UN Protocol to Prevent Trafficking in Persons to have force of law

The UN Protocol to Prevent Trafficking in Persons is in force in the Republic and its provisions are law in the Republic, subject to the provisions of this Act.

284. Trafficking in children prohibited

- (1) No person, natural or juristic, or a partnership may traffic a child or allow a child to be trafficked.
 - (2) It is no defence to a charge of contravening subsection (1) that child to be trafficked.
 - (a) a child who is a victim of trafficking or a person having control over that child 30 has consented to-
 - (i) the intended exploitation; or
 - (ii) the adoption of the child facilitated or secured through illegal means;
- or

- (b) the intended exploitation or adoption of a child referred to in paragraph (a) did not occur.
- (3) In order to establish the liability, in terms of subsection (1), of an employer or principal, the conduct of an employee or agent of or any other person acting on behalf of the employer or principal may be attributed to the employer or principal if that person is acting-
 - (a) within the scope of his or her employment;
 - (b) within the scope of his or her actual or apparent authority; or
 - (c) with the express or implied consent of a director, member or partner of the employer or principal.
- (4) A finding by a court that an employer or principal has contravened subsection (1) serves as a ground for revoking the licence or registration of the employer or principal to operate.

285. Behaviour facilitating trafficking in children prohibited

- (1) No person, natural or juristic, or a partnership, may-
 - (a) knowingly lease or sublease or allow any room, house, building or establishment to be used for the purpose of harbouring a child who is a victim of trafficking; and
 - (b) advertise, publish, print, broadcast, distribute or cause the advertisement, publication, printing, broadcast or distribution of information that suggests or alludes to trafficking by any means, including the use of the Internet or other information technology.
- (2) Every Internet service provider operating in the Republic must report to the South 10 African Police Service any site on its server that contains information in contravention of subsection (1).

Implementation of the Rome Statute of the International Criminal Court 2002

Schedule 1 Crimes

Part 2 Crimes against Humanity

- 1. 'A crime against humanity' means any of the following conduct when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
 - (c) enslavement.

- 2. For the purpose of item 1 of this Part:

- (c) 'enslavement' means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children.

Part 3 War Crimes

'War crimes' mean any of the following:

- (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following conduct:
 - (xxii) committing rape, sexual slavery, enforced prostitution, forced pregnancy as defined in paragraph (f) of item 2 of Part 2, enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions.
- (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following conduct:

(vi) committing rape, sexual slavery, enforced prostitution, forced pregnancy as defined in paragraph (f) of item 2 of Part 2, enforced sterilisation and any other form of sexual violence also constituting a serious violation of Article 3 common to the four Geneva Conventions.

South Sudan

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the 2011 Constitution at article 13(1) which prohibits slavery and the slave trade in all its forms and declares that no person shall be held in slavery.
- ii) **Provisions** related to **servitude** in are found in the Constitution at article 13(1) which declares that no person shall be held in servitude.
- iii) **Provisions** related to **forced labour** are found in the Constitution at article 13(2) which declares that no person shall be required to perform forced or compulsory labour and the Penal Code Act which criminalises unlawful compulsory labour at article 277.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code Act which criminalises trafficking under article 282, although this offence requires movement outside Southern Sudan and the acts, means and purposes do not align with the Palermo Protocol. Child trafficking is also prohibited under article 22(3)(b) of the Child Act.

2) International Obligations: South Sudan consents to:

1926 Slavery Convention: *N/A*
 1930 Forced Labour Convention: (29 April 2012, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: *N/A*
 1957 Abolition of Forced Labour Convention: (29 April 2012, ratification)
 1966 ICCPR: *N/A*
 1998 Rome Statute of the ICC: *N/A*
 2000 Palermo Protocol (Trafficking in Persons): *N/A*
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: South Sudan appears to be:

- in compliance with its basic obligations under the above instruments with regard to forced or compulsory labour.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
SOUTH SUDAN 2011
(REV. 2013)

11. Life and human dignity

Every person has the inherent right to life, dignity and the integrity of his or her person which shall be protected by law; no one shall be arbitrarily deprived of his or her life.

12. Personal liberty

Every person has the right to liberty and security of person; no person shall be subjected to arrest, detention, deprivation or restriction of his or her liberty except for specified reasons and in accordance with procedures prescribed by law.

13. Freedom from Slavery, Servitude and Forced Labour

1. Slavery and slave trade in all forms are prohibited. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced or compulsory labour except as a penalty upon conviction by a competent court of law.

15. Right to found a family

Every person of marriageable age shall have the right to marry a person of the opposite sex and to found a family according to their respective family laws, and no marriage shall be entered into without the free and full consent of the man and woman intending to marry.

17. Rights of the child

1. Every child has the right:
 - d. not to be subjected to exploitative practices or abuse, nor to be required to serve in the army nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being;
 - h. to be protected from abduction and trafficking.

27. Freedom of movement and residence

1. Every citizen shall have the right to freedom of movement and the liberty to choose his or her residence except for reasons of public health and safety as shall be regulated by law.
2. Every citizen shall have the right to leave and or return to South Sudan.

THE PENAL CODE
ACT 2008

Article 252. Soliciting.

Whoever publicly solicits another person for the purposes of prostitution commits the offence of soliciting, and upon conviction shall be sentenced to imprisonment for a term not exceeding six months with a fine or with both.

Article 253. Living off or Facilitating Prostitution.

Whoever—

- (a) keeps a brothel; or
- (b) demands from a prostitute any payment or reward in consideration of the person—
 - (i) keeping, managing or assisting in the keeping of a brothel in which the prostitute is, or has been, living for immoral purposes;
 - (ii) having solicited other persons for immoral purposes on behalf of the prostitute; or
 - (iii) having effected the prostitute's entry into a brothel for the purpose of prostitution; or

- (iv) having brought or assisted in bringing the prostitute into Southern Sudan for immoral purposes; or
- (c) demands from a prostitute any payment or reward in consideration for any present or past immoral connection with the prostitute, commits the offence of facilitating prostitution, and upon conviction, shall be sentenced to imprisonment for a term not exceeding two years with a fine or with both.

Article 254. Procuring.

Whoever, procures any other person—

- (a) for the purposes of engaging in unlawful sexual conduct with another person or with persons generally, whether inside or outside Southern Sudan;
 - (b) to become a prostitute, whether inside or outside Southern Sudan;
 - (c) to leave Southern Sudan with the intent that the other person may become a prostitute, or
 - (d) to leave his or her usual place of residence, not being a brothel, with the intent that he or she may become an inmate of or a frequent brothel elsewhere,
- commits the offence of procuring, and upon conviction shall be sentenced as follows—
- (a) in a case where the person procured is a child, to imprisonment for a period not exceeding ten years or with a fine or with both;
 - (b) in any other case, to imprisonment for a period not exceeding two years or with a fine or with both.

Article 273. Kidnapping or Abducting a Woman to Compel her Marriage, etc.

Whoever, kidnaps or abducts any woman with intent that she may be compelled or knowing it to be likely that she will be compelled to marry any person against her will or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse, commits an offence and shall be addressed according to the customs and traditions of the aggrieved party, in lieu of that and upon conviction, shall be sentenced to imprisonment for a term not exceeding ten years or with a fine or with both.

Article 276. Buying or Selling or Disposal of a minor for purpose of Prostitution.

Whoever buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person under the age of eighteen with the intent that such a person shall be employed or used for any unlawful or immoral purpose or knowing it to be likely that such person will be employed or used for any such purpose, commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding fourteen years or with a fine or with both.

Article 277: Unlawful Compulsory Labour.

Whoever, unlawfully compels any person to labour against the will of that person, commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding two years or with a fine or with both.

Article 278. Kidnapping or Abducting in Order to Subject to Unlawful Compulsory Labour.

Whoever kidnaps or abducts any person with intent that such person may be unlawfully compelled to labour against his or her will commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding seven years or with a fine or with both.

Article 279: Transferring Control of Person with Intent to Subject him or her to Unlawful Confinement or Unlawful Compulsory Labour.

Whoever for money or value, transfers or purports to transfer the possession or control of any person to another with the intent to enable such other person to confine such person unlawfully or to compel him or her unlawfully to labour against his or her will, commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding seven years or with a fine or with both.

Article 280: Possession or Control of Person in Southern Sudan after obtaining such Possession or Control Outside Southern Sudan.

Whoever, is in possession or control of any person within Southern Sudan having obtained such possession or control outside Southern Sudan by acts which would have constituted an offence if done within Southern Sudan, commits an offence, and upon conviction, shall be sentenced in the same manner as if such acts had been done within Southern Sudan.

Article 281: Transferring outside Southern Sudan the Possession of Person Obtained within Southern Sudan.

Whoever, being in possession or control of any person within Southern Sudan, conveys such person outside Southern Sudan and thereby transfers or purports to transfer the possession or control of such person in any manner which would constitute an offence if such transfer or purported transfer took place within Southern Sudan, commits an offence, and upon conviction, shall be sentenced in the same manner as if such transfer or purported transfer had taken place within Southern Sudan --- Article 282: Trafficking in Persons. Whoever procures, entices or leads away, even with his or her consent, any person for sale or immoral purposes to be carried outside Southern Sudan, commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding seven years or with a fine or with both.

282. Trafficking in Persons.

Whoever procures, entices or leads away, even with his or her consent, any person for sale or immoral purposes to be carried outside Southern Sudan, commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding seven years or with a fine or with both.

CHILD ACT

5. Interpretation.

In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them respectively:

“Child labour” is work undertaken by a child that in some way harms or exploits him or her, whether physically, mentally, morally, or by preventing him or her from education;

“Trafficking” means the recruitment, transportation, transfer, sale, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud or deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation;

22. Right to Protection from Abuse.

- (1) The Government shall take concrete measures to protect children from all forms of abuse and to ensure that any child who becomes the victim of abuse, as set out in this section shall be accorded appropriate treatment and rehabilitation.
- (3) Every child has the right to be protected from the following types of treatment and abuse while in the care of parents, legal guardians, teachers, police or any other person who has care of a child—
 - (a) all forms of physical or mental violence, injury, abuse, negligent treatment, maltreatment or exploitation;
 - (b) abduction and trafficking, for any purpose or form, by any person including parents or guardians;
 - (c) sexual abuse, exploitation and harassment including, but not limited to rape, incest, inducement or coercion of a child to witness or engage in a sexual activity; the use of a child in prostitution or other sexual practices; and
 - (d) the use of a child in pornographic performances and materials.
- (4) Whoever commits such an offence shall on conviction, be sentenced to imprisonment for a term not exceeding fourteen years.

23. Right to Protection from Marriage and other Negative and Harmful Cultural and Social Practices.

- (1) Every child has the right to be protected from early marriage, forced circumcision, scarification, tattooing, piercing, tooth removal or any other cultural rite, custom or traditional practice that is likely to negatively affect the child’s life, health, welfare, dignity or physical, emotional, psychological, mental and intellectual development.
- (2) Every child has the right to be protected from inheriting debts or fines and being held as a ransom in a family dispute.

25. Right to Protection from Child Labour.

- (1) Every child has the right to be protected from exposure to economic exploitation and child labour.
- (2) For the purposes of this section, “child labour” includes—
 - (a) work and activities related to mining and quarrying;
 - (b) portage of heavy loads and storage;
 - (c) heavy agricultural labour;
 - (d) construction work;
 - (e) work in industrial undertakings;
 - (f) work in places where heavy machines are used;
 - (g) work in places such as bars, hotels and places of entertainment, where a person may be exposed to immoral behaviour;
 - (h) work in electricity, gas, sanitary and water works;
 - (i) service with the police, prison or military forces;
 - (j) night work which constitutes work between the hours of six o’clock in the evening to six o’clock in the morning;
 - (k) driving or touting in vehicles;

- (l) herding which jeopardizes the interest of the child;
 - (m) any type of sexual work; and
 - (n) tobacco production and trafficking.
- (3) Subject to the provisions of section 25 (2), the minimum age for the admission of a child to a paid employment shall be fourteen years.
- (4) The minimum age for the engagement of a child in light work shall be twelve years which constitutes work that is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from school.

30. Penalties of Infringing any of the Rights of a Child.

Notwithstanding penalties contained in any other law, anyone who willfully or as a result of culpable negligence infringes any right of a child commits an offence and shall, on conviction, be sentenced to imprisonment for a term not exceeding seven years or with a fine or with both, and may be liable to pay such compensation to the child as the Court deems fit and just.

Spain

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Spain which prohibits **slavery**, although section 17 of the 1978 Constitution protects the right to freedom and article 163 of the Criminal Code criminalises deprivation of liberty. Slavery may also form an element of an offence of trafficking under article 177 bis of the Criminal Code.

ii) There appears to be **no legislation** in place in Spain prohibits **servitude**, although servitude and practices similar to slavery may form elements of an offence of trafficking under article 177 bis of the Criminal Code.

iii) There appears to be **no legislation** in place in Spain which prohibits **forced labour**, although section 25(2) of the Constitution declares that punishments entailing imprisonment and security measures may not involve forced labour and section 35 affirms the right to free choice of profession. Forced work or services may also form an element of an offence of trafficking under article 177 bis of the Criminal Code.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under article 177 bis.

2) International Obligations: Spain consents to:

1926 Slavery Convention: (12 September 1927, ratification)
 1930 Forced Labour Convention: (29 August 1932, ratification)
 1953 Protocol to the 1926 Slavery Convention: (10 November 1976, signature)
 1956 Slavery Convention: (21 November 1967, accession)
 1957 Abolition of Forced Labour Convention: (6 November 1967, ratification)
 1966 ICCPR: (27 April 1977, ratification)
 1998 Rome Statute of the ICC: (24 October 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (1 March 2002, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Spain appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 437

Question 1. (a) Acts such as those described below, punishable under criminal law, are to some extent akin to the situations to which the question refers ("owning a slave or a person of servile status):

- (1) Any person who holds another person in prostitution or in any other type of immoral traffic against the latter's will is liable to the maximum penalty (article 452 bis (a)) of medium term imprisonment (six months and one day to six years), a fine of 5,000 to 25,000 pesetas and absolute disqualification from holding public office, in the case of a public body or official, or special disqualification, in other cases.
- (2) Parents or guardians who ill-treat their children or wards under sixteen years of age in order to induce them to beg, or for not having earned enough begging, are liable to the penalty of short-term detention (one day to one month) and a fine of 250 to 2,000 pesetas or to a reprimand by a judge in a closed court...

Paragraph 438

Question 1(b) The following acts are regarded as offences under Spanish law which may create a "status" such as those described in subparagraph (a) above or may conceivably be used to subject a person to slavery or servile status:

- (1) Under articles 480 to 483, any person who detains or confines another person and thus deprives him of his liberty is liable to long-term imprisonment (six years and one day to twelve years) plus a fine of 5,000 to 10,000 pesetas if the period of confinement or detention is over twenty days...
- (5) The Act of 26 July 1878 prescribes short and medium terms of correctional imprisonment and a fine of 5,000 to 25,000 pesetas for ascendants, guardians, teachers and persons in any way responsible for a minor under sixteen years of age who surrender him to persons engaged in certain professions or to habitual vagrants or beggars. If this is done for a consideration, the maximum term of imprisonment is imposed.

SPANISH CONSTITUTION 1978 (REV. 2011)

Section 10

1. The dignity of the person, the inviolable rights which are inherent, the free development of the personality, the respect for the law and for the rights of others are the foundation of political order and social peace.
2. Provisions relating to the fundamental rights and liberties recognised by the Constitution shall be construed in conformity with the Universal Declaration of Human Rights and international treaties and agreements thereon ratified by Spain.

Section 15

Everyone has the right to life and to physical and moral integrity, and under no circumstances may be subjected to torture or to inhuman or degrading punishment or treatment. Death penalty is hereby abolished, except as provided for by military criminal law in times of war.

Section 17

1. Every person has the right to freedom and security. No one may be deprived of his or her freedom except in accordance with the provisions

of this section and in the cases and in the manner provided for by the law.

Section 19

Spaniards have the right to freely choose their place of residence, and to freely move about within the national territory. Likewise, they have the right to freely enter and leave Spain subject to the conditions to be laid down by the law. This right may not be restricted for political or ideological reasons.

Section 25

1. No one may be convicted or sentenced for actions or omissions which when committed did not constitute a criminal offence, misdemeanour or administrative offence under the law then in force.

2. Punishments entailing imprisonment and security measures shall be aimed at reeducation and social rehabilitation and may not involve forced labour. The person sentenced to prison shall enjoy, during the imprisonment, the fundamental rights contained in this Chapter except those expressly restricted by the content of the sentence, the purpose of the punishment and the penitentiary law. In any case, he or she shall be entitled to paid work and to the appropriate Social Security benefits, as well as to access to cultural opportunities and the overall development of his or her personality.

3. The Civil Administration may not impose penalties which directly or indirectly imply deprivation of freedom.

Section 35

1. All Spaniards have the duty to work and the right to work, to the free choice of profession or trade, to advancement through work, and to a sufficient remuneration for the satisfaction of their needs and those of their families. Under no circumstances may they be discriminated on account of their sex.

2. The law shall regulate a Workers' Statute.

CRIMINAL CODE

Article 163

1. A private individual who locks up or detains another person, depriving him of his liberty, shall be punished with a sentence of imprisonment from four to six years.

2. Should the offender release the person locked up or detained within the first three days of detention, without having achieved his intended objective, he shall have the lower degree punishment imposed.

3. A sentence of imprisonment from five to eight years shall be handed down if the victim is locked up or detained for more than fifteen days.

4. A private individual who, outside the cases allowed by the laws, arrests a person to immediately hand him over to the authorities, shall be punished with the penalty of a fine from three to six months.

Article 168

Provocation, conspiracy and solicitation to commit the offences foreseen in this Chapter shall be punished with the penalty lower by one or two degrees to that set for the offence concerned.

Article 172

1. Whoever, without being lawfully authorised, were to use violence to prevent another from doing something the law does not prohibit, or who forces him to do something he does not want to do, whether just or unjust, shall be punished with a sentence of imprisonment of six months to three years or with a fine of twelve to twenty- four months, in view of the severity of the coercion or the means used.

When the object of the coercion exercised is to prevent someone from exercising a fundamental right, the penalties shall be imposed in the upper half, except if a higher punishment is set for the offence under another provision of this Code.

The penalties shall also be imposed in the upper half when the coercion perpetrated is intended to prevent someone from lawfully enjoying his dwelling.

2. Whoever lightly coerces his wife or former wife or woman to whom he is or has been bound by a similar emotional relation, even without cohabitation, shall be punished with a sentence of imprisonment of six months to one year or of community service of thirty- one to eighty days and, in all cases, deprivation of the right to own and carry weapons from a year and a day to three years, as well as, when the Judge or Court of Law sees it fit in the interest of the minor or incapacitated person, special barring from exercise of parental rights, guardianship, care, safekeeping or fostership up to five years.

The same punishment shall be imposed on whoever slightly coerces an especially vulnerable person who lives with the offender.

The punishment shall be imposed in the upper half when the offence is committed in the presence of minors, or when it takes place in the common dwelling or in the dwelling of the victim, or is perpetrated in breach of a punishment of those set forth in Article 48 of this Code or an precautionary or security measure of the same kind.

Notwithstanding what is set forth in the preceding Sections, the Judge or Court of Law may, giving the reasons in the judgement, in view of the offender's personal circumstances and those arising in perpetrating the act, hand down a punishment one degree lower.

Article 173

1. Whoever inflicts a degrading treatment on another person, seriously damaging his moral integrity, shall be punished with a sentence of imprisonment of six months to two years.

The same punishment shall be imposed on those who, within the setting of any labour relation or the civil service, availing themselves of their superior status, repeatedly perpetrate hostile or humiliating acts against another that, while not reaching the status of degrading treatment, amount to serious harassment of the victim.

The same punishment shall also be imposed on those who repeatedly perpetrate hostile or humiliating acts that, while not reaching the statement of degrading treatment, are aimed at preventing lawful enjoyment of a dwelling.

Article 177 bis. On trafficking in human beings

1. Whoever, using violence, intimidation or deceit, or abusing a situation of superiority or need, or the vulnerability of a national or alien victim, were to induce, transport, transfer, receive or house such a victim for any of the purposes described below, within Spain, from Spain, in transit

or with destination therein, shall be convicted of human trafficking and punished with the penalty of five to eight years imprisonment,:

- a) Imposing on the victim forced work or services, slavery or practices similar to slavery or servitude or begging;
- b) Sexual exploitation, including pornography;
- c) Extraction of their bodily organs.

2. Even when not resorting to any of the means listed in the preceding Section, the actions stated in the preceding Section shall be deemed human trafficking when perpetrated with minors for the purposes of exploitation.

3. The consent of a victim of human trafficking shall be irrelevant when any of the means stated in Section one of this Article has been resorted to.

4. A higher degree punishment than that foreseen in Section 1 of this Article shall be applied when:

- a) The trafficking puts the victim in serious danger;
- b) The victim is a minor;
- c) The victim is especially vulnerable due to illness, disability or his situation.

Should more than one circumstance concur, the punishment shall be imposed in its upper half.

5. A punishment higher in one degree than that foreseen in Section 1 of this Article shall be imposed, and absolute barring from six to twelve years for those who perpetrate such acts availing themselves of their status as an authority due to being agent or public officer thereof . If any of the circumstances also foreseen in Section 4 of this Article should also concur, the penalties shall be imposed in the upper half.

6. A punishment higher in one degree than foreseen in Section 1 of this Article shall be imposed and special barring from profession, trade, industry or commerce for the time of the sentence, when the offender belongs to an organisation or assembly of more than two persons, even if transitory in nature, which perpetrates such activities.

Should any of the circumstances foreseen in Section 4 of this Article concur, the penalties imposed shall be in the upper half. If the circumstance foreseen in Section 5 of this Article concurs, the penalties imposed shall be those stated the upper half thereof.

In the case of the managers, directors or persons in charge of such organisations or assemblies, the upper half of the punishment shall be applied, which may raised to the one immediately above it in degree.

In all cases, the punishment shall be raised to the one immediately above in degree if any of the circumstances foreseen in Section 4 or the circumstance foreseen in Section 5 of this Article concurs.

7. When, pursuant to the terms established in Article 31 bis, a legal person is responsible for the offences described in the Article, the punishment imposed thereon shall be a fine from three to five times the profit obtained. Pursuant to the rules established in Article 66 bis, the Judges and Courts of Law may also impose the penalties established in Sub-Sections b) to g) of Section 7 of Article 33.

8. Provocation, conspiracy and solicitation to commit the offence of trafficking in human beings shall be punished with the penalty lower by one or two degrees to that of the relevant offence.

9. In all cases, the penalties foreseen in this Article shall be imposed without prejudice to the relevant one, as appropriate, for the offence of

Article 318 bis of this Code and other offences effectively committed, including those related to the relevant exploitation.

10. Sentences by foreign Judges or Courts of Law for offences of the same kind as those foreseen in this Article shall have the effect of recidivism, except if the criminal record has been cancelled or may be, pursuant to Spanish Law.

11. Without prejudice to application of the general rules of this Code, the victims of trafficking in human beings shall be exempt of punishment for the criminal offences that might have been committed while suffering exploitation, as long as participation therein has been a direct consequence of the situation of violence, intimidation, deceit or abuse to which they may have been subjected to and provided there is an adequate proportionality between that situation and the criminal act perpetrated.

Article 312

1. Punishment by imprisonment from two to five years and a fine from six to twelve months shall apply to those who unlawfully traffic with labour.

2. The same punishment shall be incurred by whoever recruits persons or leads them to leave their place of work by offering deceitful or false employment or working conditions and whoever employs foreign citizens without work permits under conditions that negatively affect, suppress or restrict the rights they are recognised by the legal provisions, collective bargaining agreements or individual contracts.

607 bis. Crimes against humanity

1. Conviction for crimes against humanity shall befall whoever commits the acts foreseen in the following Section as part of a widespread or systematic attack on the civil population or against part thereof.

In all cases, committing such acts shall be deemed a crime against humanity when:

1. Due to the victim pertaining to a group or community persecuted for political, racial, national, ethnic, cultural, religious or another kind of reasons, disability, or other motives universally recognised as unacceptable under International Law;

2. In the context of an institutionalised regime of systematic oppression and domination of a racial group over one or more racial groups and with the intention of maintaining such a regime.

2. Those convicted of crimes against humanity shall be punished:

9. With a sentence of imprisonment from four to eight years if they commit any of the conducts related to prostitution defined in Article 187.1, and with that of six to eight years in the cases foreseen in Article 188.1. The punishment shall be imposed from six to eight years on whoever transports persons from one place to another with the intent to sexually exploit them, using violence, intimidation or deceit, or abusing a situation of superiority or need or the vulnerability of the victim. When the conduct foreseen in the preceding Section and in Article 188.1 is committed against minors or the incapacitated, the higher degree penalties shall be imposed;

10. With a sentence of imprisonment from four to eight years if any person is subjected to slavery or kept in servitude. The punishment shall be applied without prejudice to the appropriate ones for the specific violations committed against the rights of persons. Slavery shall be construed as the situation of a person over whom another exercises,

albeit de facto, all and some of the attributes of the right of property, such as buying, selling, lending or exchanging such person.

Article 611

Whoever perpetrates the following acts during an armed conflict shall be punished with a sentence of imprisonment from ten to fifteen years, without prejudice to the relevant punishment for the results caused:

9. Attacks the sexual freedom of a protected person by committing acts of rape, sexual slavery, induced or forced prostitution, forced pregnancy, forced sterilisation or any other kind of sexual assault.

Sri Lanka

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code at article 358A which criminalises subjecting or causing any person to be subjected to slavery and article 360C which criminalises buying, selling, or bartering any person as well as instigating another person to buy, sell or barter any person or doing anything to promote, facilitate or induce the buying, selling or bartering of any person.

ii) **Provisions** related to **servitude** are found in the Penal Code at article 358A which criminalises subjecting or causing any person to be subjected to debt bondage or serfdom. Article 357 also criminalises kidnapping or abducting a woman in order to force or compel her to marriage.

iii) **Provisions** related to **forced labour** are found in the Penal Code at article 358A which criminalises subjecting or causing any person to be subjected to forced or compulsory labour.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code at article 360C.

2) International Obligations: Sri Lanka consents to:

1926 Slavery Convention: (21 March 1958, accession)

1930 Forced Labour Convention: (5 April 1950, ratification)

1953 Protocol to the 1926 Slavery Convention: (21 March 1958, accession)

1956 Slavery Convention: (21 March 1958, ratification)

1957 Abolition of Forced Labour Convention: (7 January 2003, ratification)

1966 ICCPR: (11 June 1980, accession)

1998 Rome Statute of the ICC: N/A

2000 Palermo Protocol (Trafficking in Persons): (15 June 2005, ratification)

2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Sri Lanka appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude; and
- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 90

Slavery was abolished in Ceylon in 1844 by the Abolition of Slavery Ordinance No. 20 of 1844 (Cap. 75 L.E.). Section 2 of this Ordinance is as follows:

“Slavery shall no longer exist in Ceylon and all persons being slaves shall become free and entitled in every way to all the rights and privileges of free persons, any other law or enactment to the contrary now in force notwithstanding:

“Sections 361 and 362 of the Ceylon Penal Code provide for the following offences in regard to slavery. These provisions should be read along with sections 490, 101-103A which provide for attempts, abetment, conspiracy to commit these offences.

“Section 361. Whoever imports, exports, removes, buys, sells or disposes of any person as a slave or accepts, receives or detains against his will any person as a slave shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to a fine.

Section 362. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves shall be punished with imprisonment of either description for a term which may extend to fifteen years and shall also be liable to a fine.”

THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA 1978 (REV. 2015)

11. Freedom from torture.

No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

27. Directive Principles of State Policy.

(7) The State shall eliminate economic and social privilege and disparity, and the exploitation of man by man or by the State

PENAL CODE

Article 288. Causing or procuring children to beg

(1) whoever causes or procures a child to be in any street, Premises or place for the purposes of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise) shall on conviction be punished with imprisonment of either description for a term not exceeding five years and may also be liable to a fine.

(2) In this section child means a person under eighteen years of age

Article 357. Kidnapping or abducting a woman to compel her to marriage, etc

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Article 358. Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc

Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being

subjected, to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Article 358A. Debt bondage, serfdom, forced or compulsory labour, slavery and recruitment of children for use in armed conflict

(1) Any person who –

(a) subjects or causes any person to be subjected to debt bondage or serfdom ;

(b) subjects or causes any person to be subjected to forced or compulsory labour;

(c) subjects or causes any person to be subjected to slavery ; or

(d) engages or recruits a child for use in armed conflict, shall be guilty of an offence.

(2) Any person who is guilty of an offence under paragraph (a), (b) or (c) of subsection (1), shall on conviction be liable to imprisonment of either description for a term not exceeding twenty years and to a fine. Where the offence is committed under paragraphs (a), (b) or (c) of subsection (1) in relation to a child or where the offence is committed under paragraph (d) of subsection (1), be liable to imprisonment of either description for a term not exceeding thirty years and to a fine.

(3) In this section –

"debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not set - off against the debt and the length and nature of those services are undefined;

"forced or compulsory labour" means all work or service which is exacted from a person under the threat of any penalty and for which such person has not offered himself voluntarily, except-

(a) any work or service exacted by virtue of any law for the time being relating to compulsory military service in relation to work or service of a purely military character ;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(c) any work or service exacted from any person as a punishment imposed by a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to be or placed, at the disposal of private individuals, companies or associations;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic of epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

(e) minor services of a kind which, being performed by the members of the community in the direct interests of the said community, and thereby considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services;

"serfdom" means the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person whether for reward or not and is not free to change his status; "slavery" means the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised; and

Article 360A. Procreation

Whoever-

(1) procures, or attempts to procure, any person, whether male or female of whatever age (whether with or without the consent of such person) to become, within or outside Sri Lanka, prostitute;

(2) procures, or attempts to procure, any person, under sixteen years of ages to leave Sri Lanka with or without the consent of such person) with a view to illicit sexual intercourse with any person outside Sri Lanka, or removes, or attempts to remove, from Sri Lanka any such person (whether with or without the consent of such person) for the said purpose;

(3) procures, or attempts to procure, any person of whatever age, to leave Sri Lanka (whether with or without the consent of such person) with intent that such person may become the inmate of, or frequent, a brothel

elsewhere, or removes, or attempts to remove, from Sri Lanka any such person (whether with or without the consent of such person) for the said purpose;

(4) brings, or attempts to bring, into Sri Lanka any person under sixteen years of age with a view to illicit sexual intercourse with any other person, in Sri Lanka or outside Sri Lanka;

(5) procures, or attempts to procure, any person of whatever age (whether with or without the consent of such person) to leave such persons usual place of abode in Sri Lanka with a view to illicit sexual intercourse within or outside Sri Lanka;

(6) detains any person without the consent of such person in any premises with a view to illicit sexual intercourse or sexual abuse.

Commits the offence of procreation and shall on conviction be punished with imprisonment of either description for a term of not less than two years and not exceeding ten years and may also be punished with a fine.

Article 360C. Trafficking

(1) Whoever-

(a) buys, sells or barter or instigates another person to buy, sell or barter any person or does anything to promote, facilitate or induce the buying, selling or bartering of any person for money or other consideration;

(b) recruits, transports, transfers, harbours or receives any person or does any other act by the use of threat, force, fraud, deception or inducement or by exploiting the vulnerability of another for the purpose of securing forced or compulsory labour or services, slavery, servitude, the removal of organs, prostitution or other forms of sexual exploitation or any other act which constitutes an offence under any law ;

(c) recruits, transports, transfers, harbours or receives a child or does any other act whether with or without the consent of such child for the purpose of securing forced or compulsory labour or services, slavery, servitude or the removal of organs, prostitution or other forms of sexual

exploitation, or any other act which constitutes an offence under any law,

(2) Any person who is guilty of the offence of trafficking shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding twenty years and may also be punished with fine and where such offence is committed in respect of a child, be punished with imprisonment of either description for a term not less than three years and not exceeding twenty years and may also be punished with fine.

(3) In this section,-

"forced or compulsory labour" has the same meaning as in section 358A;

"slavery" has the same meaning as in section 358A; and

"exploiting the vulnerability of another" means impelling a person to submit to any act, taking advantage of such person's economic, cultural or other circumstances.".

Article 360D. Offences related to adoption

Whoever, for the purpose of placing any person in adoption –

(i) arranges for, or assists, a child to travel to a foreign country without the consent of his parent or lawful guardian;

(ii) obtains the consent, whether written or oral of a pregnant woman, for money or any other consideration, for the adoption of the unborn child of such woman;

(iii) recruits a woman or a couple to bear children;

(iv) being a person concerned with the registration of births, knowingly permits the falsification of any register used for the registration of births or any birth record contained in any such register;

(v) engages in procuring children from hospitals, shelters for women, clinics, nurseries, day care centres or other child care institutions or welfare centres, for money or other consideration or procures a child for adoption from any such institution or centre, by intimidation of the mother or any other person; or

(vi) impersonates the mother or assists in such impersonation,

CONVENTION ON
PREVENTING AND
COMBATING
TRAFFICKING IN
WOMEN AND
CHILDREN FOR
PROSTITUTION ACT,
NO. 30 OF 2005
[CERTIFIED ON 20TH
SEPTEMBER, 2005]

Article 2.

(1) Any person who—

(i) keeps, maintains or manages ;

(ii) knowingly finances or takes part in the financing of ; or Offence of trafficking of women and children for prostitution.

2 Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act, No. 30 of 2005 (iii) knowingly lets or rents, a building or other place or any part thereof for the purpose of trafficking of women and children for prostitution or any matter connected thereto, shall be guilty of an offence under this Act.

(2) Any person who—

(a) attempts to commit ;

(b) aids or abets in the commission of ;

(c) conspires to commit,

an offence under subsection (1) shall be guilty of an offence under this Act.

(3)

(a) Any person who is guilty of an offence under subsections (1) or (2) of this section shall be punished with imprisonment of either description for

a period not less than three years and not exceeding fifteen years and be liable to a fine.

(b) The Court may recover compensation to be paid to the victim by way of a fine imposed under paragraph (a), taking into consideration the nature of the offence. A further term of imprisonment which may extend to five years may be imposed in the case of a failure to pay compensation.

(c) In case the offence is committed on a subsequent occasion, the offender shall be punished with twice the punishment and fine as is specified in respect of the offence.

Sudan

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 30(1) which prohibits slavery and the slave trade in all its forms and declares that no person shall be held in slavery. Section 310 of the Penal Code also criminalises buying, selling, hiring, letting to hire, otherwise obtaining possession of, or disposing of persons with the intent or knowing that they will be used for immoral purposes.

ii) **Provisions** related to **servitude** are found in the Constitution at article 30(1) which declares that no person shall be held in servitude. Section 307 of the Penal Code also criminalises kidnapping or abducting a woman to compel her to marriage.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 30(2) which declares that no person shall be required to perform forced or compulsory labour and the Penal Code which criminalises unlawful compulsory labour under section 311.

iv) **Provisions** related to **trafficking in persons** are found in the Combating of Human Trafficking Act which criminalises trafficking under articles 7 and 9, although exploitation is not specifically defined in the Act. Section 315(A) of the Penal Code also criminalises trafficking in persons for immoral purposes to be carried outside Sudan.

2) International Obligations: Sudan consents to:

1926 Slavery Convention: (15 September 1927, accession)
 1930 Forced Labour Convention: (18 June 1957, ratification)
 1953 Protocol to the 1926 Slavery Convention: (15 September 1927, accession)
 1956 Slavery Convention: (9 September 1957, ratification)
 1957 Abolition of Forced Labour Convention: (22 October 1970, ratification)
 1966 ICCPR: (18 March 1986, accession)
 1998 Rome Statute of the ICC: (8 September 2000, signature)
 2000 Palermo Protocol (Trafficking in Persons): (2 December 2014, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Sudan appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 446

...there was no special legislation dealing with slavery except Act XI of the now repealed Agreement for the Administration of the Sudan 1899 which absolutely prohibited slavery, importation or exportation of slaves in the Sudan. Now the Transitional Constitution of the Republic of Sudan which is the supreme law of the country firmly safeguards the freedom and equality of the individual.

Paragraph 447

Relevant sections of our Penal Code make certain acts which tend to interfere with the freedom of the individual as offences as follows:

Section 313. Whoever for money or money's worth, transfers or purports to transfer the possession or control of any person to another with intent to enable such other persons to confine such person unlawfully or to compel him unlawfully to labour against his will, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Section 311. Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

Since these acts constitute criminal offences under our Penal Code attempts to commit such offences or the abetment of such offences constitutes also offences punishable under the Penal Code.

CONSTITUTION OF SUDAN 2005

15. Family, women and marriage

1. The family is the natural and fundamental unit of the society and is entitled to the protection of the law; the right of man and woman to marry and to found a family shall be recognized, according to their respective family laws, and no marriage shall be entered into without the free and full consent of its parties.

28. Life and human dignity

Every human being has the inherent right to life, dignity and the integrity of his person, which shall be protected by law; no one shall arbitrarily be deprived of his life.

29. Personal liberty

Every person has the right to liberty and security of person; no person shall be subjected to arrest, detention, deprivation or restriction of his liberty except for reasons and in accordance with procedures prescribed by law.

30. Sanctity from Slavery and Forced Labour

1. Slavery and slave trade in every form is prohibited. No person shall be held in slavery or servitude.

2. No person shall be required to perform forced or compulsory labour except as a penalty upon conviction by a court of law.

42. Freedom of movement and residence

1. Every citizen shall have the right to freedom of movement and the liberty to choose his residence except for reasons of public health and safety as shall be regulated by law.

2. Every citizen shall have the right to leave the country and return thereto as shall be regulated by law.

PENAL CODE 2003

Section 286 - "Wrongful Confinement Defined"

Whoever restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said to confine that person wrongfully.

Illustrations – (a) ("A") causes ("Z") to go within a walled space and locks ("Z") in, ("Z") is thus prevented from proceeding in any direction beyond the circumscribing line of wall. ("A") wrongfully confines ("Z"). (b) ("A") places men with firearms at outlets of a building and tells ("Z") that they will fire at ("Z") if ("Z") attempts to leave the building, ("A") wrongfully confines ("Z"). Section 287- "Wrongful Restraint": Whoever wrongfully restrains any person, commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding one month or with fine or with both.

Section 288 - "Wrongful Confinement"

Whoever wrongfully confines any person, commits an offence and shall on conviction be punished with imprisonment for a term not exceeding one year or with fine or with both. And if the wrongful confinement continues for three days or more, with imprisonment for a term not exceeding three years or with fine or with both. Section 310 - "Buying or Selling or other Disposal of Persons": Whoever buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person with the intent that such person shall be employed or used for any unlawful or immoral purpose or knowing it to be likely that such person will be employed or used for any such purpose, commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding fourteen years and may also be liable to fine and forfeiture of properties.

Section 307 - "Kidnapping or Abducting Woman to Compel her Marriage, etc."

Whoever kidnaps or abducts any woman with intent that she may be compelled or knowing it to be likely that she will be compelled to marry any person against her will or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse, commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding ten years and may also be liable to fine.

Section 310 - "Buying or Selling or other Disposal of Persons"

Whoever buys, sells, hires, lets to hire or otherwise obtains possession or disposes of any person with the intent that such person shall be employed or used for any unlawful or immoral purpose or knowing it to be likely that such person will be employed or used for any such purpose, commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding fourteen years and may also be liable to fine and forfeiture of properties.

Section 311 "Unlawful Compulsory Labour"

Whoever unlawfully compels any person to labour against the will of that person, commits an offence and shall on conviction, be punished with

imprisonment for a term not exceeding two years or with fine or with both.

Section 312 - “Kidnapping or Abducting in Order to Subject to Unlawful Compulsory Labour”

Whoever kidnaps or abducts any person with intent that such person may be unlawfully compelled to labour against his will commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding seven years and may also be liable to fine.

Section 313 - “Transferring Control of Person with Intent to Subject him to Unlawful Confinement or Unlawful Compulsory Labour”

Whoever for money or money’s worth, transfers or purports to transfer the possession or control of any person to another with intent to enable such other person to confine such person unlawfully or to compel him unlawfully to labour against his will, commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding seven years and may also be liable to fine.

Section 315 – “Transferring outside the New Sudan the Possession of Person obtained within the New Sudan”

Whoever being in possession or control of any person within the New Sudan, conveys such person outside the New Sudan and thereby transfers or purports to transfer the possession or control of such person in any manner which would constitute an offence if such transfer or purported transfer took place within the New Sudan, commits an offence and shall on conviction, be punished in the same manner as if such transfer or purported transfer had taken place within the New Sudan.

Section 315(A) – “Trafficking in Persons for Immoral Purposes to be Carried Outside the New Sudan”

Whoever procures, entices or leads away, even with his consent, any person for immoral purposes to be carried outside the New Sudan, commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding seven years and may also be liable to fine.

LABOUR CODE 1997

21. Conditions of employment of young persons

(1) It shall be forbidden to employ young persons in any of the following jobs:

- (a) carrying heavy loads;
- (b) work involving the use of metal presses;
- (c) work related to iron and steel smelting;
- (d) work performed under ground or under water, and mining and quarrying work;
- (e) work involving the use of lead or lead compounds;
- (f) jobs in which workers are exposed to organic or inorganic poisonous or harmful material such as lead, mercury, calcium, benzene and its derivatives;
- (g) jobs involving x-rays and other harmful radiation;
- (h) jobs involving the maintenance of machinery and conveyer belts.

(2) Without any prejudice to the provisions of sub-paragraph (1) it shall be forbidden, as a rule, to employ a young person in hazardous or

unhealthy industries and jobs or in jobs requiring large physical effort or in jobs or occupations which are harmful to their morals. Such jobs and industries shall be specified by order of the Minister or his delegate.

(3) It shall be forbidden to employ a young person between 8.p.m. and 6.a.m. The competent authority may, however, exclude any category of young persons from this provision in cases of young persons between the age of 15 and 16 years.

(4) It shall be forbidden to employ young persons under the age of 12 years, except in:

- (a) the State's training schools;
- (b) non-profitable training workshops;
- (c) jobs supervised by his family members in establishments which do not employ other persons;
- (e) jobs performed under apprenticeship contracts.

67. The prohibition of applying certain contracts

Any contract of employment under which a worker undertakes to concede to his employer all or part of the sums due to him under the contract of employment shall be deemed null and void. It shall be prohibited for the courts to order the application of such contract.

COMBATING OF HUMAN TRAFFICKING ACT 2014

Article 2:

In this Act, unless the context otherwise requires –
“Human Trafficking” means any of the acts, which constitutes an offence under the provisions of section 7, hereof,

Article 7:

(1) There shall be deemed to have committed the offence of in human trafficking, whoever kidnaps, transfers, abducts, transports, harbors, receives, detains or equips a natural person, with intent to exploit or use the same in unlawful business, or any acts, as may by nature degrade his dignity, or achieve unlawful aims in consideration of any of the following:

- (a) material return, or promise therewith;
- (b) moral gam, or promise therewith;
- (c) granting any type of advantages.

(2) The acts mentioned in sub-section (1), shall be deemed human trafficking, where they have been accomplished by the use of force, or threat of use of force, or by any of the forms of coercion, abduction, fraud, deception, or abuse of power and influence, or exploitation of a state of weakness or need, or by granting payments or advantages, or promise therewith, in order to obtain the consent of a person to traffic in another person upon whom he has control.

Article 8:

The offence of human trafficking shall be deemed transnational where it is committed in:

- (a) more than one State;
- (b) one State and the arrangement, perpetration, planning, supervision, or financing the same has been done in or by another State;
- (c) any State, through an organized criminal group, practicing criminal activities in more than one State;
- (d) one State, and the effects thereof have extended to another State

Article 9:

(1) Whoever commits the offence of human trafficking shall be punished, with imprisonment, for a term, which is not less than three years, and not exceeding ten years.

(2) Whoever commits the offence of human trafficking shall be punished, with imprisonment, for a term which is not less than five years, and not exceeding twenty years, or with death, where:

(a) he has established, founded, organized or managed an organized criminal group, assumed leadership thereof, or called for joining the same;

(b) the victim is female or a child who has not attained eighteen years of age, or is disabled;

(c) the offence has been committed through cheating, use of force or threat of causing death or bodily or psychological torture;

(d) the act has been done by two or more persons, or by a person carrying a weapon;

(e) the offender is the victim's spouse or one of his ascendants, descendants, guardian or having control over him;

(f) the offence is of trans-national character;

(g) any one of the victims has been subjected to sexual abuse, removal of organs, or used in prostitution, or any act. as may by its nature degrades human dignity;

(h) the person, who has committed the offence of human trafficking is a public servant, or assigned with performing a public service, and the offence has been committed by abuse of the office or position thereof;

(i) the offence has resulted in the death of the victim, or his sustaining a permanent disability or an incurable disease.

CYBERCRIME ACT 2007

20. Trafficking in human beings

Any person who creates or publishes a site on an information network, computer hardware or similar for the purposes of trafficking in human beings or facilitating such a transaction shall be liable to a prison sentence not exceeding ten years or a fine or both penalties.

CHILD ACT 2008

Note: prohibits but does not prescribe punishments for forced child labor, child prostitution, sex trafficking, and the recruitment of children under the age of 18 into armed forces or groups

SUDAN ARMED FORCES ACT 2007

Note: prohibits members of the armed forces from recruiting children younger than 18, enslaving civilians, or coercing civilians into prostitution

Suriname

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Penal Code at article 334A which criminalises foreign slave trade.
- ii) There appears to be **no legislation** in place in Suriname which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced or compulsory labour at article 15.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises trafficking under article 334.

2) International Obligations: Suriname consents to:

1926 Slavery Convention: (12 October 1979, succession)
1930 Forced Labour Convention: (15 June 1976, ratification)
1953 Protocol to the 1926 Slavery Convention: (12 October 1979, succession)
1956 Slavery Convention: (12 October 1979, succession)
1957 Abolition of Forced Labour Convention: (15 June 1976, ratification)
1966 ICCPR: (28 December 1976, accession)
1998 Rome Statute of the ICC: (15 July 2008, accession)
2000 Palermo Protocol (Trafficking in Persons): (25 May 2007, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Suriname appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 324

In the Surinam Penal Code all acts prejudicial to human liberty are classified as major criminal offences. Any person engaged in slavery or the slave trade will be prosecuted and severely punished. The maximum punishment imposed on persons convicted of the offences described in the questionnaire under:

- (a) 12 years' imprisonment
- (b) 12 years' imprisonment
- (c) 12 years' imprisonment
- (d) 12 years' imprisonment
- (e) 8 years' imprisonment
- (f) Two thirds of the above-mentioned maxima
- (g) Same as for (f)
- (h) Maxima given for a, b, c, d, and e.

REPUBLIC OF SURINAME CONSTITUTION 1987 (REV. 1992)

Article 9

1. Everyone has a right to physical, mental and moral integrity.
2. No one may be submitted to torture, degrading or inhuman treatment or punishment.

Article 15

No one shall be obliged to do forced or compulsory labor.

Article 16

1. Everyone has the right to personal liberty and safety.
2. No one will be deprived of his freedom, other than on grounds and according to proceedings determined by law.
3. Everyone who is deprived of his freedom has a right to a treatment in accordance with human dignity.

Article 24

The state shall take care of the creation of conditions in which an optimal satisfaction of the basic needs for work, food, health care, education, energy, clothing and communication is obtained.

Article 26

1. Everyone has the right to work, in accordance with his capacities.
2. The duty to work is inseparably linked to the right to work.
3. Everyone has the right of free choice of profession and work, except for regulations imposed by law.
4. Everyone has the right of initiative for economic production.

Article 28

All employees have, independent of age, sex, race, nationality, religion or political opinions, the right to:

- a. Remuneration for their work corresponding to quantity, type, quality and experience on the basis of equal pay for equal work;
- b. The performance of their task under humane conditions, in order to enable self- development;
- c. Safe and healthy working condition;
- d. Sufficient rest and recreation.

Article 29

It is the duty of the State to indicate the conditions for work, remuneration and rest to which employees are entitled, especially by:

- a. Making regulations with regard to wages, time of work, about conditions and special categories of workers;
- b. Supplying special protection on the job for women before and after pregnancy, for minors, disabled persons and for those who are engaged in work which demands special efforts or who work in unhealthy or dangerous conditions.

PENAL CODE (REV.
2012)

Article 311 He who under his legal authority standing child under the age of twelve years to another donates or leave, knowing that it or the exercise of begging, dangerous art transactions or dangerous or debilitating labor will be used, shall be punished with imprisonment not exceeding three years.

Article 334. Trafficking

1. guilty of trafficking with imprisonment not exceeding nine years and fine of the fifth category, or punished with either penalties:

1 °. Any person who by force, violence or other act or threat of violence or other act, by extortion, fraud, deception or by abuse of authority arising from the actual ratios, by abuse of a position of vulnerability or the giving or receiving payments or benefits to achieve the consent of a person who control over this other person recruits, transports, transfers, accommodates or shelters with the intention of exploiting that other person or removing his or her organs;

2 °. the person who recruits, transports, transfers, accommodates or shelters with intention of exploiting that other person or removing his or her organs, while that person has not yet reached the age of eighteen years;

3 °. the person who recruits another, carry or abducting with intent that person in bring a different country are required to make themselves available to perform sexual acts with or for a third party for payment;

4 °. the person who compels another one of those listed under 1, or moves to make themselves available to perform work or services or bodies to make available or under the under 1 above circumstances undertake any act that the person knows or reasonably assume that the other person thus makes available to the performing work or services or their organs available;

5 °. the one who leads another to make themselves available to perform sexual acts with or for a third party for payment or their bodies against to make payment available, or in respect of another act single undertake, which that person knows or should reasonably suspect that the other will therefore make available to perform such acts or Bodies fee makes available, while other age eighteen s has not yet reached;

6 °. willfully profits from the exploitation of another person;

7 °. the one that pulls out the removal of organs deliberately favor of another, while that person knows or should reasonably suspect that the organs under the under 1 provided conditions are removed;

8 °. willfully profits from the sexual acts of another person with or for a third party for remuneration or the removal of his organs for remuneration, when that person has not yet reached the age of eighteen years; 130

9 °. the person who compels another one of those listed under 1, or moves those to benefit from the proceeds of his sexual acts with or for a third party or of the removal of his organs.

2. Exploitation shall include at least the exploitation of another person in prostitution, other forms of sexual exploitation, forced labor or services, slavery or slavery or similar servitude.

3. The guilty shall be punished with imprisonment not exceeding twelve years fine of the fifth category, either one of the two punishments if:

1 °. the facts described in paragraph 1, committed by two or more persons;

2 °. the person in respect of whom committed the offenses described in paragraph 1, age of sixteen has not yet reached.

4. The offenses described in paragraph 1, committed by two or more persons under the circumstance referred to in paragraph 3 under 2, be punished with imprisonment of exceeding fifteen years and a fine of the fifth category, either one of the two penalties.

5. If one of the results in serious bodily injury offenses defined in paragraph 1 or its danger is to be feared another may prison sentence of up eighteen years and a fine of the fifth category, either one of the two penalties are imposed.

6. If one of the offenses described in paragraph 1 results in death, can imprisonment not exceeding twenty-four years and a fine of the fifth category, either imposed by one of the two penalties.

Article 334A. Slave trade.

The person who runs for their own account or foreign slave trade or deliberately it directly or indirectly participates, shall be punished with imprisonment not exceeding fifteen years and a fine of the fifth category, either one of the two penalties.

Swaziland

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Constitution at article 17(1) which declares that a person shall not be held in slavery.
- ii) **Provisions** related to **servitude** are found in the Constitution at article 17(1) which declares that a person shall not be held in servitude.
- iii) **Provisions** related to **forced labour** are found in the Constitution at article 17(2) which declares that a person shall not be required to perform forced labour and the 1980 Employment Act which criminalises exaction forced labour under article 145, although penalties are limited to imprisonment not exceeding six months or a fine of five hundred Emalangeni.
- iv) **Provisions** related to **trafficking in persons** are found in the People Trafficking and People Smuggling (Prohibition) Act which criminalises human trafficking under article 12 and child trafficking under article 13.

2) International Obligations: Swaziland consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (26 April 1978, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (28 February 1979, ratification)
 1966 ICCPR: (26 March 2004, accession)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (24 September 2012, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Swaziland appears to be:

- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

SWAZILAND
CONSTITUTION 2005

14. Fundamental rights and freedoms of the individual

1. The fundamental human rights and freedoms of the individual enshrined in this Chapter are hereby declared and guaranteed, namely –
 - a. respect for life, liberty, right to fair hearing, equality before the law and equal protection of the law;
 - b. freedom of conscience, of expression and of peaceful assembly and association and of movement;
 - e. protection from inhuman or degrading treatment, slavery and forced labour, arbitrary search and entry; and

16. Protection of right to personal liberty

1. A person shall not be deprived of personal liberty save as may be authorised by law in any of the following cases -

17. Protection from slavery and forced labour

1. A person shall not be held in slavery or servitude.
2. A person shall not be required to perform forced labour.
3. For the purposes of this section, the expression “forced labour” does not include any labour –
 - a. required in consequence of the sentence or order of a court;
 - b. required of any person while that person is lawfully detained which, though not required in consequence of the sentence or order of the court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which that person is detained;
 - c. required of a member of a disciplined force in pursuance of the duties of that member or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of that service;
 - d. required during a period of public emergency or in the event of any other emergency or calamity that threatens the life or well-being of the community, to the extent that the requiring of that labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or
 - e. reasonably required as part of reasonable and normal parental, cultural, communal or other civic obligations, unless it is repugnant to the general principles of humanity.

18. Protection from inhuman or degrading treatment

1. The dignity of every person is inviolable.
2. A person shall not be subjected to torture or to inhuman or degrading treatment or punishment.

26. Protection of freedom of movement

1. A person shall not be deprived of the freedom of movement, that is to say, the right to move freely throughout Swaziland, the right to reside in any part of Swaziland, the right to enter Swaziland, the right to leave Swaziland and immunity from expulsion from Swaziland.

27. Rights and protection of the family

1. Men and women of marriageable age have a right to marry and found a family.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

29. Rights of the child

1. A child has the right to be protected from engaging in work that constitutes a threat to the health, education or development of that child.
2. A child shall not be subjected to abuse or torture or other cruel inhuman and degrading treatment or punishment subject to lawful and moderate chastisement for purposes of correction.

32. Rights of workers

1. A person has the right to practise a profession and to carry on any lawful occupation, trade or business.
4. Parliament shall enact laws to -
 - a. provide for the right of persons to work under satisfactory, safe and healthy conditions;
 - b. ensure equal payment for equal work without discrimination;
 - c. ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay as well as remuneration for public holidays; and
 - d. protect employees from victimisation and unfair dismissal or treatment.

38. Prohibition of certain derogations

Notwithstanding anything in this Constitution, there shall be no derogation from the enjoyment of the following rights and freedoms-

- a. life, equality before the law and security of person;
- c. freedom from slavery or servitude;
- e. freedom from torture, cruel, inhuman or degrading treatment or punishment.

CRIMES ACT

Note: article 32 criminalises keeping of brothels, article 42 unlawful defilement of women and procuration and article 45 detention in a brothel with penalties of imprisonment not exceeding three years, imprisonment for five years or a fine of one thousand rand, and imprisonment for seven years or a fine of one thousand rand respectively.

THE EMPLOYMENT ACT 1980

Article 144. Interpretation

- (1) In this Part, unless the context otherwise requires -
- “forced labour” means all work or service which is exacted from any person under the threat of any penalty and for which the said person has not offered himself voluntarily, but does not include –
- (a) any work or service exacted by virtue of any compulsory military service law for work of a military character;
 - (b) any work or service exacted from any person as a consequence of a conviction in a court of law;
 - (c) any work or service exacted in case of emergency, that is to say, in the event of war or a calamity or threatened calamity such as fire, flood, famine, earthquake, epidemic, or epizootic disease, invasion by animals or insect pests or plant diseases or pests and in general any

circumstances which might endanger the existence or wellbeing of the whole or part of the population;

(d) communal services of a kind which are to be performed by the members of a community in the direct interests of the community and not being for purposes of financial gain.

(2) No work or service specified in paragraphs (a) (b) (c) or (d) of subsection (1) shall be imposed as a means of –

(i) political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;

(ii) mobilizing and using, labour for purposes of economic development;

(iii) labour discipline or as a punishment for having participated in strikes; or

(iv) racial, social, national or religious discrimination.

(3) Any work or service carried out under the supervision or control of a public authority as required by paragraphs (a) and (b) of subsection (1) shall not be carried out on behalf of, or for the benefit of any private person.

(4) Before communal services of any kind mentioned in paragraph (d) of subsection (1) are exacted, the persons concerned or their representatives shall be consulted with regard to the need for those services.

Article 145. Extraction of forced labour prohibited

Any person who exacts or imposes forced labour or causes to permits forced labour to be exacted or imposed contrary to this Part shall be guilty of an offence and liable to a fine of five hundred Emalangeni or to imprisonment for six months.

Article 146. Concessions not to include forced labour

No concession granted to any person shall involve any form of forced labour for the production or collection of products which such private person utilizes or in which he trades.

Article 147. Penalty for official coercion

Any person who, acting in his official capacity, puts any coercion upon the population under his charge, or upon any individual members of such population to work for any private individual, company or association shall be guilty of an offence and liable to a fine of not exceeding three thousand Emalangeni or to imprisonment not exceeding one year or both.

PEOPLE TRAFFICKING
AND PEOPLE
SMUGGLING
(PROHIBITION) ACT
2009

Note: no text available for cross-reference

2. Interpretation

“People trafficking” means the recruiting, transporting, transferring, harbouring, providing or receiving of a person for the purpose of exploitation

12. Offence of People Trafficking

(1) A person who recruits, transports, transfers, harbours, receives, employs, maintains or holds any person or persons for the purpose of exploitation, by one or more of the following means –

(a) ... (e) deception...,

Commits an offence and is on conviction liable to a term of imprisonment not exceeding twenty (20) years.

(2) A person convicted under this section shall in addition to any penalty under subsection (1) pay the trafficked person (victim) any amount of loss as may be determined by court

13. Trafficking of children

Note: the act prescribes penalties of up to 25 years' imprisonment for trafficking of children

Sweden

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Sweden which prohibits **slavery**.
- ii) There appears to be **no legislation** in place in Sweden which prohibits **servitude**.
- iii) There appears to be **no legislation** in place in Sweden which prohibits **forced labour**, although chapter 4, section 1 of the Penal Code criminalises seizing a person to force them into service.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code under chapter 4, section 1A which criminalises trafficking.

2) International Obligations: Sweden consents to:

1926 Slavery Convention: (17 August 1954, signature)
1930 Forced Labour Convention: (22 December 1931, ratification)
1953 Protocol to the 1926 Slavery Convention: (17 August 1954, signature)
1956 Slavery Convention: (28 October 1959, accession)
1957 Abolition of Forced Labour Convention: (2 June 1958, ratification)
1966 ICCPR: (6 December 1971, ratification)
1998 Rome Statute of the ICC: (28 June 2001, ratification)
2000 Palermo Protocol (Trafficking in Persons): (1 July 2004, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Sweden appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION 1974 (REV. 2012)

The Instrument of Government Article 2

Public power shall be exercised with respect for the equal worth of all and the liberty and dignity of the individual. The personal, economic and cultural welfare of the individual shall be fundamental aims of public activity. In particular, the public institutions shall secure the right to employment, housing and education, and shall promote social care and social security, as well as favourable conditions for good health.

Chapter 2. Fundamental rights and freedoms Article 8

Everyone shall be protected in their relations with the public institutions against deprivations of personal liberty. All Swedish citizens shall also in other respects be guaranteed freedom of movement within the Realm and freedom to depart the Realm.

PENAL CODE

Chapter 4

Section 2 A person who, in cases other than those stated in Section 1, kidnaps or confines someone or in some other way deprives him or her of liberty, shall be sentenced for unlawful deprivation of liberty to imprisonment for at least one and at most ten years. If the crime is of a less serious nature, a fine or imprisonment for at most two years shall be imposed. (Law 1998:393)

Chapter 4

Section 3 A person who otherwise than as stated in Section 1 or 2, by unlawful coercion or deceit, causes the entry of someone into military or work service or other similar condition of restraint or induces someone to go or remain in a place abroad where he or she may be in danger of being exposed to persecution or exploited for casual sexual relations or otherwise fall into distress, shall be sentenced for placing a person in a distressful situation to imprisonment for at least one and at most ten years. If the crime is of a less serious nature, a fine or imprisonment for at most two years shall be imposed. (Law 1998:393)

Chapter 4

Section 10 Attempt, preparation or conspiracy to commit kidnapping, unlawful deprivation of liberty or placing a person in a distressful situation, and any failure to reveal such crimes, shall be adjudged in accordance with the provisions of Chapter 23. The same shall apply to an attempt or preparation to commit unlawful coercion of a serious nature or breach of data secrecy, which if it had been completed, could not be considered petty. (Law 1998:206)

Chapter 4 Crimes against liberty and peace

Section 1

A person who seizes and carries off or confines a child or some other person with intent to injure him or her in body or health or to force him or her into service, or to practise extortion, shall be sentenced for kidnapping to imprisonment for a fixed period of at least four and at most ten years, or for life. If the crime is of a less serious nature, imprisonment for at most six years shall be imposed. (Law 1998:393)

Section 1A.

Anyone who, in cases other than those referred to in § 1, through coercion, deception, exploitation of anyone's vulnerable situation or other such improper means recruiting, transporting, transferring,

harboring or receiving a person in order that he or she will be exploited for sexual purposes, the removal of organs, military service, forced labor or other activities in a situation of distress for the victim, convicted of trafficking to imprisonment for between two and ten years. (Law 2009:396)

Section 2

A person who, in cases other than those stated in Section 1, kidnaps or confines someone or in some other way deprives him or her of liberty, shall be sentenced for unlawful deprivation of liberty to imprisonment for at least one and at most ten years. If the crime is of a less serious nature, a fine or imprisonment for at most two years shall be imposed. (Law 1998:393)

Section 3

A person who otherwise than as stated in Section 1 or 2, by unlawful coercion or deceit, causes the entry of someone into military or work service or other similar condition of restraint or induces someone to go or remain in a place abroad where he or she may be in danger of being exposed to persecution or exploited for casual sexual relations or otherwise fall into distress, shall be sentenced for placing a person in a distressful situation to imprisonment for at least one and at most ten years. If the crime is of a less serious nature, a fine or imprisonment for at most two years shall be imposed. (Law 1998:393)

Section 4

A person who, by assault or otherwise by force or by threat of a criminal act, compels another to do, submit to or omit to do something, shall be sentenced for unlawful coercion to a fine or imprisonment for at most two years. Anyone who to such effect exercises coercion by threatening to prosecute or report another for a crime or give detrimental information about another, shall also be sentenced for unlawful coercion, provided that the coercion is wrongful. If the crime referred to in the first, paragraph is gross, imprisonment for at least six months and at most six years shall be imposed. In assessing whether the crime is gross special consideration shall be given to whether the act included the infliction of pain to force a confession, or other torture.

Chapter 6. On sexual crimes

Section 8

A person who promotes or improperly financially exploits the casual sexual relations for payment of another person shall be sentenced for procuring to imprisonment for at most four years. A person who, holding the right to the use of premises, grants the right to use them to another in the knowledge that the premises are wholly or to a substantial extent used for casual sexual relations for payment and omits to do what can reasonably be expected to terminate the granted right, he or she shall, if the activity continues or is resumed at the premises, be considered to have promoted the activity and shall be sentenced in accordance with the first, paragraph. (Law 1998:393)

Switzerland

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Switzerland which prohibits **slavery**, although article 31 of the Constitution guarantees personal liberty and article 183 of the Criminal Code criminalises deprivation of liberty. Enslavement may also form an element of a crime against humanity under article 264a of the Criminal Code.

ii) There appears to be **no legislation** in place in Switzerland which prohibits **servitude**, although article 181a of the Criminal Code criminalises forced marriage.

iii) There appears to be **no legislation** in place in Switzerland which prohibits **forced labour**, although article 27(2) of the Constitution affirms the right to freedom to choose an occupation and article 181 of the Criminal Code criminalises coercion.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under article 182.

2) International Obligations: Switzerland consents to:

1926 Slavery Convention: (1 November 1930, accession)
 1930 Forced Labour Convention: (23 May 1940, ratification)
 1953 Protocol to the 1926 Slavery Convention: (7 December 1953, signature)
 1956 Slavery Convention: (28 July 1964, accession)
 1957 Abolition of Forced Labour Convention: (18 July 1958, ratification)
 1966 ICCPR: (18 June 1992, ratification)
 1998 Rome Statute of the ICC: (12 October 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (27 October 2006, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Switzerland appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

FEDERAL
CONSTITUTION OF
THE SWISS
CONFEDERATION
1999 (REV. 2014)

Art 7. Human dignity

Human dignity must be respected and protected.

Art 10. Right to life and to personal freedom

2 Everyone has the right to personal liberty and in particular to physical and mental integrity and to freedom of movement.

3 Torture and any other form of cruel, inhuman or degrading treatment or punishment are prohibited.

Art 27. Economic freedom

1 Economic freedom is guaranteed.

2 Economic freedom includes in particular the freedom to choose an occupation as well as the freedom to pursue a private economic activity.

Art 31. Deprivation of liberty

1. No person may be deprived of their liberty other than in the circumstances and in the manner provided for by the law.

Art 41

1. The Confederation and the Cantons shall, as a complement to personal responsibility and private initiative, endeavour to ensure that:
d. every person who is fit to work can earn their living by working under fair conditions;

SWISS CRIMINAL
CODE

Art. 181. Coercion

Any person who, by the use of force or the threat of serious detriment or other restriction of another's freedom to act compels another to carry out an act, to fail to carry out an act or to tolerate an act, is liable to a custodial sentence not exceeding three years or to a monetary penalty.

Art. 181a. Forced marriage, forced registered partnership

1 Any person who, by the use of force or the threat of serious detriment or other restriction of another's freedom to act compels another to enter into a marriage or to have a same-sex partnership registered is liable to a custodial sentence not exceeding five years or to a monetary penalty.

2 Any person who commits the foregoing offence abroad but is now in Switzerland and is not being extradited is liable to the same penalty.

Article 7 paragraphs 4 and 5 apply.

Art. 182. Trafficking in human beings

1 Any person who as a supplier, intermediary or customer engages in the trafficking of a human being for the purpose of sexual exploitation, exploitation of his or her labour or for the purpose of removing an organ is liable to a custodial sentence or to a monetary penalty. The soliciting of a person for these purposes is equivalent to trafficking.

2 If the victim is a minor or if the offender acts for commercial gain, the penalty is a custodial sentence of not less than one year.

3 In every case, a monetary penalty must also be imposed.

4 Any person who commits the act abroad is also guilty of an offence. Articles 5 and 6 apply.

Art. 183. False imprisonment and abduction

1. Any person who unlawfully arrests or holds another prisoner or otherwise unlawfully deprives another of his liberty, any person who, by

the use of force, false pretences or threats, abducts another, is liable to a custodial sentence not exceeding five years or to a monetary penalty.

2. Any person who abducts a person who is incapable of judgement or resistance or who is under the age of sixteen, is liable the same penalty.

Art. 184. Aggravating circumstances

The penalty for false imprisonment and abduction is a custodial sentence of not less than one year,

if the offender attempts to obtain a ransom,

if he treats the victim with cruelty,

if the deprivation of liberty lasts for a period in excess of ten days or

if the health of the victim is seriously endangered.

Art. 195. Exploitation of sexual acts, encouraging prostitution

Any person who induces a minor into prostitution,

any person who induces another person into prostitution by exploiting his or her dependence or a financial advantage,

any person who restricts the freedom to act of a prostitute by supervising him or her in the course of his or her activities or by exercising control over the location, time, volume or other aspects of his or her work as a prostitute or,

any person who makes a person remain a prostitute against his or her will,

Art. 264a. Crimes against humanity

1 The penalty is a custodial sentence of not less than five years for any person who, as part of a widespread or systematic attack directed against any civilian population :

c. assumes and exercises a right of ownership over a person, in particular in the form of trafficking in persons, sexual exploitation or forced labour ;

g. rapes a person of the female gender or, after she has been forcibly made pregnant, confines her unlawfully with the intent of affecting the ethnic composition of a population, forces a person to tolerate a sexual act of comparable severity or forces a person into prostitution or to be sterilised;

Art. 264e. Unjustified medical treatment violation of sexual rights and human dignity

1 The penalty is a custodial sentence of not less than three years for any person who, in connection with an armed conflict :

b. rapes a person of the female gender protected by international humanitarian law or, after she has been forcibly made pregnant, confines her unlawfully with the intent of affecting the ethnic composition of a population, forces a person to tolerate a sexual act of comparable severity or forces a person protected by international humanitarian law into prostitution or to be sterilised ;

Syrian Arab Republic (Syria)

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Syria which prohibits **slavery**, although article 33 of the Constitution affirms the right to personal freedom.
- ii) There appears to be **no legislation** in place in Syria which prohibits **servitude**.
- iii) There appears to be **no legislation** in place in Syria which prohibits **forced labour**, although forced prostitution is criminalised under article 511 of the Criminal Code.
- iv) **Provisions** related to **trafficking in persons** are found in Legislative Decree No 3 of 2011 which criminalises trafficking, although the decree does not include a clear definition of trafficking.

2) International Obligations: Syria consents to:

1926 Slavery Convention: (4 August 1954, accession to Convention as amended by the 1953 Protocol)
 1930 Forced Labour Convention: (26 July 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: (4 August 1954, acceptance)
 1956 Slavery Convention: (17 April 1958, accession)
 1957 Abolition of Forced Labour Convention: (23 October 1958, ratification)
 1966 ICCPR: (21 April 1969, accession)
 1998 Rome Statute of the ICC: (29 November 2000, signature)
 2000 Palermo Protocol (Trafficking in Persons): (8 April 2009, ratification)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Syria appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE SYRIAN ARAB
REUBLIC 2012

Article 16

The law shall determine the maximum level of agricultural ownership and agricultural investment to ensure the protection of the farmer and the agricultural laborer from exploitation and to ensure increased production.

Article 33

1. Freedom shall be a sacred right and the state shall guarantee the personal freedom of citizens and preserve their dignity and security;

Article 40

1. Work shall be a right and a duty for every citizen, and the state shall endeavor to provide for all citizens, and the law shall organize work, its conditions and the workers' rights;
2. Each worker shall have a fair wage according to the quality and output of the work; this wage shall be no less than the minimum wage that ensures the requirements of living and changes in living conditions;
3. The state shall guarantee social and health security of workers.

Article 46

1. Compulsory military service shall be a sacred duty and is regulated by a law;
2. Defending the territorial integrity of the homeland and maintaining the secrets of state shall be a duty of every citizen.

LEGISLATIVE DECREE
148/1949 CRIMINAL
CODE

Note: Article 511 punishes anyone who keeps a person by force in a place of debauchery or who coerces such person to engage in prostitution.

LAW NO 17/2010
LABOUR LAW

Article 82

Workers may not be forced to purchase food or commodities from specific shops or from the goods and services produced by the employer.

Article 83

Employers may not deduct more than 20% from workers' wages for the repayment of any loans granted during employment, nor charge any interest on such loans.

Article 93

Obligations of employers:

a- Secure working circumstances, conditions, safeguards and environment as prescribed under the present Law, the executive regulations thereof and the applicable collective labour agreements.

Article 95

a- Rights of workers:

1- Right to periodic wage increment, once every other year, at the rate prescribed under the internal regulations or the employment contract.
2- Right to equal opportunity, equal treatment and non-discrimination.
3- Right to human dignity.
4- Right to safe and secure working conditions.
5- Right to join trade unions and handicrafts associations.

Article 113

a- It shall be unlawful to employ male and female juveniles before they complete elementary schooling or before they reach the age of fifteen, whichever is older.

b- The Minister shall issue regulations, terms, conditions and circumstances of juvenile employment, and prohibited activities, occupations and trades at different ages.

Article 261

a- Every employer who violates articles 76, 78, 81, 82, 91, 101, 108, 109, 155, 156, 173, 174, and 175 shall be liable to a fine ranging from 5,000 to 10,000 SYP. In addition to the fine, the court shall compel the employer who violates articles 155, 156, 173, 174 and 175 to give the worker his accrued leave.

Article 263

b- Every employer who violates articles 94 and 95/(a) shall be liable to a fine ranging from 25,000 to 50,000 SYP. The court shall order the employer to honour the obligations set forth under those articles.

Article 264

Every employer who violates articles 113, 114, 115, 116 and 117 shall be liable to a fine ranging from 25,000 to 50,000 SYP.

LAW NO 11/2013 CHILDREN COMBAT LAW

Note: Amends the Criminal Code contained in Legislative Decree 148/1949 by inserting two new provisions.
Punishes any individual who recruits a child less than 18 years of age for the purposes of involving them in combat or other related activities.

LEGISLATIVE DECREE NO 3 2011

Note: provides a legal foundation for prosecuting trafficking offenses and protecting victims, but it does not include a clear definition of human trafficking. This decree prescribes a minimum punishment of seven years' imprisonment, a penalty that is sufficiently stringent, though not commensurate with those prescribed for other serious crimes, such as rape.

LEGISLATIVE DECREE NO 3 2010 ON TRAFFICKING CRIMES

Article 4

Trafficking in persons is to lure people, transportation, abduction, deportation or harboring or receipt for use in the work or for illegal purposes in return for material or moral, or promise or grant benefits or in order to achieve any of Or the other. 2. No changes to the description of the criminal acts mentioned above, whether by force or threat of force or to resort To violence or persuasion or exploitation of ignorance or weakness or fraud, deception or exploitation of functional status or Complicity or assistance who has authority over the victim. 3 in all cases shall not be with the consent of the victim.

Article 5

Trafficking in persons is by virtue of the sexual exploitation of children in any of the forms of practice or filming sexual or its members
Pornographic pornographic offers for any form of consideration, directly

or indirectly, shall be punishable with the same Provided for in Article (7) of this Legislative Decree, with an emphasis in article (8) as well.

**SUPPRESSION OF
PROSTITUTION ACT
NO. 10 OF 1961**

Article 1

Anyone who incites, employs, entices or lures a male or female person with intent to commit debauchery or prostitution shall be punished with imprisonment for a period of not less than one year and not more than three years and a fine of 1,000 to 3,000 Syrian pounds. If the victim of the offence is under 21 years of age, the punishment is increased to imprisonment for a period of not less than one year and not more than five years and a fine of not less than 1,000 and not more than 5,000 Syrian pounds.

Article 2

Any person who uses deception, threat or force in order to entice persons with intent to commit prostitution is also punished.

**COMPULSORY
EDUCATION ACT NO.
35 OF 1981**

Article 6

Note: anyone who employs a child of compulsory education age shall be punished with imprisonment and a fine. Furthermore, it provides that the penalty shall be increased if the offence is repeated and that premises in which children of either sex are employed shall be closed down

**THE SYRIAN
PERSONAL STATUS
ACT 1953 (REV. 1975)**

Article 5

Marriage is contracted by way of an offer made by one of the two contracting parties and the acceptance of the other party. Marriage is therefore a contract between a man and a woman that gives rise to rights and obligations on the part of each towards the other. It may be entered into only with the acceptance of both parties and before a competent officer who has the right to conduct the marriage. It is recorded in an official marriage register and a copy of the marriage contract is subsequently transmitted to the Department of Civil Status for registration.

Tajikistan

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Criminal Code which criminalises using the work of an enslaved person at article 130-2 and trading in minors under article 167.
- ii) There appears to be **no legislation** in place in Tajikistan which prohibits **servitude**, although servitude and practices similar to slavery may form elements of an offence of trafficking under article 130-1 of the Criminal Code and article 172 criminalises illegal adoption.
- iii) **Provisions** related to **forced labour** are found in the Constitution at article 35 which declares that no one may be subjected to forced labour except in cases determined by law and the Labour Code which prohibits forced labour under article 8 although does not prescribe penalties.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under article 130-1 and recruitment of people by fraud for exploitation under article 132.

2) International Obligations: Tajikistan consents to:

1926 Slavery Convention: *N/A*
 1930 Forced Labour Convention: (26 November 1993, ratification)
 1953 Protocol to the 1926 Slavery Convention: *N/A*
 1956 Slavery Convention: *N/A*
 1957 Abolition of Forced Labour Convention: (23 September 1999, ratification)
 1966 ICCPR: (4 January 1999, accession)
 1998 Rome Statute of the ICC: (5 May 2000, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (8 July 2002, accession)
 2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Tajikistan appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
THE REPUBLIC OF
TAJIKISTAN 1994
(REV. 2003)

Article 18.

The inviolability of a person is guaranteed by the State. No one may be subjected to torture [and] cruel and inhuman treatment.

Article 24

A citizen has the right to free movement and choice of place of [his] residence, to leave the borders of the Republic, and to return to it.

Article 33

Family as the foundation of the society is under the protection of the State.

Everyone has the right to form a family. Men and women who have reached the marital age have the right to freely enter into a marriage. In family relations and in dissolution of the marriage, spouses have equal rights. Polygamy is prohibited.

Article 35

Everyone has the right to work, to choose their profession [and] job, to protection of work, and to social security in unemployment. Wages for work must not be lower than the minimum working wage.

Any limitations in labor relations are prohibited. Equal wages shall be paid for equal work.

No one may be subjected to forced labor except in cases determined by law.

Using the labor of women and minors in heavy and underground works as well as in harmful conditions is prohibited.

Article 37

Everyone has the right to rest. This right is ensured by way of establishing the length the working day and week, providing paid annual leave, weekly days of rest, and other conditions provided by law.

CRIMINAL CODE OF
THE REPUBLIC OF
TAJIKISTAN

Article 122. Forcible removal of human organs or tissues for transplantation

1) Forced removal of organs or tissues for transplantation victim, committed with the use of violence or threats of its application to it or close it, or the threat of destruction of its property - shall be punished by imprisonment for a term up to three years with deprivation of the right to hold certain positions or engage in certain activities for up to three years. (. ZRT 17.05 04g.N35)

2) The same act committed:

a) in respect of a person known to the perpetrator in a helpless state or financially or otherwise dependent on the perpetrator;

b) knowingly against a minor;

c) in respect of two or more persons shall be punished with imprisonment from three years to five years, with disqualification to hold certain posts or engage in certain activities up to three years.

3) The act provided the first part or the second part of this article, committed:

a) a group of persons or a group of persons by prior conspiracy;

b) by an organized group or criminal community (criminal organization),

shall be punished by imprisonment for a term of five to ten years with deprivation of the right to hold certain posts or engage in certain activities for five years. (ZRT 17.05. 04g.N35)

Article 130-1. Trafficking

1) Trafficking in human beings - carried out in the purpose of exploitation (exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of the body and (or) tissues), the recruitment, transportation, transfer, harboring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or by the giving of payments or benefits received I consent of the person controlling the other person -

shall be punished by imprisonment for a term of five to eight years with confiscation of property. (PFA 05.01.08, №339)

2) Deyaniya stipulated by part one of this article, if committed:

- a) repeatedly;
 - b) a group of persons by prior conspiracy;
 - c) in respect of two or more persons;
 - g) using violence or threats of its application;
 - d) to removal of organs or tissues for transplantation;
 - e) official or representative of the authorities with their service provisions of any other person performing administrative functions in commercial or other organization;
 - g) the movement of the victim across the state border of the Republic of Tajikistan,
- punishable by deprivation of liberty for a term of eight to twelve years with confiscation of property.

3) Acts provided for by the first or second paragraph of this Article, if they:

- a) have resulted in the death of a victim of trafficking in minors or other serious crime;
 - b) an organized group;
 - c) committed by an especially dangerous recidivist,
- are punishable by imprisonment for a term of twelve to fifteen years with confiscation property.

Note: A person who commits the act provided by part of the first and second of this article, voluntarily reported to the appropriate authorities, and released the victim of trafficking in minors, exempted from criminal liability if his actions do not contain elements of another crime. (PFA g.N33 01.08.2003)

Article 130-2. Use of chattel slavery

(1) Use of work of the person concerning which the powers inherent in the property right if the person for the reasons not depending on it cannot refuse performance of works (services) are performed, it is punished by imprisonment for the term up to five years.

(2) Same act, perfect:

- a) concerning two or more persons;
- 6) concerning disabled people;
- в) in the relation obviously for guilty the expectant mother or the minor person;
- г) the group of persons on preliminary collusion;

- d) the person with use of the official position;
- e) using blackmail, violence or with threat of its application;
- ж) with withdrawal, concealment or destruction of the documents confirming victim's identity,
- it is punished by imprisonment for the term from five till eight years.
- (3) The acts provided by parts of the first or second this Article, if they:
 - a) are made by the organized group;
 - б) entailed on imprudence death of the victim or other heavy consequences,
 are punished by imprisonment for the term from eight till twelve years.

Article 132. Recruitment of People for Exploitation

- (1) Recruitment of people for sexual or other exploitation, committed by fraud, is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage, or limitation of freedom for up to 2 years, or imprisonment for the same period of time.
- (2) The same actions, committed:
 - a) by a group of individuals in a conspiracy;
 - б) knowingly towards a minor;
 - с) repeatedly,
 - are punishable by a fine of 1000 to 5000 times the minimum monthly wage, limitation of freedom for up to 3 years, or by imprisonment for a period of 2 to 5 years.
- (3) The actions specified by Parts 1 and 2 of the present article, committed:
 - a) by an organized group;
 - б) with the purpose of exporting such individuals out of the Republic of Tajikistan;
 - с) by an especially dangerous recidivist,
 are punishable by deprivation of freedom for a period of 5 to 12 years.

Article 134. Coercion

Coercion of a person to performance or non-performance of any action by threat of violence, destruction or damage of property, distribution of false and disgraceful information as well as by threat of infringement of this person's rights and interests , if there are no signs of more serious crime, is punishable by a fine in the amount of 200 to 500 times the minimum monthly wage, or by a 2 year term of limitation of freedom, or imprisonment for the same period.

Article 167. Trade of Minors

- (1) The actions intended to committing a sale or buying of a minor in any form is punishable by imprisonment for a period of 5 to 8 years.
- (2) The same actions, if committed:
 - a) repeatedly;
 - б) in relation to 2 or more minors;
 - с) by a group of individuals in a conspiracy;
 - д) using official position;
 - е) along with illegal import or export of person;
 - ф) with the goal of involving a person in committing a crime or other antisocial behavior;
 - г) with the goal of taking organs and tissues of a person for the transplantation,

are punishable by imprisonment for a period of 8 to 12 years simultaneously with up to 3 years of the deprivation of the right to hold certain positions or to be involved in a certain activity or without it.

(3) The actions specified in paragraphs 1 and 2 of the present Article if:

- a) committed by an organized group;
 - b) carelessly caused the death or other serious consequences,
- are punishable by imprisonment for a period of 10 to 15 years simultaneously with the deprivation of the right to hold certain position or to be involved in certain activity for the period of 2 to 5 years.

Article 168. Giving in Marriage a Girl Who Has Not Reached Marriage Age

Giving in marriage a girl who has not reached marriage age by parents or guardians, is punishable by correctional labor for up to 2 years or restriction of freedom for the same period, or confinement for up to 6 months.

Article 169. Contracting a Marriage in Relation to a Person Who Has Not Reached Marriage Age

Contracting a marriage in relation to a person who has not reached marriage age, is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or correctional labor for up to 2 years, or up to 6 months of confinement.

Article 172 Illegal Adoption

Unlawful actions of adopting children, giving them for ward (guardianship), for upbringing to the families of citizens, committed repeatedly or with mercenary or other vile motives are punishable by a fine of 500 to 800 times the minimum monthly wage or up to 2 years of correctional labor, or up to 6 months of confinement. Is punishable by deprivation of freedom for a period of 5 to 10 years.

LABOUR CODE OF THE REPUBLIC OF TAJIKISTAN

Article 8. Prohibition of forced labour

Forced labour is prohibited. The following are not considered forced labour:

- 1. work that is required on the basis of military legislation;
- 2. work that is required in emergency situations, constitute a menace to life, personal security or population health;
- 3. work that is required

THE LAW OF THE REPUBLIC OF TAJIKISTAN ON FIGHT AGAINST HUMAN TRAFFICKING

Article 1. Principal concepts

The following principal concepts are used throughout the present Law:

- a) Human trafficking – purchasing or selling of a person either with his/her consent or not, by fraud, recruiting, concealment, transfer, transportation, kidnapping, swindle, misuse of vulnerable status, bribery in order to obtain consent of a person in control of other person as well as other forms of coercion with the purpose of further trafficking, engaging in sexual or criminal activity, use in armed conflicts, pornographic business, forced labor, slavery or customs similar to slavery, debt bondage or adopting for commercial purposes.
- e) Exploitation – forced labor or services, slavery or customs similar to slavery, dependent status, or removal of human organs and (or) tissues,

exploitation of other persons as prostitutes as well as other forms of exploitation of person with a view of committing sexual abuse;

f) Forced labor – conducting of any work or provision of services through coercion;

g) Slavery – status or position of a person towards whom some or all warranties intrinsic to the propriety title are realized;

h) Debt bondage – position or status originating from the mortgaging by the debtor his/her own labor or labor of a dependent if the value of the work performed is not credited towards debt repayment or if the duration of such work is not limited to some term, or if the nature of labor and the size of remuneration of labor is not identified;

Article 5. Classification of types human trafficking depending on the form of exploitation

1. Depending on the form of coercion of victims of human trafficking the exploitation may be as following:
 - a) forcible physical coercion and (or) with the use of strong drug, alcohol, medicines;
 - b) economical coercion in the form of debt bondage or other material dependence including slavery or conditions similar to slavery;
 - c) psychological coercion by blackmailing, fraud, deceiving or threat of violation;
 - d) legal dependence in connection with adoption or guardianship or in connection to marriage without the purpose of establishing a family.
2. Depending on the activities of the victims of human trafficking the exploitation may be as following:
 - a) exploitation of human physiological organs, namely for transplantation of organs and tissues as well as the use of woman as surrogate mother;
 - b) exploitation of labor in family life (domestic and communal services), manufacturing, agricultural work as well as criminal business (participation in armed units, manufacturing of illegal produce);
 - c) sexual exploitation;
 - d) exploitation of person for use in armed conflicts or military activities.
3. Consent of victim of human trafficking in regard to the forms of exploitation in attribution of the concrete activity to human trafficking should not be considered if any means of influence was used against this person aimed at human trafficking.

Article 23. Liability of a natural person or a legal entity for human trafficking

1. Natural persons who allowed violations of the requirement of the present Law are called to account in accordance with the legislation of the Republic of Tajikistan.
2. In case the court determines the fact of human trafficking through a legal entity served as an indubitable cover for human trafficking such legal entity is subject to liquidation upon the decision of court.
3. In case the court recognizes a legal entity (its representation, branch) registered outside the Republic of Tajikistan as indubitably involved in human trafficking, the activities of such legal entity in the Republic of Tajikistan is prohibited and its representation (branch) in the Republic of Tajikistan is liquidated.
4. The property of the legal entity (its representation, branch) foreseen in the first and second clauses of the present article located in the Republic

of Tajikistan is confiscated upon the decision of court and turns to state income.

5. The application for calling a legal entity (its representation, branch) to account for participation in human trafficking is submitted to court by office of public prosecutor of the Republic of Tajikistan as well as other interested parties.

The United Republic of Tanzania (Tanzania)

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Criminal Code which criminalises buying, selling or bartering of any person for money or for any other consideration (as trafficking) at article 139A, buying or disposing of a person as a slave at article 254, and habitual slave dealing at article 255. Slavery may also form an element of an offence of trafficking under article 4 of the 2008 Anti-Trafficking in Persons Act.

ii) There appears to be **no legislation** in place in Tanzania which prohibits **servitude**, although abduction for marriage is criminalised under article 133 of the Criminal Code and bonded labour is criminalised as forced labour under article 6 of the 2004 Employment and Labour Relations Act. Servitude and practices similar to slavery may also form elements of an offence of trafficking under article 4 of the Anti-Trafficking in Persons Act.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 25(2) and the Criminal Code which criminalises forced labour at article 256. The Employment and Labour Relations Act also criminalises procuring, demanding or imposing forced labour at article 6, and the 2009 Law of the Child Act criminalises inducing, procuring, demanding or imposing forced labour to a child at article 80. Forced labour or services may also form an element of an offence of trafficking under article 4 of the Anti-Trafficking in Persons Act.

iv) **Provisions** related to **trafficking in persons** are found in the Anti-Trafficking in Persons Act which criminalises trafficking under article 4.

2) International Obligations: Tanzania consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: (30 January 1962, ratification)
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: (30 January 1962, ratification)
 1966 ICCPR: N/A
 1998 Rome Statute of the ICC: (20 August 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (24 May 2006, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Tanzania appears to be:

- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

THE CONSTITUTION
OF THE UNITED
REPUBLIC OF
TANZANIA OF 1977
(REV. 1995)

11. Right to work, to educational and other pursuits

1. The state authority shall make appropriate provisions for the realisation of a person's right to work, to self education and social welfare at times of old age, sickness or disability and in other cases of incapacity. Without prejudice to those rights, the state authority shall make provisions to ensure that every person earns his livelihood.

15. Right to personal freedom

1. Every person has the right to freedom and to live as a free person.
2. For the purposes of preserving individual freedom and the right to live as a free person, no person shall be arrested, imprisoned, confined, detained, deported or otherwise be deprived of his freedom save only—
a. under circumstances and in accordance with procedures prescribed by law; or
b. in the execution of a judgment, order or a sentence given or passed by the court following a decision in a legal proceeding or a conviction for a criminal offence.

17. Right to freedom of movement

1. Every citizen of the United Republic has the right to freedom of movement in the United Republic and the right to live in any part of the United Republic, to leave and enter the country, and the right not to be forced to leave or be expelled from the United Republic.

22. Right to work

1. Every person has the right to work.
2. Every citizen is entitled to equal opportunity and right on equal terms to hold any office or discharge any function under the state authority.

23. Right to just remuneration

1. Every person, without discrimination of any kind, is entitled to remuneration commensurate with his work, and all persons working according to their ability shall be remunerated according to the measure and nature of the work done.
2. Every person who works is entitled to just remuneration.

25. Duty to participate in work

1. Work alone creates the material wealth in society, and is the source of the well-being of the people and the measure of human dignity. Accordingly, every person has the duty to—
a. participate voluntarily and honestly in lawful and productive work; and
b. observe work discipline and strive to attain the individual and group production targets desired or set by law
2. Notwithstanding the provisions of subarticle (1), there shall be no forced labour in the United Republic.
3. For the purposes of this Article, and in this Constitution generally, it is hereby declared that no work shall be deemed to be forced, cruel or humiliating labour, if such work is according to law—
a. work which has to be done pursuant to a judgment or order of a court;
b. work which has to be done by members of any Force in the discharge of their responsibilities;
c. work which has to be done by any person due to a state of emergency or any calamity which threatens the life or well-being of the society;
d. any work or service which forms part of—

- i. routine services for ensuring the well-being of society;
- ii. compulsory national service provided for by law;
- iii. the national endeavour at the mobilization of human resources for the enhancement of the society and the national economy and to ensure development and national productivity. (a) work which has to be done pursuant to a judgment or order of a court;

CRIMINAL CODE (AS
AMENDED BY THE
SEXUAL OFFENCES
SPECIAL PROVISIONS
ACT 1998)

133. Abduction

Any person who with intent to marry or carnally know a woman of any age, or to cause her to be married or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.

139. Procurement for prostitution

Any person who-

- (a) procures, or attempts to procure, any person, whether male or female of whatever age, whether with or without the consent of that person, to become, within or outside the United Republic, a prostitute;
 - (b) procures, or attempts to procure, any person under eighteen years of age, to leave the United Republic, whether with or without the consent of that person, with a view to the facilitation of prohibited sexual intercourse with any person outside the United Republic, or removes, or attempts to remove from the United Republic that person, whether with or without the consent of that person, for that purpose;
 - (c) procures, or attempts to procure, any person of what ever age, to leave the United Republic, whether with or without the consent of that person, with intent that that person may become the inmate of or frequent a brothel elsewhere, or removes or attempts to remove, from the United Republic any such person, whether with or without the consent of that person, for that purpose;
 - (d) brings or attempts to bring, into the United Republic, any person under eighteen years of age with a view to prohibited sexual intercourse with any other person, inside or outside the United Republic;
 - (e) procures or attempts to procure, any person of whatever age, whether with or without the consent of that person, to leave that person's usual place of abode in the United Republic, that place not being a brothel, with intent that that person may for the purposes of prostitution become the inmate of, or frequent, a brothel within or outside the United Republic;
 - (f) detains any person without the consent of that person in any brothel or other premises with a view to prohibited sexual intercourse or sexual abuse of that person,
- commits the offence of procurement and is liable on conviction to imprisonment for a term of not less than ten years and not exceeding twenty years or to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to both the fine and imprisonment.

139A. Trafficking of person

(1) Any person who-

- (a) engages in the act of buying, selling or bartering of any person for money or for any other consideration;

- (b) for the purposes of promoting, facilitating or inducing the buying or selling or bartering or the placement in adoption of any person for money or for any other consideration-
- (i) arranges for, or assists, a child to travel within or outside the United Republic; without the consent of his parent or lawful guardian; or
 - (ii) obtains an affidavit of consent from a pregnant woman for money or for any other consideration, for the adoption of the unborn child of that woman; or
 - (iii) recruits women or couples to bear children; or
 - (iv) being a person concerned with the registration of births, knowingly permits the falsification of any birth record or register; or
 - (v) engages in procuring children from hospitals, shelters for women, clinics, nurseries day care centres, or other child care institutions or welfare centres, for money or other consideration or procures a child for adoption from any such institution or centre, by intimidation of the mother or any other person; or
 - (vi) impersonates the mother or assists in the impersonation, commits the offence of trafficking and is liable on conviction to imprisonment for a term not less than twenty years and not exceeding thirty years and a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to both the fine and imprisonment and shall in addition be ordered to pay compensation of an amount to be determined by the court, to the person in respect of whom the offence was committed.
- (2) In this section "child" means a person of the age of eighteen years or less."

140. Procuring defilement

Any person who-

- (a) by threats or intimidation procures or attempts to procure any girl or woman to have any prohibited sexual intercourse inside or outside the United Republic; or
- (b) by false pretences or false representations procures any girl or woman to have any prohibited sexual intercourse anywhere inside or outside the United Republic; or
- (c) applies, administers to, or causes to be taken by any girl or woman any drug, matter or thing with intent to stupefy or overpower her so as thereby to enable any man to have prohibited sexual intercourse with her.

commits an offence and is liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or imprisonment for a term of not less than ten years and not exceeding twenty years or to both the fine and imprisonment and shall be ordered to pay compensation of an amount to be determined by the court.

143. Detention in any premises with intent, or in brothel

Any person who detains any woman or girl against her will-

- (1) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or
 - (2) in any brothel,
- is guilty of a misdemeanour

250. Kidnapping with intent to do harm

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected, to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, is guilty of a felony and is liable to imprisonment for ten years.

253. Punishment for wrongful confinement

Whoever wrongfully confines any person is guilty of a misdemeanour and is liable to imprisonment for one year or to a fine of three thousand shillings.

254. Buying or disposing of person as slave

Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

255. Slave dealing

Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years.

256. Forced labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

EMPLOYMENT AND LABOUR RELATIONS ACT 2004

5. Prohibition of child labour

- (1) No person shall employ a child under the age of fourteen years.
- (4) No person shall employ a child in employment-
 - (a) that is inappropriate for a person of that age;
 - (b) that places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development.
- (7) It is an offence for any person-
 - (a) to employ a child in contravention of this section;
 - (b) to procure a child for employment in contravention of this section.

6. Prohibition of forced labour

- (1) Any person who procures, demands or imposes forced labour, commits an offence.
- (2) For the purposes of this section, forced labour includes bonded labour or any work exacted from a person under the threat of a penalty and to which that person has not consented but does not include-
 - (a) any work exacted under the National Defence Act, 1966 for work of a purely military character;
 - (b) any work that forms part of the normal civic obligations of a citizen of the United Republic of Tanzania;
 - (c) any work exacted from any person as a consequence of a conviction in a court of law, provided that the work is carried out under the supervision and control of a public authority and that the person is not hired to, or placed at, the disposal of private persons;
 - (d) any work exacted in cases of an emergency or a circumstance that would endanger the existence or the well-being of the whole or part of the population;

(e) minor communal services performed by the members of a community in the direct interest of that community after consultation with them or their direct representatives on the need for the services.

102. Penalties

- (1) A District Court and a Resident Magistrate's Court have jurisdiction to impose a penalty for an offence under this Act.
- (2) Any person convicted of any of the offences referred to in sections 5 and 6, may be sentenced to –
 - (a) a fine not exceeding five million shillings;
 - (b) imprisonment for a term of one year;
 - (c) both to such fine and imprisonment.

THE ANTI- TRAFFICKING IN PERSONS ACT 2008

Article 3. Interpretation

In this Act unless the context otherwise requires –

"bonded placement" means placement by a trafficker of a person for exploitative purposes with a promise of subsequent payment to the trafficker by the user of the trafficked person;

"debt bondage" means the pledging by the debtor of his personal services or labour or those of a person under his control as security or payment for a debt, where the length and nature of services is not clearly defined or the values of the services as reasonably assessed is not applied toward the liquidation of the debt;

"exploitation" in relation to trafficking in persons means people smuggling prostitution and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

"forced labour and slavery" means the extraction of work or service from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception;

Article 4. Acts of trafficking in persons

- (1) A person commits an offence of trafficking in person if that person -
 - (a) recruits, transports, transfers, harbours, provides or receives a person by any means, including those done under the pretext of domestic or overseas employment, training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage;
 - (b) introduces or matches a person to a foreign national for marriage for the purpose of acquiring, buying, offering, selling or trading the person in order that person be engaged in prostitution, pornography, sexual exploitation, forced labour, slavery, in-voluntary servitude or debt bondage;
 - (c) offers or contracts marriage, real or simulated, for the purpose of acquiring, buying, offering, selling or trading a person in order that person be engaged in prostitution, pornography, sexual exploitation, forced labour or slavery, involuntary servitude or debt bondage;
 - (d) undertakes or organizes sex tourism or sexual exploitation;
 - (e) maintains or hires a person to engage in prostitution or pornography;
 - (f) adopts or facilitates the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced-labour and slavery, involuntary servitude or debt bondage;
 - (g) recruits, hires, adopts, transports or abducts –

(i) a person, by means of threat or use of force, fraud, deceit, violence, coercion or intimidation for the purpose of removal or sale of organs of the person; or

(ii) a child or a disabled person for the purposes of engaging the child or the disabled person in armed activities.

Trafficking in persons shall also be constituted upon placement for sale, bonded placement, temporary placement or placement as service where exploitation by some other person is the motive.

(3) Where a victim of trafficking in persons is a child, consent of the child, parent or guardian of the child shall not be used as a defence in prosecution under this Act regardless of whether there is evidence of abuse of power, fraud, deception or that the vulnerability of the child was taken advantage of.

(4) A consent of a victim of trafficking in persons shall be immaterial where any of the means referred to under subsection (1) has been used against the victim.

(5) A person who commits any of the offences or acts specified under this section shall, on conviction, be liable to a fine of not less than five million shillings but not more than one hundred million shillings or to imprisonment for a term of not less than two years and not more than ten years or to both.

Article 6. Severe trafficking in persons

(1) Subject to the provisions of this Act, certain acts or circumstances shall be considered as severe trafficking in persons. (2) Severe trafficking in persons shall be considered to exist if –

(a) the trafficked person is a child or a disabled person;

(b) the adoption is effected for the purpose of prostitution, pornography, sexual exploitation, forced labour and slavery, in-voluntary servitude or debt bondage;

(c) the crime is committed by a syndicate or on a large scale;

(d) the offender is an ascendant, parent, sibling, guardian, or person who exercises authority over the trafficked person;

(e) the offence is committed by a public officer, an employee or a religious leader;

(f) the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;

(g) the offender is a member of the military or law enforcement agencies; and

(h) by reason or on occasion of the act of trafficking in persons, the trafficked person dies, becomes insane, suffers mutilation or is infected with Human Immunodeficiency Virus (HIV), the Acquired Immune Deficiency Syndrome (AIDS), Sexual Transmitted Diseases (STDs), communicable diseases or other diseases.

(4) A person who commits an offence under this section shall, on conviction, be liable to a fine of not less than five million shillings but not more than one hundred and fifty million shillings or to imprisonment for a term of not less than ten years but not more than twenty years or to both.

Article 8. Use of trafficked persons

A person who buys or engages the services of trafficked persons for prostitution commits an offence and shall on conviction be liable to a fine of not less than one million shillings but not more than thirty million

shillings or to imprisonment for a term of not less than twelve months but not more than seven years or to both.

LAW OF THE CHILD ACT, 2009

13. Protection from torture and degrading treatment

(1) A person shall not subject a child to torture, or other cruel, inhuman punishment or degrading treatment including any cultural practice which dehumanizes or is injurious to the physical and mental well-being of a child.

...

(3) The term "degrading treatment" as used in this section means an act done to a child with the intention of humiliating or lowering his dignity.

72. Prohibition of payment and reward on adoption

(1) A person shall not give any payment or reward in respect of an adoption order except with the approval of the court.

(2) A person shall not receive any payment or reward in respect of any arrangement that may or may not lead to an adoption order.

(3) Any person who contravenes this section commits an offence and shall be liable on conviction to a fine not exceeding five million shillings or imprisonment for a term not exceeding two years or to both.

77. Child's right to work

(1) A child shall have a right to light work.

(2) For the purposes of subsection (1), the minimum age for employment or engagement of a child shall be fourteen years.

(3) Subject to subsection (1), "light work" shall constitute work which is not likely to be harmful to the health or development of the child and does not prevent or affect the child's attendance at school, participation in vocational orientation or training programmes or the capacity of the child to benefit from school work.

78. Prohibition of exploitative labour

(1) A person shall not employ or engage a child in any kind of exploitative labour.

(2) Without prejudice to the provisions of this section, every employer shall ensure that every child lawfully employed or engaged in accordance with the provisions of this Act is protected against any discrimination or acts which may have negative effect on him taking into consideration his age and evolving capacities.

(3) Labour shall be constmed as exploitative if –

(a) it deprives the child of his health or development;

(b) it exceeds six hours a day;

(c) it is inappropriate to his age; or

(d) the child receives inadequate remuneration.

(4) Any person who contravenes any of the provisions of this section commits an offence and shall, on conviction, be liable to a fine of not less than one hundred thousand shillings or to imprisonment for a term of three months or to both.

80. Prohibition of forced labour

(1) Any person who induces, procures, demands or imposes forced labour to a child, commits an offence.

(2) For the purposes of this section, "forced labour" includes bonded labour or any other work exacted from a person under the threat of a

penalty but shall not include work that forms part of the normal civic obligations, minor communal services performed by the members of a community in the direct interest of that community.

(3) Any person who contravenes any of the provision of this section commits an offence and shall, on conviction, be liable to a fine of not less than two hundred thousand shillings or to imprisonment for a term of six months or to both.

Thailand

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Penal Code at section 312 which prohibits “bringing into or sending out of the Kingdom, removing, buying, selling, disposing, accepting or restraining any person” so as to enslave them. Slavery may also form an element of an offence of trafficking under section 6 of the 2008 Anti-Trafficking in Persons Act.

ii) **Provisions** related to **servitude** are found in the Thailand Penal Code at section 312 which prohibits “bringing into or sending out of the Kingdom, removing, buying, selling, disposing, accepting or restraining any person” so as to cause the person to be in a position similar to slavery.

iii) There appears to be **no legislation** in place in Thailand which prohibits **forced labour**, although forced labour or service may also form an element of an offence of trafficking under section 6 of the Anti-Trafficking in Persons Act.

iv) **Provisions** related to **trafficking in persons** are found in the Anti-Trafficking in Persons Act which criminalises trafficking under section 6.

2) International Obligations: Thailand consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (26 February 1969, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (2 December 1969, ratification)

1966 ICCPR: (29 October 1996, accession)

1998 Rome Statute of the ICC: (2 October 2000, signature)

2000 Palermo Protocol (Trafficking in Persons): (17 October 2013, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Thailand appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: reference below.

AWAD REPORT

Paragraph 453

Section 312 of the Thai Penal Code provides that “whoever, in order to turn any person into slavery or a status similar to slavery, brings into or sends out of the Kingdom, transfers, buys, sells, disposes or, receives or detains any person shall be punished with imprisonment not exceeding seven years and a fine not exceeding fourteen thousand baht.

Paragraph 454

Mutilating, branding, or marking a slave or a person of servile status is punishable as committing bodily injury.

ENGEN REPORT

Paragraph 28

...Slavery has been abolished in Thailand by the Slavery Act R.S. 124 (1905), and there is no slavery practice whatsoever in the country and the same can be said with regard to serfdom.

Paragraph 42

Under Thailand’s Constitution of 23 March 1949, there is no room for serfdom, and the scope and severity of compulsory service to the State itself have been greatly reduced.

PENAL CODE

Section 310

Whoever, detains or confines the other person, or by any other means whatever, deprives such person of the liberty of person, shall be punished with imprisonment not exceeding three years or fined not exceeding six thousand Baht, or both.

If the commission of the offence according to the first paragraph causes death or grievous bodily harm to the person detained, confined or deprived of the liberty of person, the offender shall be punished as provided in Section 290, Section 297 or Section 298.

Section 310 bis

Whoever, detaining or confining the other person or making in any manner to deprive other person without liberty bodily and making such other person to do any act for the doer or other person, shall be imprisoned not out of five years or fined not out of ten thousand Baht.

Section 312

Whoever, so as to enslave the person or to cause the person to be in the position similar to the slave, bringing into or sending out of the Kingdom, removing, buying, selling, disposing, accepting or restraining any person, shall be imprisoned not out of seven years and fined not out of fourteen thousand Baht.

Section 312 bis

If the commission of the offence according to Section 310 bis or Section 312 is committed to the child not exceeding fifteen years of age, the offender shall be punished with imprisonment of three to ten years and fined not exceeding twenty thousand Baht.

If the commission of the offence according to the first paragraph or Section 310 bis or Section 312 causes:

1. Bodily harm or mental harm to the victim, the offender shall be punished with imprisonment of five to fifteen years and fined not exceeding thirty Thousand Baht;
2. Grievous bodily harm to the victim, the offender shall be punished with imprisonment for life or imprisonment of seven to twenty years;
3. Death to the victim, the offender shall be punished with death, imprisonment for life or imprisonment of fifteen to twenty years.

Section 312 ter

Whoever, by dishonestly, accepting, disposing, procuring, seducing or taking away the person over fifteen years but not yet over eighteen years of age by such person's consent, shall be imprisoned not out of five years or fined not out of ten thousand Baht, or both. If the committing the offence according to paragraph 1 committed to the child not yet out of fifteen years of age, such offender shall be not out of seven years or fined not out of fourteen thousand Baht, or both.

Section 320

Whoever, by using fraudulent or deceitful means, threat, violence, unjust influence or any other means of compulsion, takes or sends a person out of the Kingdom, shall be punished with imprisonment of two to ten years or fined of four thousand to twenty thousand Baht, or both. If the commission of the offence according to the first paragraph be committed in order that the person taken or sent out to be under the power of the other person unlawfully, or in order to abandon such person to be in a helpless condition, the offender shall be punished with imprisonment of three to fifteen years and fined of six thousand to thirty thousand Baht.

THE ANTI- TRAFFICKING IN PERSONS ACT B.E 2551 (2008)

Section 4

In this act

“Exploitation” means seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labour or service, coerced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of such person's consent.

“Forced labour or service” means compelling the other person to work or provide service by putting such person in fear of injury to life, body, liberty, reputation or property, of such person or another person, by means of intimidation, use of force, or any other means causing such person to be in a state of being unable to resist.

Section 6

Whoever, for the purpose of exploitation, does any of the following acts:

- (1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or
- (2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child;

is guilty of trafficking in persons.

Section 7

Whoever commits any of the following acts, shall be punished likewise as the offender of an offence of trafficking in persons:

- (1) supporting the commission of an offence of trafficking in persons;
- (2) aiding by contributing property, procuring a meeting place or lodge, for the offender of trafficking in persons;
- (3) assisting by any means so that the offender of trafficking in persons may not be arrested;
- (4) demanding, accepting, or agreeing to accept a property or any other benefit in order to help the offender of trafficking in persons not to be punished;
- (5) inducing, suggesting or contacting a person to become a member of the organized criminal group, for the purpose of committing an offence of trafficking in persons.

Timor-Leste

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 25(5) which affirms that the right not to be subjected to slavery may not be affected by the declaration of a state of siege, although no such right is specifically affirmed. The Penal Code criminalises enslavement at article 162 and the sale of persons at article 166. Slavery may also form an element of crimes against humanity under article 124 of the Penal Code and the offence of trafficking under article 163 and article 81 of the Immigration and Asylum Act.

ii) **Provisions** related to **servitude** are found in the Constitution at article 25(5) which affirms that the right not to be subjected to servitude may not be affected by the declaration of a state of siege, although no such right is specifically affirmed. Servitude and practices similar to slavery may also form elements of an offence of trafficking under article 163 of the Penal Code.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits compulsory work at article 50(4) and the Labour Code which prohibits forced or compulsory labour at article 8, although penalties are limited to fines.

iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises trafficking under article 163 and the Immigration and Asylum Act which criminalises trafficking at article 81.

2) International Obligations: Timor-Leste consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (16 June 2009, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: N/A
1966 ICCPR: (18 September 2003, accession)
1998 Rome Statute of the ICC: (6 September 2002, accession)
2000 Palermo Protocol (Trafficking in Persons): (9 November 2009, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Timor-Leste appears to be:

- in breach of its obligations under the ICCPR in regards to servitude and forced labour; and
- in breach of its obligations under the 1930 Forced Labour Convention.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF THE DEMOCRATIC REPUBLIC OF EAST TIMOR

Article 25. State of exception

1. Suspension of the exercise of fundamental rights, freedoms and guarantees shall only take place if a state of siege or a state of emergency has been declared as provided for by the Constitution.

5. In no case shall a declaration of a state of siege affect the right to life, physical integrity, citizenship, non-retroactivity of the criminal law, defense in a criminal case and freedom of conscience and religion, the right not to be subjected to torture, slavery or servitude, the right not to be subjected to cruel, inhuman or degrading treatment or punishment, and the guarantee of non-discrimination.

Section 30. Right to personal freedom, security and integrity

1. All have the right to freedom, security and personal integrity.

4. No one shall be subjected to torture and cruel, inhuman or degrading treatment.

Section 39. Family, marriage and maternity

3. Marriage is based upon free consent by the parties and on terms of full equality of rights between spouses, in accordance with the law.

Article 44. Freedom of movement

1. Every individual has the right to move freely and to settle anywhere in the national territory.

2. Every citizen is guaranteed the right to emigrate freely, as well as the rights to return to the country.

Section 50. Right to work

1. Every citizen, regardless of gender, has the right and the duty to work and to choose freely his or her profession.

2. The worker has the right to labor safety and hygiene, remuneration, rest and vacation.

3. Dismissal without just cause or on political, religious and ideological grounds is prohibited.

4. Compulsory work, without prejudice to the cases provided for under penal legislation, is prohibited.

5. The State shall promote the establishment of co-operatives of production and shall lend support to household businesses as sources of employment.

PENAL CODE OF TIMOR LESTE

Article 124. Crimes against humanity

Any person who, within the context of a widespread or systematic attack against any civilian population, commits acts that result in :

c) Enslavement ;

g) Rape, sexual enslavement, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable seriousness;

is punishable with 15 to 30 years imprisonment.

Article 125. War crimes against individuals

1. Any person who, within the context of an armed conflict of an international or noninternational nature, commits against a person protected by international humanitarian law :

l) Any of the acts described in paragraph (g) of the previous article ;

is punishable with 12 to 25 years imprisonment.

Article 155. Mistreatment of a minor

1. Any person who provides guardianship or custody, or is responsible for the upbringing of a minor aged less than 17 years, or does so under employment, and:

- a) Causes harm to the minor's body or health, or inflicts physical or mental mistreatment or cruel treatment;
- b) Subjects the minor to economic exploitation, hazardous work or work capable of compromising his or her education or physical, mental, spiritual, moral or social development;
- c) Subjects the minor to any form of slavery or analogous practice;
- d) Uses, recruits or offers the minor for purposes of prostitution, production of pornographic material or pornographic shows; or
- e) Uses, recruits or offers the minor for practicing unlawful acts or activities, namely production and trafficking in narcotics as defined by international conventions,

is punishable with 2 to 6 years imprisonment, if no heavier penalty is applicable by force of another legal provision.

2. Any person who, under similar circumstances, uses a minor for begging is punishable with up to 3 years imprisonment, if no heavier penalty is applicable by force of another legal provision.

3. If the victim is a descendant, collateral kin, relative or similar to the second degree, has adopted or been adopted by the perpetrator or a person cohabiting with the perpetrator under similar conditions, the limits to the penalties referred to in the preceding subarticles shall be increased by one third.

Article 161 Abduction

1. Any person who, by means of violence, threat or deceit, transfers another person from one place to another with the intention to:

- a) Subject the victim to extortion;
- b) Commit crime of sexual exploitation, assault or abuse;
- c) Obtain ransom or reward; or
- d) Compel public authorities or any third party to commit or refrain from committing an act, or to coercively accept an activity,

is punishable with 4 to 12 years imprisonment.

2. If any of the circumstances provided in subarticle 2 of article 160 occurs, the applicable penalty is 5 to 15 years imprisonment.

Article 162 Enslavement

1. Any person who, by any means, places a fellow human being in a situation of enslavement or makes use of a person in such a condition is punishable with 8 to 20 years imprisonment.

2. The consent of the victim is irrelevant if any of the means referred to in the following article were used.

3. For purposes of application of provisions in this article, a person is considered to be in a condition of enslavement whenever, even if only de facto, said person is under submission to powers corresponding to those of property rights, or to any concrete right, or is bound to the disposal of anything.

Article 163 Human trafficking

1. Any person who recruits, assigns, purchases, transports, transfers, houses or receives persons, through use of threats, force or other forms of coercion, kidnapping, fraud, trickery, abuse of power or situation of vulnerability, or by means of delivery or acceptance of payments or benefits, to obtain the consent of a person with authority over another, for purposes of exploitation, shall be punishable with 8 to 20 years imprisonment.
2. The penalty referred to in the sub-article above shall apply to any person who recruits, transports, transfers, houses or receives a minor under the age of 17 for the purpose of exploiting the same, even if none of the means referred to in the sub-article above are involved.
3. For the purpose of applying the provisions of this article, exploitation shall include but is not limited to exploitation through prostitution of another person or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or extraction of organs.
4. Consent of the victim is irrelevant, if any of the means referred to in sub-article 1 were employed.

Article 164 Aggravation

If the acts described in articles 162 and 163 are committed:

- a) As a means to facilitate sexual exploitation or use of the victim, by the perpetrator or a third party;
 - b) The victim is a minor under the age of 17;
 - c) The victim is in a foreign country or travelling to a foreign country;
 - d) The victim is used, against his/her will, in the commission of crimes; or
 - e) The perpetrator is engaged in an activity that grants the same public or religious authority before a group, region or entire country;
- Said perpetrator shall be punishable with 12 to 25 years imprisonment.

Article 165 Trafficking in human organs

1. Any person who obtains, sells, assigns, purchases, transports or transfers tissues, organs, substances or parts of the human body of third parties without consent or through use of threats, force or other forms of coercion, kidnapping, fraud, deceit, abuse of authority or situation of vulnerability, or by means of delivery or acceptance of payments or benefits, or assists in the collection, transaction, transport or storage of the above shall be punishable with 3 to 10 years imprisonment.
2. If commission of any of the acts mentioned in the sub-article above results in any of the effects provided for in article 146 or the death of the victim, the perpetrator shall be punishable with 4 to 12 years imprisonment and 5 to 20 years imprisonment, respectively.
3. Consent of the victim is criminally irrelevant, if any of the means referred to in sub-article 1 were used.

Article 166 Sale of persons

1. Any person who, apart from the cases provided in article 163, by any act or other means of transaction, transfers a person, or group of persons, to another person or group of persons against payment of any sum or any other exchange, reward or advantage, is punishable with 2 to 8 years imprisonment.
2. If the acts referred to in the previous sub-article are committed:
 - a) Against a minor aged less than 17 years;

- b) Through abuse of authority arising from a family relationship, ward or guardianship, or hierarchical, economic or labor-related dependence;
 - c) Through taking advantage of any office or authority held, in any capacity, in a prison, educational or correctional establishment, hospital, mental institution, rest home, clinic or other health establishment or establishment intended to provide assistance or treatment; or
 - d) Upon an unconscious or incapable person who is particularly vulnerable by virtue of disease, physical or mental deficiency;
- Said perpetrator is punishable with 4 to 12 years imprisonment.
3. Consent of the victim or third party who exerts any form of power over the victim is criminally irrelevant.

LAW 4/2012 LABOUR CODE

Article 8: Prohibition of forced labour

1. Forced or compulsory labour is prohibited.
2. Forced or compulsory labour is understood to mean all work or service which is exacted from any person under menace or coercion and which has not been offered voluntarily, in such cases as:
 - a) forced or compulsory labour as a way of repaying an actually incurred or inherited debt;
 - b) forced or compulsory labour as a means of political coercion or as a punishment for expressing certain political or ideological views;
 - c) forced or compulsory labour as a method of mobilising and utilising labour economic development purposes;
 - d) forced or compulsory labour as a measure of racial, social, national or religious discrimination;
3. The following shall not constitute forced or compulsory labour:
 - a) Work or service exacted in virtue of compulsory military service laws for work of a purely military character;
 - b) Work or services that are part of the civic obligations of community members;
 - c) Work or service exacted from a person as a consequence of a conviction in a court of law, provided that the work or service is carried out under the supervision and control of a public authority and that the person is not hired to, or placed at the disposal of private individuals, companies or associations;
 - d) Work or service exacted in cases of emergency, such as in the event of war or a calamity, fire, flood, famine, epidemic, or any other circumstance that would endanger the life or safety of the entire, or part of, the population;
 - e) Minor services in the community that are undertaken by members of the community itself and for the benefit of the community itself. These are seen as community members' normal civic obligations, provided that the community members or their direct representatives are entitled to be consulted about the need for such services.

Article 99. Penalties

1. Breaches of this Code's regulations are punishable with fines and other types of penalty, and take into account the importance of the interests affected, in the terms to be determined by specific legislation.
2. Violations of the rights of the child and infliction of forced labour, as provided for in this law and in international conventions ratified by East Timor, shall be reported to the Public Prosecutor's office so that legal

proceedings may be started to determine the civil and criminal responsibilities of those involved.

IMMIGRATION AND
ASYLUM ACT LAW
9/2003

Article 81 Human Trafficking

1. All persons who under threat of force or any other form of coercion, fraud, deceit, abuse of power or by taking advantage of the victim's vulnerability, recruit, transfer, lodge or keep persons with the purpose of exploiting them or placing them in sexual exploitation, forced labour, slavery or human organ trafficking networks, shall be punished by imprisonment of not more than 8 years or fewer than 3 years.
2. The same penalties shall apply to those who, through payment either in cash or in kind, buy consent from a third party in control of the victim, to perform the activities provided for in item 1 of the present Article.
3. If the victim of the activities provided for in items 1 and 2 of the present Article is a minor under 18 years of age, the mere transportation, recruitment, transfer, lodging or keeping of these persons for the purposes described in item 1, constitutes a crime that shall be punishable by imprisonment of not more than 12 years or fewer than 5.

Togo

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Togo which prohibits **slavery**, although the Constitution declares that no one may be arbitrarily deprived of liberty at article 13 and the Penal Code criminalises holding a person against their will at article 60. Slavery of children is also prohibited as one of the worst forms of child labour under article 151 of the Labour Code, although no penalties are prescribed.

ii) There appears to be **no legislation** in place in Togo which prohibits **servitude**, although practices similar to slavery, debt bondage and serfdom of children are prohibited as the worst forms of child labour in article 151 of the Labour Code.

iii) **Provisions** related to **forced labour** are found in the 2006 Labour Code which prohibits forced labour at article 4 and forced labour of children at article 151 (as one of the worst forms of child labour), although no penalties are prescribed.

iv) There appears to be **no legislation** in place in Togo which prohibits **trafficking in persons**, although trafficking in children is criminalised under article 5 of the 2005 Law Related to Child Trafficking and under the 2007 Child Code. Child trafficking is also prohibited as one of the worst forms of child labour under article 151 of the Labour Code.

2) International Obligations: Togo consents to:

1926 Slavery Convention: (27 February 1962, succession)
 1930 Forced Labour Convention: (7 June 1960, ratification)
 1953 Protocol to the 1926 Slavery Convention: (27 February 1962, succession)
 1956 Slavery Convention: (8 July 1980, accession)
 1957 Abolition of Forced Labour Convention: (10 July 1999, ratification)
 1966 ICCPR: (24 May 1984, accession)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (8 May 2009, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Togo appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 457

(1) We would reply by quoting article 341 of the Penal Code as contained in the Decree of 19 November 1947; accessories are liable to penalties under articles 59 and 60 of the Penal Code.

“Article 341. Anyone who, without an order from the properly constituted authorities and in cases other than those where the apprehension of the accused persons is prescribed by law, arrests, detains or confines any person whatsoever shall be liable to a term of imprisonment with hard labour.

“Anyone providing a place for such detention or confinement shall be liable to the same penalty.”

(DD 19 November 1947) “Anyone who concludes an agreement for the purpose of depriving a third person of his liberty, either without payment or for payment, shall also be liable to the same penalty. Money, property or valuables received for carrying out such an agreement shall be confiscated if the person regarding whom the agreement is concluded is under fifteen years of age.

“Anyone who hands over or receives another person as a pledge, for any reason whatsoever, shall be liable to a term of imprisonment of from one month to two years and/or a fine of from 3,600 to 36,000 francs. The term of imprisonment may be increased to five years if the person handed over or received as a pledge is under fifteen years of age. The guilty person may also, in all cases, be deprived of the rights referred to in article 42 of the present Code for a period of not less than five and not more than ten years.”

CONSTITUTION

Article 13

The State has the obligation to guarantee the physical and mental integrity, the life and the security of every living person in the national territory.

No one may be arbitrarily deprived either of their liberty or of their life.

Article 21

The human person is sacred and inviolable.

No one may be submitted to torture or to other forms of cruel, inhuman or degrading treatments.

Article 22

Every Togolese citizen has the right to circulate freely and to establish themselves in the national territory in any place of their choice within the conditions defined by the law or local custom.

No Togolese may be deprived of the right to enter Togo or to leave it.

Any foreigner[,] in regular situation[,] on the Togolese territory and who conforms to the laws in force has the freedom to circulate and to choose their residence and the right to leave it freely.

Article 36

The State protects youth against any form of exploitation or of manipulation.

Article 37

The State recognizes to every citizen the right to work and strives to create the conditions for effective enjoyment of this right.

It assures to each citizen the equality of opportunity concerning employment and guarantees to each worker a just and equitable remuneration.

No one may be disadvantaged in their work for reason of their sex, of their origin, of their beliefs or of their opinions.

PENAL CODE

Art. 60

Any person who, without order of the legitimate authority and excluding cases of necessity, holds a person against his will in any place will be punished:

- from two to six months imprisonment if the kidnapping lasted less than twenty four hours
- from three months to two years imprisonment if the kidnapping lasted from one to ten days
- from one to five years' imprisonment if the kidnapping lasted more than ten days.

Art. 92

be punished with one to five years imprisonment and a fine of 100 000 to 1 000 000 Swiss francs anyone, in order to satisfy the passions of others, incites or book one or more persons to prostitution by promises, donations threats, fraud or violence.

Art. 93

Is considered pimp and liable to the penalties provided for in Article previous one who:

- 1) knowingly lives with a person who habitually engages in prostitution;
- 2) being in regular contact with one or more persons engaging habitually in prostitution, can justify the resources corresponding to his lifestyle;
- 3) provides premises available to persons engaged in the sex;
- 4.) manager or employee of hotel establishment, usually tolerate in his establishment the presence of persons engaged in prostitution.

Art. 94

The imprisonment may be increased to ten years when:

- 1) the offender has incited or engaged in prostitution of minors;
- 2) the party shall have exercised violence to introduce or maintain people in prostitution, if the violence caused illness or incapacity for work exceeding two weeks.

LABOUR CODE 2006

Article 4.

Forced or compulsory labor is prohibited.

The term forced or compulsory labor, any work or service required of a person under the menace of any penalty and for which said person has not offered himself voluntarily.

However, the term "forced or compulsory labor" shall not apply to:

1. any work or service required under the laws and regulations Service mandatory and having a purely military military;
2. any work or service of general interest as part of the civic obligations citizens, as defined by the laws and regulations;
3. any work or service which is exacted from any person as a consequence of conviction in a court judgment;

4. any work or service exacted in cases of force majeure, in particular in the event of war or of a calamity or threatened calamity, such as fire, floods, violent epidemic animal diseases, invasion by animal, insect or vegetable pests, and in general, all circumstances endangering or likely to endanger the life or normal living conditions of the whole or part of the population.

Requiring forced or compulsory labor is punishable by law.

Article 151.

Children over fifteen (15) years can make light work.

Employers are required to submit a prior declaration to the labor inspector and social legislation which has a period of eight (08) days notice of any disagreement.

In all cases, are prohibited the worst forms of child labor.

Are considered the worst forms of child labor:

1. All forms of slavery or similar practices, such as the sale and trafficking of children, debt bondage and serfdom, as well as work forced or compulsory, including forced or compulsory recruitment of children for use in armed conflict;
2. The use, procuring or offering of a child for prostitution, production of pornography or for pornographic performances;
3. The use, procuring or offering of a child for illicit activities, including the production and trafficking of drugs, such as defined in the relevant international conventions;
4. Work which, by its nature or the circumstances in which they is carried out is likely to harm the health, safety or morals of the child.

LAW RELATED TO CHILD TRAFFICKING 2005

Art. 3

Child trafficking is a serious crime, which is defined as the process by which a child is recruited or kidnapped, transported, transferred, housed or received, inside or outside the national territory, by one or more people for exploitative purposes.

Art. 4

Exploitation refers to any activities to which the child is subjected and that do not have any economic, moral, mental or psychological interest for the latter, but which, on the other hand, provide economic, moral or psychological interest to the perpetrator of the trafficking or any other person, whether directly or indirectly.

Art. 5

Any person guilty of at least one of the acts listed in article 3 above is guilty of child trafficking.

Art. 6

Individuals are considered accomplices to the crime who have knowingly:

- caused the act by providing information or instructions;
- provided instruments, weapons, vehicles, or any other means useful for the preparation, consumption of the action, or to favor the impunity of its perpetrators;
- aided or assisted the perpetrators of the crime in the acts that prepared, facilitated or consumed it

Art. 10

The perpetrators and accomplices of child trafficking are subject to imprisonment of two (02) to five (05) years and a fine of one million (1,000,000) to five million (5,000,000) CFA francs, or one of those two penalties, irrespective of the departure and destination locations of the children in question.

Any attempted child trafficking is punishable by the same sentences.

Art. 11

Any person guilty of child trafficking committed under the circumstances below is punishable by a sentence of five (05) to ten (10) years of rigorous imprisonment and a fine of five million (5,000,000) to ten million (10,000,000) CFA francs:

- the victim is under the age of fifteen (15) years at the time of commission of the acts;
 - the act was committed by violence;
 - the perpetrator has used drugs to alter the will of the victim;
 - the perpetrator had a visible or hidden weapon;
 - the victim was sequestered or exposed in a public or private location;
 - the trafficking acts caused the child physical, moral or mental disability or any other medically recognized consequence; - the trafficking is the work of an organized group;
 - the child has been subjected to the worst forms of labor;
- in case of repeat occurrence.

The judge may order the confiscation of all objects and materials used in the process of child trafficking. The penalties set out in article 10 above are doubled when the acts of child trafficking have led to the disappearance or death of the victim.

Art. 12

Any parent or guardian who knowingly facilitates trafficking of their child or a child over whom they have custody is punishable by a sentence of six (06) months to one (01) year of imprisonment.

The prison sentence may be subject, in whole or in part, to a stay of proceedings for a period set by the judge, not to exceed three (03) years. In case of repeat offense, the penalty is doubled.

Art. 13

Anyone who requests, receives gifts, promises, benefits of any nature in order to facilitate child trafficking is subject to a penalty of one (01) to five (05) years of imprisonment and a fine of five hundred thousand (500,000) to one million (1,000,000) CFA francs, or one of those two penalties.

The penalty is doubled if the perpetrator is an agent of the public administration having acted in the context of his or her duties.

CHILD CODE 2007

Note: prohibits all forms of child trafficking and prescribes penalties of two to five years' imprisonment, which are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape.

Tonga

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution of Tonga which prohibits slavery at article 2. Slavery may also form an element of an offence of trafficking under articles 24 and 25 of the Transnational Crimes Act.

ii) There appears to be **no legislation** in place in Tonga which prohibits **servitude**, although abduction of a woman for marriage is criminalised under article 128 of the Criminal Offences Act and servitude and practices similar to slavery may form elements of an offence of trafficking under articles 24 and 25 of the Transnational Crimes Act.

iii) There appears to be **no legislation** in place in Tonga which prohibits **forced labour**, although forced labour or services may form an offence of an offence of trafficking under articles 24 and 25 of the Transnational Crimes Act.

iv) **Provisions** related to **trafficking in persons** are found in the Transnational Crimes Act which criminalises trafficking in persons under article 24 and trafficking in children under article 25 although the offences do not specifically require the means listed in the Palermo Protocol.

2) International Obligations: Tonga consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: N/A
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: N/A
1966 ICCPR: N/A
1998 Rome Statute of the ICC: N/A
2000 Palermo Protocol (Trafficking in Persons): N/A
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Tonga appears to be:

- in breach of its obligations under customary international law with regard to slavery.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF TONGA 1875 (REV. 1988)

1. Declaration of freedom

Since it appears to be the will of God that man should be free as He has made all men of one blood therefore shall the people of Tonga and all who sojourn or may sojourn in this Kingdom be free for ever. And all men may use their lives and persons and time to acquire and possess property and to dispose of their labour and the fruit of their hands and to use their own property as they will.

2. Slavery prohibited.

No person shall serve another against his will except he be undergoing punishment by law and any slave who may escape from a foreign country to Tonga (unless he be escaping from justice being guilty of homicide or larceny or any great crime or involved in debt) shall be free from the moment he sets foot on Tongan soil for no person shall be in servitude under the protection of the flag of Tonga.

THE CRIMINAL OFFENCES ACT

114 Unlawful imprisonment

Every person who shall unlawfully imprison or detain another person shall be liable to a fine not exceeding \$500 and in default of payment thereof to imprisonment for any period not exceeding one year.

128. Abduction of women.

Any person who shall by force take away or detain any woman of any age with intent to marry or carnally know her or to cause her to be married or carnally known by any other person shall on conviction thereof be liable to imprisonment for any term not exceeding 7 years.

TRANSNATIONAL CRIMES ACT

2 Interpretation

“exploitation” includes all forms of sexual exploitation (including sexual servitude and exploitation of another person’s prostitution), forced labour or services, slavery or practices similar to slavery, servitude and the removal of internal organs;

“trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation;

24 Offence of trafficking in persons

Any person engaged in trafficking in persons commits an offence and upon conviction shall be liable to imprisonment for a term not exceeding 25 years.

25 Offence of trafficking in children

Any person engaged in trafficking a child commits an offence and upon conviction shall be liable to imprisonment for a term not exceeding 30 years.

26 Consent not a defence

It is not a defence for offences under sections 24 and 25 that the –

- (a) trafficked person consented; or
- (b) intended exploitation did not occur.

Trinidad and Tobago

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Trinidad and Tobago which prohibits **slavery**, although the Constitution affirms the right to individual liberty. Slavery may also form an element of an offence of trafficking under articles 16 and 18 of the 2011 Trafficking in Persons Act, and enslavement and sexual slavery may form elements of crimes against humanity under article 10 of the International Criminal Court Act.

ii) There appears to be **no legislation** in place in Trinidad and Tobago which prohibits **servitude**, although servitude and practices similar to slavery may form elements of an offence of trafficking under articles 16 and 18 of the Trafficking in Persons Act.

iii) There appears to be **no legislation** in place in Trinidad and Tobago which prohibits **forced labour**, although forced labour or services may form an element of an offence of trafficking under articles 16 and 18 of the Trafficking in Persons Act.

iv) **Provisions** related to **trafficking in persons** are found in the Trafficking in Persons Act which criminalises trafficking in persons under article 16 and trafficking in children under article 18.

2) International Obligations: Trinidad and Tobago consents to:

1926 Slavery Convention: (11 April 1966, succession)
1930 Forced Labour Convention: (24 May 1963, ratification)
1953 Protocol to the 1926 Slavery Convention: (11 April 1966, succession)
1956 Slavery Convention: (11 April 1966, succession)
1957 Abolition of Forced Labour Convention: (24 May 1963, ratification)
1966 ICCPR: (21 December 1978, accession)
1998 Rome Statute of the ICC: (6 April 1999, ratification)
2000 Palermo Protocol (Trafficking in Persons): (6 November 2007, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Trinidad and Tobago appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
TRINIDAD AND
TOBAGO 1976 (REV.
2007)

4. Recognition and declaration of rights and freedoms

It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely:—

- a. the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;
- g. freedom of movement;

INTERNATIONAL
CRIMINAL COURT
ACT 2006

10. International Crimes

(1) Every person is liable on conviction on indictment to the penalty specified in subsection (3) who, in Trinidad and Tobago or elsewhere, commits a crime against humanity.

(2) For the purposes of this section, a “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (c) enslavement;
- (g) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity;

(3) The penalty for a crime against humanity is—

- (a) if the offence involves the wilful killing of a person, the same as the penalty for murder; or
- (b) in any other case, imprisonment for life or a lesser term.

OFFENCES AGAINST
THE PERSON ACT

20. Not providing apprentices or servants with food, etc., whereby life endangered.

Any person legally liable, either as a master or mistress, to provide for an apprentice or servant, necessary food, clothing or lodging, who wilfully and without lawful excuse refuses or neglects to provide the same, or who unlawfully and maliciously does or causes to be done any bodily harm to any such apprentice or servant so that the life of the apprentice or servant is endangered, or the health of the apprentice or servant is or is likely to be permanently injured, is liable to imprisonment for five years.

54. Child stealing.

Any person who unlawfully, either by force or fraud, leads or takes away, or decoys or entices away or detains, any child under the age of ten years, with intent to deprive any parent or guardian, or other person having the lawful care or charge of the child, of the possession of the child, or with intent to steal any article upon or about the person of the child, to whomsoever the article may belong, and any person who with any such intent, receives or harbours any such child, knowing the same to have been, by force or fraud, led, taken, decoyed, enticed away, or detained as mentioned in this section is liable to imprisonment for five years; but no person who claims to be the father of, or to have any right of possession of, an illegitimate child is liable to be prosecuted by virtue hereof on account of the getting possession of that child, or taking that

child out of the possession of the mother or any other person having the lawful charge thereof.

TRAFFICKING IN PERSONS ACT 2011

3. Interpretation

In this Act unless the context otherwise requires—

“debt bondage” means the status or condition of a person arising from his pledge to provide his personal services or those of a person under his control as security for a debt, where—

(a) the value of those services as reasonably assessed is not applied toward the liquidation of the debt;

(b) the period during which those services are to be provided is not limited; or

(c) the nature of those services is not defined;

“exploitation” includes—

(a) keeping a person in a state of slavery;

(b) subjecting a person to practices similar to slavery;

(c) compelling or causing a person to provide forced labour or services;

(d) the illicit removal of human organs;

(e) keeping a person in a state of servitude including domestic and sexual servitude;

(f) child pornography;

(g) the exploitation of the prostitution of another;

(h) engaging in any other form of commercial sexual exploitation, including, but not limited to, pimping, pandering, procuring, profiting from prostitution and maintaining a brothel;

(i) causing a person to transport illegal items within or across borders;

and (j) deriving a benefit through the abuse of another person;

“forced labour” means labour or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint;

“practices similar to slavery” includes debt bondage, serfdom, forced or servile marriages and delivery of children for exploitation;

“servitude” means a condition of dependency in which the labour or the services of a person are provided or obtained by threats of 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 does not perform such labour or services, that person or another person will suffer serious harm;

“slavery” means the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised;

“trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power, the abuse of a position of vulnerability or the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;

“trafficking in children” means the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, irrespective of the means used so long as the purpose is the exploitation of the child;

16. Trafficking in persons

A person who, for the purpose of exploitation—

- (a) recruits, transports, transfers, harbours or receives persons into or within Trinidad and Tobago;
- (b) recruits, transports or transfers persons from Trinidad and Tobago to another jurisdiction;
- (c) receives persons from Trinidad and Tobago into another jurisdiction;
- or
- (d) harbours persons from Trinidad and Tobago in another jurisdiction, by means of—
 - (i) threats or the use of force or other forms of coercion;
 - (ii) abduction;
 - (iii) fraud or deception;
 - (iv) the abuse of power or the abuse of a position of vulnerability; or
 - (v) the giving or receiving of payment or benefits to achieve the consent of a person having control over another person,
 commits the offence of trafficking in persons and is liable on conviction on indictment, to a fine of not less than five hundred thousand dollars and imprisonment of not less than fifteen years.

17. Inciting, organising or directing another person to traffic in persons

A person who, for the purpose of exploitation, incites, organises or directs another person to—

- (a) recruit, transport, transfer, harbour or receive persons into or within Trinidad and Tobago;
- (b) recruit, transport or transfer persons from Trinidad and Tobago to another jurisdiction;
- (c) receive persons from Trinidad and Tobago into another jurisdiction;
- or
- (d) harbour persons from Trinidad and Tobago in another jurisdiction, by means of—
 - (i) threats or the use of force or other forms of coercion;
 - (ii) abduction;
 - (iii) fraud or deception;
 - (iv) the abuse of power or the abuse of a position of vulnerability; or
 - (v) the giving or receiving of payment or benefits to achieve the consent of a person having control over another person,
 commits the offence of trafficking in persons and is liable on conviction on indictment, to a fine of not less than five hundred thousand dollars and imprisonment of not less than fifteen years.

18. Trafficking in children

(1) A person who—

- (a) recruits, transports, transfers or receives a child into or within Trinidad and Tobago;
 - (b) harbours a child in Trinidad and Tobago; or
 - (c) recruits, transports or transfers a child from Trinidad and Tobago to another jurisdiction,
- for the purpose of exploitation, commits the offence of trafficking in children and is liable on conviction on indictment to a fine of not less than one million dollars and imprisonment for not less than twenty years.
- (2) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is sufficient to establish the offence of trafficking in children.

19. Inciting, organising or directing another person to traffic in children

A person who, for the purpose of exploitation, incites, organises or directs another person to—

(a) recruit, transport, transfer, harbour or receive a child into or within Trinidad and Tobago; or

(b) recruit, transport or transfer a child from Trinidad and Tobago to another jurisdiction,

commits the offence of trafficking in children and is liable on conviction on indictment, to a fine of not less than one million dollars and imprisonment of not less than twenty years.

20. Consent is not a defence and past sexual behaviour inadmissible

(1) In any prosecution for an offence of trafficking under section 16, 17, 18 or 19, the alleged consent of the victim to the intended or realised exploitation is not a defence.

(2) In any prosecution for an offence of trafficking under section 16, 17, 18 or 19, the legal age of consent to sex or to marriage is not a defence.

(3) In any prosecution for an offence of trafficking under section 16, 17, 18 or 19, evidence of a victim's past sexual behaviour is inadmissible for the purpose of proving—

(a) that the victim engaged in other sexual behaviour; or

(b) the victim's sexual predisposition.

23. Transporting a person for the purpose of exploiting that person's prostitution.

(1) A person who transports or conspires to transport another person into or within Trinidad and Tobago or across an international border for the purpose of exploiting that person's prostitution commits an offence and is liable on conviction on indictment to a fine of three hundred and fifty thousand dollars and to imprisonment for twelve years.

(2) Notwithstanding subsection (1), where a person is convicted under subsection (1) and there is the presence of the following aggravating factors resulting from acts of the convicted persons:

(a) transporting two or more persons at the same time;

(b) causing permanent or life-threatening bodily injury to the person transported;

(c) transporting of a child or children; or

(d) transporting as part of the activity of an organised criminal group, the Court may impose an additional term of imprisonment of up to twenty years and order that the conveyance used for transporting the victim be forfeited by the State.

25. Knowingly receiving financial benefit from trafficking in persons

A person who receives or obtains a financial or other benefit, knowing that it results from the offence of trafficking in persons commits an offence and is liable on conviction on indictment to a fine of four hundred thousand dollars and to imprisonment for fifteen years.

26. Knowingly receiving financial benefit from trafficking in children

A person who receives or obtains a financial or other benefit, knowing that it results from the offence of trafficking in children commits an

offence and is liable on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for twenty years.

KIDNAPPING ACT 2003

3. Kidnapping for ransom

(1) A person who, for ransom, reward, or for any similar consideration unlawfully leads, takes, entices away, abducts, seizes or detains any person without his consent or with his consent obtained by fraud or duress and without lawful excuse such that the person (hereinafter in this Act referred to as the “kidnapped person”) is held, confined, restricted, imprisoned or prevented from returning to his normal place of abode or sent or taken out of Trinidad and Tobago, commits an offence and is liable to imprisonment for not less than twenty-five years.

(2) A person under the age of sixteen years is deemed incapable of consenting to being led, taken, enticed away, abducted, seized, detained, held, confined, restrained or imprisoned.

CHILDREN (AMENDMENT) ACT, 2000 PARENTAL RIGHTS

Second schedule

Part B

Every person in Trinidad and Tobago who is a parent of a child, or who acts in loco parentis, has responsibilities under the law in respect of the parenting function including but not limited to—

7. the responsibility to protect the child from unlawful physical violence and all forms of physical or emotional abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the parent’s care;

9. the responsibility to ensure that the child under 12 is not engaged in labour.

Part C

Every person under the age of 18, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to—

12. the right not to have to work at anything that is dangerous or that will interfere with education;

Tunisia

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in Decree of 28 May 1890 which created financial and penal sanctions for engaging in the slave trade and keeping slaves as servants.
- ii) There appears to be **no legislation** in place in Tunisia which prohibits **servitude**.
- iii) There appears to be **no legislation** in place in Tunisia which prohibits **forced labour**.
- iv) **Provisions** related to **trafficking in persons** are found in the 2016 Law on The Prevention of Trafficking in Persons which criminalises trafficking under article 8.

2) International Obligations: Tunisia consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (17 December 1962, ratification)
1953 Protocol to the 1926 Slavery Convention: N/A
1956 Slavery Convention: (15 July 1966, accession)
1957 Abolition of Forced Labour Convention: (12 January 1959, ratification)
1966 ICCPR: (18 March 1969, ratification)
1998 Rome Statute of the ICC: (24 June 2011, accession)
2000 Palermo Protocol (Trafficking in Persons): (14 July 2003, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Tunisia appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude;
- in breach of its obligations under the ICCPR in regards to servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 460

The decree of 23 January 1846 freed the slaves and enacted measures to give effect to their emancipation.

Paragraph 461

This decree stated, *inter alia*, that most Tunisians were abusing their property rights over their slaves and were mistreating these harmless creatures that our sacred law gave any slave who was mistreated by his master the right to freedom and that legislation showed a marked trend towards the enlargement of freedom.

Paragraph 466

The Decree of 28 May 1890, which consolidated all the various regulations prohibiting and punishing slavery, provided that slavery did not exist and was prohibited in Tunisia; all human beings in the country, without distinction as to nationality or colour, were free and had equal recourse to the law and the magistrates if they felt they had been wronged.

Paragraph 467

Persons convicted of having bought, sold or kept any human being as a slave were to be punished with imprisonment for a term of three months to three years. In the event of a second conviction the offender was liable to the maximum penalty, which could even be doubled.

Paragraph 470

All the acts mentioned in I.1 are criminal offences punishable under the Decree of 28 May 1890, as stated above, and under the Penal Code...

Paragraph 940

Persons who convey slaves in the way described under IV are punishable as accessories.

Paragraph 941

Any slave who takes refuge on a Tunisian ship or aircraft or any part of Tunisian soil is ipso facto free

DECREE OF 28 MAY 1890

Note: "466. The Decree of 28 May 1890, which consolidated all the various regulations prohibiting and punishing slavery, provided that slavery did not exist and was prohibited in Tunisia; all human beings in the country without distinction as to nationality or colour, were free and had equal recourse to the law and to magistrates if they felt they had been wronged.

467. Persons convicted of having bought, sold or kept any human being as a slave were to be punished with imprisonment for a term of three months to three years. In the event of a second conviction the offender was liable to the maximum penalty, which could even be double. [...]

470. All the acts mentioned in [this section] are criminal offences punishable under the Decree of 28 May 1890, as stated above, and under the Penal Code. Under the terms of the latter, accessories are liable to the same penalties as the perpetrators of the offence; the infliction of physical injuries is punishable with imprisonment of three years (five

years of the act was premediated); and acts of violence resulting in mutilation are punishable with hard labour for a term of ten years”.

CONSTITUTION OF TUNISIA 2014

Article 23

The state protects human dignity and physical integrity, and prohibits mental and physical torture. Crimes of torture are not subject to any statute of limitations.

Article 40

Work is a right for every citizen, male and female. The state shall take the necessary measures to guarantee work on the basis of competence and fairness.

All citizens, male and female, shall have the right to decent working conditions and to a fair wage.

PENAL CODE

Article 250

(Amended by Law No. 2005-45 of 6 June 2005).

Anyone who, without a lawful order, has captured, arrested, detained or sequestered a person is punishable by ten years' imprisonment and twenty thousand dinars of fines.

Article 251

(Amended by Law No. 2005-45 of 6 June 2005).

The penalty is twenty years' imprisonment and a fine of twenty thousand dinars:

(A) if the capture, arrest, detention or kidnapping has been accompanied by violence or threats,

(B) if the operation was carried out by hand or by several perpetrators,

(C) if the victim is a civil servant or a member of the diplomatic or consular corps or a member of their families provided that the perpetrator knows the identity of his victim.

(D) if any of these acts have been accompanied by threats to kill the hostage, to infringe his physical integrity or to continue sequestering him, for the purpose of compelling a third party, whether a State, An international or governmental organization, a natural or legal person or a group of persons, to perform a specified act or to refrain from doing so as an express or tacit condition for the release of the hostage.

The penalty is life imprisonment if the capture, arrest, detention or sequestration lasted for more than one month or if it resulted in a physical disability or illness or if the operation was intended either to prepare Or facilitate the commission of a crime or offense, or to promote flight or ensure the impunity of perpetrators and accomplices of a crime or offense or to respond to the execution of an order or condition , Or to harm the physical integrity of the victim or victims.

The death penalty is incurred if these offenses have been accompanied by death.

ORGANIC LAW NO 2016-61 ON THE PREVENTION OF TRAFFICKING IN PERSONS

Art. 2

For the purposes of this Law, the following terms are used:

1. Trafficking in persons: Trafficking in persons shall be considered as the trafficking, recruitment, transport, transfer, diversion, repatriation, accommodation or reception of persons, through the use or threat of use

of Force or weapons or any other form of coercion, kidnapping, fraud, deceit, abuse of authority or a situation of vulnerability or by the offer or acceptance of sums of money Or benefits or gifts or pledges of gifts in order to obtain the consent of a person having authority over another for the purpose of exploitation, whatever the form, whether that exploitation is committed by the perpetrator or In order to make such person available to a third party

3. Forced labor or service: Any work or service imposed on a person under the threat of any sanction and that person has not agreed to do so voluntarily.

4. Slavery: Any situation in which all or part of the attributes of the right of ownership are exercised over a person.

5. Practices analogous to slavery:

They include the following:

- Debt bondage: The situation in which a debtor is obliged to perform work or services by himself or by one of his servants as security for his debt, if the counterpart of such work or services does not, Is not used for the liquidation of the debt or if the nature or duration of the work or service is not limited or if its nature is not determined.
- Serfdom: The situation in which a person is obliged under an agreement, to live and work on an estate belonging to another person, whether or not the work or service is remunerated and provided that such person Have the freedom to change their situation.
- Forced marriage of women
- Forced pregnancy or forced gestation for others.
- Exploitation of the child in criminal activities or in armed conflict.
- Adoption of the child for exploitation in any form.
- Economic or sexual exploitation of children in the course of their employment.

6. Servitude: The situation in which a person is obliged to perform work or provide services under conditions to which that person cannot escape or change

Art. 5

The consent of the victim does not count for the assessment of the use of the offense of trafficking in persons if it is committed by the use of one of the means enumerated in the first paragraph of Article 2 Of this Act.

The use of these means is not required for the constitution of the said offense if the victim is a child or a person incapable or suffering from a mental infirmity.

The consent of the victim shall not be considered as a circumstance which mitigates the penalties provided for in this Act.

Art. 8

Everyone who commits any of the offenses relating to trafficking in persons provided for in the first paragraph of article 2 of this law shall be punished by ten years' imprisonment and a fine of fifty thousand dinars.

Art. 9

Everyone who publicly incites them by any means shall be punished with half of the penalties for trafficking offenses against persons covered by this Act or those related to them. If the penalty is the death penalty or

life imprisonment, it is replaced by a term of imprisonment of twenty years.

Art. 10

Anyone who adheres or participates, inside or outside the territory of the Republic, in any capacity whatsoever, shall be punished with seven years' imprisonment and a fine of forty thousand dinars, An organized criminal group or an agreement for the purpose of preparing or arranging or committing any offense of trafficking in persons under this Act. The penalty is fifteen years' imprisonment and a fine of one hundred thousand dinars for the persons who have formed or directed the organized criminal groups or the aforementioned agreements.

Turkey

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Turkey which prohibits **slavery** although slavery may form an element of an offence of trafficking under article 80 of the 2004 Criminal Code and of crimes against humanity under article 77.
- ii) There appears to be **no legislation** in place in Turkey which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the 1982 Constitution at article 18 which prohibits forced labour and the 2004 Criminal Code which criminalises the use of violence or threat to violate the freedom of work and labour and the forced employment of helpless, homeless and dependent people at article 117.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under article 80.

2) International Obligations: Turkey consents to:

1926 Slavery Convention: (24 July 1933, accession)
1930 Forced Labour Convention: (30 October 1998, ratification)
1953 Protocol to the 1926 Slavery Convention: (14 January 1955, signature)
1956 Slavery Convention: (17 July 1964, ratification)
1957 Abolition of Forced Labour Convention: (29 March 1961, ratification)
1966 ICCPR: (23 September 2003, ratification)
1998 Rome Statute of the ICC: N/A
2000 Palermo Protocol (Trafficking in Persons): (25 March 2003, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Turkey appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude; and
- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 476

“Article 545: [Criminal Code] Any person who recruits children under fifteen years of age and causes them to beg, or who permits a child under fifteen years of age who is under his guardianship or has been entrusted to his protection and supervision to beg or to be used by another person for the purpose of begging, shall be subject to light imprisonment for a term of not less than three months and to a light fine of not less than 100 liras.

THE CONSTITUTION OF THE REPUBLIC OF TURKEY 1982 (REV. 2011)

Article 18 Prohibition of Forced Labour

- (1) No one shall be forced to work. Forced labour is prohibited.
- (2) Work required of an individual while serving a prison sentence or under detention, services required from citizens during a state of emergency, and physical or intellectual work necessitated by the requirements of the country as a civic obligation do not come under the description of forced labour, provided that the form and conditions of such labour are prescribed by law.

Article 19 Personal Liberty and Security

- (1) Everyone has the right to liberty and security of person.
- (2) No one shall be deprived of his or her liberty except in the following cases where procedure and conditions are prescribed by law:

Article 48 Freedom to Work and Conclude Contracts

- (1) Everyone has the freedom to work and conclude contracts in the field of his/her choice. Establishment of private enterprises is free.
- (2) The state shall take measures to ensure that private enterprises operate in accordance with national economic requirements and social objectives and in conditions of security and stability.

Article 49 Right and Duty to Work

- (1) Everyone has the right and duty to work.
- (2) The State shall take the necessary measures to raise the standard of living of workers, and to protect workers and the unemployed in order to improve the general conditions of labour, to promote labour, to create suitable economic conditions for prevention of unemployment and to secure labour peace.

Article 50 Working Conditions and Right to Rest and Leisure

- (1) No one shall be required to perform work unsuited to his age, sex, and capacity.
- (2) Minors, women and persons with physical or mental disabilities, shall enjoy special protection with regard to working conditions.
- (3) All workers have the right to rest and leisure.
- (4) Rights and conditions relating to paid weekends and holidays, together with paid annual leave, shall be regulated by law.

Article 55 Guarantee of Fair Wage

- (1) Wages shall be paid in return for work.
- (2) The state shall take the necessary measures to ensure that workers earn a fair wage commensurate with the work they perform and that they enjoy other social benefits.

(3) In determining the minimum wage, the living conditions of the workers and the economic situation of the country shall be taken into account.

CRIMINAL CODE LAW **Article 77. Offences against humanity**

(1) Execution of any one of the following acts systematically under a plan against a sector of a community for political, philosophical, racial or religious reasons, creates the legal consequence of an offenses against humanity.

c) Torturing, infliction of severe suffering, or forcing a person to live as a slave,

d) To restrict freedom,

h) Forced prostitution

(2) In case of execution of the act mentioned in paragraph (a) of first subsection, the convict is sentenced to heavy imprisonment; in case of commission of offenses listed in other paragraphs, the convict is sentenced to imprisonment not less than eight years. However, if the offense is caused by voluntary manslaughter or intentional injury of a person, then the provisions relating to physical joinder are applied in consideration of number of victims. (3) The court may adjudicate imposition of security precautions upon the legal entities due to such offenses,

(4) These offenses are not subject to statute of limitation.

Article 80. Human Trafficking

(1) Those who recruit, abduct, transport or transfer or harbour persons for the purpose of subjecting to forced labour or service, prostitution, enslavement or for removal of body organs, by getting their consent by means of threat, oppression, coercion or using violence, of abusing influence, of deceit or of abusing their control over or the vulnerabilities of these persons shall be sentenced to imprisonment up to eight to twelve years and a fine corresponding to 10,000 days.

(2) The consent of the victim shall be irrelevant in cases where the acts that constitute a crime are attempted with the intentions described in paragraph 1.

(3) In cases where minors below the age of eighteen are procured, abducted, transported or transferred or harboured with the intentions specified in paragraph one, the penalties foreseen in paragraph 1 shall still be applied to the perpetrator, even when no intermediary actions relating to the crime are committed.

(4) Legal entities shall also be subject to security measures for such crimes.

Article 117. Violation of freedom of work and labour

(1) Any person who violates freedom of work and labor by using violence or threat or performing an act contrary to the law, is sentenced to imprisonment from six months to two years and imposition of punitive fine upon complaint of the victim.

(2) Any person who employs helpless, homeless and dependent person (s) without payment or with a low wage incomparable with the standards or forces him to work and live inhumanly conditions, is sentenced to imprisonment from six months to three years or imposed punitive fine not less than hundred days.

(3) The same punishment is imposed also to a person who provides or transfers a person from one place to another to have him live and work under the above mentioned conditions.

(4) Any person who unlawfully increases or decreases the wages, or forces employees to work under the conditions different than that of agreed in the contract, or causes suspension, termination or re-start of the works, is sentenced to imprisonment from six months to three years.

Article 227. Prostitution

(1) Any person who encourages a child to become a prostitute, or facilitates prostitution, or shelters a person for this purpose, or acts as go-between during prostitution of the child, is punished with imprisonment from four years to ten years, and also imposed punitive fine up to ten thousand days.

(2) Any person who encourages another person to become a prostitute, or facilitates prostitution, or acts as gobetween or provides place for such purpose is punished with imprisonment from two years up to four years, and also imposed punitive fine up to three thousand days. Any act aimed to benefit from the income of a person engaged in prostitution to earn one's living, totally or partially, is considered encouragement of prostitution.

(3) Any person who brings people into the country, or sends groups to abroad for prostitution purposes is punished according to the provisions of above subsection.

(4) The punishment to be imposed according to above subsections is doubled in case a person is encouraged to become a prostitute by use of threat or force, or malice, or taking advantage of one's helplessness.

(5) The punishment to be imposed by one half in case of commission of offenses listed in the above subsections by any one of the spouses, antecedents, descendants, brother/sister, adopter, guardian, trainer, educator, nurse or any other person responsible for protection and control of a person, or by a public officer or employee by due influence.

(6) The punishment to be imposed according to above subsections is increased by one half in case of commission of these offenses within the frame of activities of an organized criminal group.

(7) Security precautions specific to legal entities are imposed in case of commission of these offenses by organizations in the statute of legal entity.

(8) Any person who involves in prostitution is subject to treatment or therapy.

LABOUR LAW

Article 99. Violation of general provisions

The employer or his representative who;

a) acts in violation of the principles and obligation foreseen in Articles 5 and 7 of this Act,

b) does not give the employee the document mentioned in the last paragraph of Article 8, acts in violation of the provisions of Article 14, and

c) violates the obligation to arrange a work certificate in accordance with Article 28 or writes incorrect information on this certificate, shall be liable to a fine of fifty million liras for each employee in this category.

Turkmenistan

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Turkmenistan which prohibits **slavery**, although article 22 of the Constitution guarantees the right to liberty and the purchase or sale of a person for the purpose of exploitation is criminalised as trafficking under article 1291 of the Criminal Code.

ii) There appears to be **no legislation** in place in Turkmenistan which prohibits **servitude**, although article 162 of the Criminal Code criminalises forced marriage. Bonded labour and adoption for commercial purposes may also form elements of trafficking under the Law on Combating Trafficking in Persons

iii) **Provisions** related to **forced labour** are found in the Labour Code which prohibits forced labour at article 8, although no penalties are prescribed.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under article 1291 although the definition does not align to the definition contained in the Palermo Protocol. The Law on Combating Trafficking in Persons also creates liability for human trafficking, although no penalties are prescribed.

2) International Obligations: Turkmenistan consents to:

1926 Slavery Convention: (1 May 1997, accession)
 1930 Forced Labour Convention: (15 May 1997, ratification)
 1953 Protocol to the 1926 Slavery Convention: (1 May, signature)
 1956 Slavery Convention: (1 May 1997, accession)
 1957 Abolition of Forced Labour Convention: (15 May 1997, ratification)
 1966 ICCPR: (1 May 1997, accession)
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): (28 March 2005, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Turkmenistan appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

TURKMENISTAN'S CONSTITUTION 2008

Article 22

Each individual has the right to life and liberty and the exercise (of this right). No one can be deprived of the right to life. The right of each person to free life is protected by the state on the basis of law.

Article 26

Every citizen has the right to move freely and choose their place of residence in Turkmenistan.
Restrictions on entry into separate territories, and movement in those territories, can only be set by law.

Article 27

Men and women having reached the marriageable age have the right, by mutual consent, to marry and create families. Spouses have equal rights in family relations.

Article 33

Citizens have the right to work, choice of profession at their own discretion, sort of employment and place of work, to safe and healthy working conditions.
Wage earners are entitled to compensation, appropriate to amount and quality of work. This compensation cannot be less than the subsistence minimum established by the state.

Article 34

Citizens have the right to rest, as expressed in establishment of limits of work week, grant of annual paid holidays, and days of weekly rest.
The State creates favourable conditions for recreation and use of leisure time.

CRIMINAL CODE

Article 162. Forcing a woman to marry or obstruction of marriage

- (1) I Am forcing a woman to marry or to continue marital cohabitation, as well as preventing a woman to enter into the marriage of their choice, with violence or threat of violence, punishable by a fine in the amount of from twenty to thirty average monthly wages, or correctional labor for up to two years, or imprisonment for up to two years.
- (2) Forcing a person who has not attained marriageable age, to join the actual marriage, shall be punished by imprisonment for a term not exceeding three years

Article 1291. Trafficking in human beings

- (1) Trafficking in human beings, i.e. the purchase/ sale of a person, or his/ her recruiting, transportation, harbouring or transfer to another person, committed for the purpose of his/ her exploitation, shall be punishable by deprivation of liberty for a term from four to ten years.
- (2) The same act committed:
 - a) against two or more persons;
 - b) against a person who is known to the perpetrator to be a minor;
 - b) with the use of official powers;
 - r) related to illegally moving the abducted person across the State Border of Turkmenistan or illegally keeping him/ her outside the State Border of Turkmenistan;
 - d) with the use of violence or threat of using thereof;

e) for the purpose of extracting organs and tissues from the abducted person for transplantation shall be punishable by deprivation of liberty for a term from eight to fifteen years.

(3) The acts mentioned by parts one or two of this Article:

a) if they have resulted in the victim's death by negligence or infliction of grave bodily harm upon the victim or other grave consequences;

b) committed in a manner endangering the lives and health of several persons;

c) committed by a criminal group or by a criminal organization;

shall be punishable by deprivation of liberty for a term from fifteen to twenty five years.

LABOUR CODE

Article 8. Prohibition of forced or compulsory labor

1. Forced or compulsory labor is prohibited.

2. Forced or compulsory labor is considered to be all work (service) required by any person under the menace of any penalty and for which said person has not offered himself voluntarily. Forced or compulsory labor also include the requirement on the part of employer to the employee to perform job duties in the absence of systems collective or personal protection or in the case where the required execution the work is likely to endanger the life or health of the employee, as well as the violation of the the timing of payment of wages or payment is not the full amount, the increase in working hours without adequate remuneration.

LAW ON COMBATING TRAFFICKING IN PERSONS

Article 1. Basic Concepts

The following basic concepts are used in the law:

trafficking in persons – a set of actions, such as recruitment, purchase, sale, transportation within one or several countries, handing over or holding a person or a group of people by threatening to use force or using force, trapping them into bonded labour or other forms of coercion, abduction, deception, fraud, abuse of power, or by using their vulnerability, adopting children for commercial purposes, or by offering payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation;

forced labour – any work or services required of a person under the threat of punishment or by other means of coercion to which this person did not consent voluntarily;

exploitation – forced labour or services, servitude or customs relates to servitude, servile status or removal of human organs and/or tissues, and other forms of exploitation for the purpose of committing sexual actions;

servitude – a status or the state of a person treated with some or all features pertaining to the right of property;

debt-bondage – a condition or a state under which the debtor pledges his personal labour or the labour of someone dependent on them in order to pay off their debts, if the value of such work does not count toward redeeming the debt, or if such work is not limited in time, or if the nature of this work and compensation for it are not defined;

Article 5. Methods and forms of exploitation to which trafficking victims are subject

1. Exploitation of trafficking victims may be carried out through the following means: physical coercion along with violence and/or narcotic and psychoactive substances, alcohol and other potent agents; economic coercion in the form of debt-bondage or other financial dependence, including servitude or conditions similar to servitude; psychological persuasion by means of blackmailing, deceiving, deluding or threatening to use violence; and legal dependence as a result of adoption, guardianship or entry into marriage without the purpose of starting a family.
2. Exploitation of trafficking victims may be of the following types: exploitation of physiological organs and tissues of humans for the purpose of transplantation; exploitation of a woman as a surrogate mother; exploitation of human labour in daily economic activities (household and daily services), production, agricultural works and illegal business (involvement in armed groups or production of illicit goods); sexual exploitation; and exploitation of a person for the purpose of using them for armed conflicts or military actions.
3. In case a trafficking victim consented to some form of exploitation within any specific action related to trafficking in persons, such consent shall be disregarded provided that any type of influence related to trafficking in persons was inflicted on a person.

Article 20. Liability for trafficking in persons

1. Physical and legal entities involved in crimes related to trafficking in persons shall be held liable in accordance with Turkmenistan's legislation.
2. In case a court detects cases of trafficking in persons through a legal entity in Turkmenistan intentionally covering trafficking in persons, such legal entity shall be eliminated following the resolution of a local court.
3. In case of recognizing a legal entity belonging to another country (its representative office or branch) by court as an organization involved in trafficking in persons, the court shall issue a resolution prohibiting the activities of such legal entity in Turkmenistan, and all its representative offices and subsidiaries in Turkmenistan shall be closed down.
4. All assets of a legal entity (its representative office or branch) mentioned in Item 2 and 3 of this article which were obtained through illegal means shall be seized and given to the state following a court resolution.

Tuvalu

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1986 Constitution at article 18(1)(e) which declares that no one shall be held in slavery and the 2008 Penal Code which criminalises kidnapping or abducting in order to subject to slavery at article 244. Slavery may also form an element of an offence of trafficking under articles 67 and 68 of the 2009 Counter Terrorism and Transnational Organised Crime Act.

ii) **Provisions** related to **servitude** are found in the 1986 Constitution at article 18(1)(e) which declares that no one shall be held in servitude. Servitude and practices similar to slavery may also form elements of an offence of trafficking under articles 67 and 68 of the Counter Terrorism and Transnational Organised Crime Act.

iii) **Provisions** related to **forced labour** are found in the 1986 Constitution at article 18(1)(f) which declares that no one shall be required to perform forced labour and the 2008 Penal Code which criminalises unlawful compulsory labour under article 249. Forced labour or services may also form an element of an offence of trafficking under articles 67 and 68 of the Counter Terrorism and Transnational Organised Crime Act.

iv) **Provisions** related to **trafficking in persons** are found in the Counter Terrorism and Transnational Organised Crime Act which criminalises trafficking in persons under article 67 and trafficking in children under article 68, although these offences require international movement.

2) International Obligations: Tuvalu consents to:

1926 Slavery Convention: N/A
 1930 Forced Labour Convention: N/A
 1953 Protocol to the 1926 Slavery Convention: N/A
 1956 Slavery Convention: N/A
 1957 Abolition of Forced Labour Convention: N/A
 1966 ICCPR: N/A
 1998 Rome Statute of the ICC: N/A
 2000 Palermo Protocol (Trafficking in Persons): N/A
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Tuvalu appears to be:

- in breach of its obligations under customary international law with regard to slavery.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF 1986

17. Personal liberty

1. Subject to the provisions of this Part, and in particular to—

...

no-one shall be detained except—

f. with his consent; or

g. as authorized by law in the cases set out in subsection (2).

18. Slavery and forced labour

1. Subject to the provisions of this Part, and in particular to—

a. the succeeding provisions of this section; and

b. section 32 (foreign disciplined forces); and

c. section 33 (hostile disciplined forces); and

d. section 36 (restrictions on certain rights and freedoms during public emergencies), no-one shall—

e. be held in slavery or servitude; or

f. be required to perform forced labour.

2. For the purposes of this section—

a. slavery or servitude includes slavery or servitude within the meaning of any international or multinational convention or treaty prohibiting slavery or servitude to which Tuvalu is a party; and

b. forced labour does not include—

i. labour required by or in consequence of the sentence or order of a court; or

ii. labour required in accordance with law of a person while he is lawfully detained that is reasonably necessary in the interests of hygiene or for the maintenance of the place where he is detained; or

iii. labour required in accordance with law of a member of a disciplined force as a member of that force; or

iv. in the case of a person who proves that he has a conscientious objection to compulsory service as a member of a naval, military or air force—labour which he is required by law to perform in place of such service; or

v. labour required in accordance with law—

A. during a period of public emergency within the meaning of Division 4 (Public Emergencies); or

B. in the event of any other emergency or calamity that threatens the life or wellbeing of the community or a part of the community, to the extent that the requirement is reasonably justified for the purpose of dealing with any situation arising or existing by reason of the public emergency or the other emergency or calamity; or

vi. in the case of a person under the age of 18 years—labour required in the reasonable exercise of the authority of a parent, teacher or guardian; or

vii. labour reasonably required as part of reasonable and normal traditional, communal or civic obligations, including any service required in accordance with section 23(7) (which relates to the performance of certain services instead of other traditional, etc., obligations).

26. Freedom of movement

1. Subject to the provisions of this Part, and in particular to—

...

no-one shall be deprived of—

g. the right to move freely throughout Tuvalu; or

h. the right to reside anywhere in Tuvalu; or

- i. the right to enter and to leave Tuvalu,
and no-one shall be expelled from Tuvalu.

PENAL CODE

42 General punishment for misdemeanours

When in this Code no punishment is specially provided for any misdemeanour, it shall be punishable with imprisonment for 2 years and with a fine.

136 Procuration

(1) Any person who —

- (a) procures or attempts to procure any girl or woman under the age of 18 years, to have unlawful sexual intercourse, either in Tuvalu or elsewhere, with any other person or persons; or
 - (b) procures or attempts to procure any woman or girl to become, either in Tuvalu or elsewhere, a common prostitute; or
 - (c) procures or attempts to procure any woman or girl to leave Tuvalu, with intent that she may become an inmate of or frequent a brothel elsewhere; or
 - (d) procures or attempts to procure a woman or girl to leave her usual place of abode in Tuvalu (such place not being a brothel), with intent that she may for the purposes of prostitution become an inmate of or frequent a brothel either in Tuvalu or elsewhere,
- shall be guilty of a misdemeanour, and shall be liable to imprisonment for 2 years:

Provided that no person shall be convicted of any offence against this section upon the evidence of 1 witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

(2) It is no defence to any charge under this section to show that the girl or woman procured was procured with her consent.

137 Procuring defilement of woman by threats or fraud or administering drugs

Any person who —

- (a) by threats or intimidation procures or attempts to procure any woman or girl to have sexual intercourse either in Tuvalu or elsewhere; or
 - (b) by false pretences or false representations procures any woman or girl to have sexual intercourse, either in Tuvalu or elsewhere; or
 - (c) applies, administers to, or causes to be taken by any woman or girl any drug, matter or thing, with intent to stupefy or overpower so as thereby to enable any person to have sexual intercourse with such woman or girl,
- shall be guilty of a misdemeanour, and shall be liable to imprisonment for 2 years:

Provided that no person shall be convicted of an offence under this section upon the evidence of 1 witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

140 Detention with intention or in a brothel

(1) Any person who detains any woman or girl against her will —

- (a) in or upon any premises with intent that she may have unlawful sexual intercourse with any man, whether any particular man, or generally; or
- (b) in a brothel,

shall be guilty of a misdemeanour, and shall be liable for imprisonment for 2 years.

(2) When a woman or girl is in or upon any premises for the purpose of having unlawful sexual intercourse, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the directions of such person, such person threatens such woman or girl with legal proceedings if she takes with her the wearing apparel so lent or supplied.

(3) No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel, as was necessary to enable her to leave such premises or brothel.

241 Definition of kidnapping and abduction

For the purposes of this Part —

- (a) any person who conveys any person beyond the limits of Tuvalu without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person; and
- (b) any person who by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

242 Punishment for kidnapping

Any person who kidnaps any person is guilty of a felony and shall be liable to imprisonment for 7 years.

244 Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.

Any person who kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to put in danger of being subjected, to grievous harm, or slavery, the unnatural lust of any person, or knowing it to be likely at such person will be so subjected or disposed of, is guilty of a felony, and shall be liable to imprisonment for 10 years.

246 Child stealing

Any person who unlawfully, either by force or fraud, leads or takes away, or decoys or entices away, or detains any child under the age of 14 years with intent to deprive any parent, guardian or other person having the lawful care or charge of such child of the possession of such child or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong; and any person who with any such intent, receives or harbours any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained, as in this section before mentioned, is guilty of a felony, and shall be liable to imprisonment for 7 years:

Provided that no person who shall have claimed in good faith any right to the possession of such child, or is the mother or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or

taking such child out of the possession of any person having the lawful charge thereof.

248 Punishment for wrongful confinement

Whoever wrongfully confines any person is guilty of a misdemeanour and shall be liable to imprisonment for 1 year or to a fine of \$400.

249 Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour

COUNTER TERRORISM AND TRANSNATIONAL ORGANISED CRIME ACT 2009

3 Interpretation

(1) In this Act, unless the context otherwise requires:

“exploitation” includes all forms of sexual exploitation (including sexual servitude and exploitation of another person’s prostitution), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs;

“specified means” means any of the following:

- (a) threat;
 - (b) use of force or other forms of coercion;
 - (c) abduction;
 - (d) fraud;
 - (e) deception;
 - (f) abuse of power or of a position of vulnerability;
 - (g) giving or receiving payments or benefits to achieve the consent of a person having control over another person;
- “trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation;

67 Offence of trafficking in persons

- (1) A person must not engage in trafficking in a person or be involved in the arranging of trafficking in a person, knowing that the person’s entry into Tuvalu or any other state is or was arranged by specified means.
- (2) Any person who breaches subsection (1) commits an offence and is liable on conviction to an imprisonment term not exceeding 25 years.

68 Offence of trafficking in children

- (1) A person must not intentionally engage in trafficking in a person who is a child or be involved in the arranging of trafficking in a person who is a child, regardless of whether the child’s entry into Tuvalu, or any other state is or was for arranged by specified means.
- (2) Any person who breaches subsection (1) commits an offence and is liable on conviction to an imprisonment term not exceeding 20 years.

69 Exploitation of people not legally entitled to work

- (1) An employer who allows an unlawful employee to undertake employment in the employer’s service must not take an action with the intention of preventing or hindering the employee from:
 - (a) leaving Tuvalu; or
 - (b) ascertaining or seeking that person’s entitlement under the law of Tuvalu;
 - (c) disclosing to any person the circumstances of that person’s employment by the employer.

(2) Without the limiting the generality of subsection (1), the following are examples of actions of the kind mentioned in that subsection:

(a) taking or retaining possession or control of a person's passport, any other travel or identity document, or travel tickets;

(b) preventing or hindering a person from:

(i) having access to a telephone; or

(ii) using a telephone; or

(iii) using a telephone privately; or

(iv) leaving premises; or

(v) leaving premises unaccompanied;

(c) preventing or hindering a labour officer from entering or having access to any place or premises to which the person is entitled to have access under any law.

(3) Any person who breaches subsection (1) commits an offence and is liable on conviction to an imprisonment term not exceeding 15 years.

70 Consent of trafficked person

For sections 67 and 68, it is not a defense:

(a) that the trafficked person consented to the intended exploitations; or

(b) that the intended exploitation did not occur.

Uganda

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 25(1) which declares that no person shall be held in slavery and the Penal Code which criminalises importing, exporting, removing, buying, selling, disposing of, accepting, receiving or detaining any person as a slave under article 249. Habitual dealing in slaves and inducing a person to give up themselves or another as a slave is criminalised under articles 250 and 251 respectively. Slavery may also form an element of an offence of trafficking under articles 3 and 5 of the 2009 Prevention of Trafficking in Persons Act.

ii) **Provisions** related to **servitude** are found in the Constitution at article 25(1) which declares that no person shall be held in servitude. Servitude, practices similar to slavery, debt bondage, and forced marriage may also form elements of an offence of trafficking under articles 3 and 5 of the Prevention of Trafficking in Persons Act.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 25(2) which declares that no person shall be required to perform forced labour and the Penal Code which criminalises unlawful compulsory labour at article 252. Forced labour may also form an element of an offence of trafficking under articles 3 and 5 of the Prevention of Trafficking in Persons Act.

iv) **Provisions** related to **trafficking in persons** are found in the Prevention of Trafficking in Persons Act which criminalises trafficking in persons under article 3 and trafficking in children under article 5.

2) International Obligations: Uganda consents to:

1926 Slavery Convention: (12 August 1964, accession)
 1930 Forced Labour Convention: (4 June 1963, ratification)
 1953 Protocol to the 1926 Slavery Convention: (12 August 1964, accession)
 1956 Slavery Convention: (12 August 1964, accession)
 1957 Abolition of Forced Labour Convention: (4 June 1963, ratification)
 1966 ICCPR: (21 June 1995, accession)
 1998 Rome Statute of the ICC: (14 June 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (12 December 2000, signature)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Uganda appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to servitude; and
- in breach of its obligations under the ICCPR in regards to servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF
UGANDA OF 1995
(REV. 2005)

23. Protection of personal liberty

1. No person shall be deprived of personal liberty except in any of the following cases-

25. Protection from slavery, servitude and forced labour

1. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced labour.
3. For the purposes of this article, "forced labour" does not include-
 - a. any labour required in consequence of the sentence or order of a court;
 - b. any labour required of any person while that person is lawfully detained which, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which the person is detained;
 - c. any labour required of a member of a disciplined force as part of that member's duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour which that person is required by law to perform in place of that service;
 - d. any labour required during any period when Uganda is at war or in case of any emergency or calamity which threatens the life and well-being of the community, to the extent that the requiring of the labour is reasonably justifiable in the circumstances of any situation arising or existing during the period or as a result of the emergency or calamity, for the purpose of dealing with that situation; or
 - e. any labour reasonably required as part of reasonable and normal communal or other civic obligations.

29. Protection of freedom of conscience, expression, movement, religion, assembly and association

2. Every Ugandan shall have the right-
 - a. to move freely throughout Uganda and to reside and settle in any part of Uganda;
 - b. to enter, leave and return to, Uganda; and

31. Rights of the family

3. Marriage shall be entered into with the free consent of the man and woman intending to marry.

34. Rights of children

4. Children are entitled to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.
5. For the purposes of clause (4) of this article, children shall be persons under the age of sixteen years.

40. Economic rights

1. Parliament shall enact laws-
 - a. to provide for the right of persons to work under satisfactory, safe and healthy conditions;
 - b. to ensure equal payment for equal work without discrimination; and

- c.to ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay, as well as remuneration for public holidays.
- 2. Every person in Uganda has the right to practise his or her profession and to carry on any lawful occupation, trade or business.
- 3. Every worker has a right-
 - a.to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests;
 - b.to collective bargaining and representation; and
 - c.to withdraw his or her labour according to law.
- 4. The employer of every woman worker shall accord her protection during pregnancy and after birth, in accordance with the law.

44. Prohibition of derogation from particular human rights and freedoms

Notwithstanding anything in this Constitution, there shall be no derogation from the enjoyment of the following rights and freedoms- freedom from slavery or servitude;

PENAL CODE ACT 1950 (CH 120)

22. General punishment for misdemeanours

When in this Code no punishment is specially provided for any misdemeanour, it shall be punishable with imprisonment for a period not exceeding two years.

126. Abduction

Any person, whether male or female, who—

- (a) with intent to marry or be married to or to have sexual intercourse with another person or to cause that person to marry, be married or have sexual intercourse, takes that other person away or detains him or her against his or her will; or
- (b) unlawfully takes another person under the age of eighteen years out of the custody of any of the parents or of any other person having lawful care or charge over that person, commits an offence and is liable to imprisonment for seven years.

131. Procuration

(1) Any person who—

- (a) procures or attempts to procure any girl or woman under the age of twenty-one years to have unlawful carnal connection, either in Uganda or elsewhere, with any other person or persons;
 - (b) procures or attempts to procure any woman or girl to become, either in Uganda or elsewhere, a common prostitute;
 - (c) procures or attempts to procure any woman or girl to leave Uganda, with intent that she may become an inmate of or frequent a brothel elsewhere; or
 - (d) procures or attempts to procure any woman or girl to leave her usual place of abode in Uganda, such place not being a brothel, with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Uganda or elsewhere, commits an offence and is liable to imprisonment for seven years.
- (2) No person shall be convicted of any offence under this section upon the evidence of one witness only, unless that witness is corroborated in some material particular by evidence implicating the accused.

132. Procuring defilement of women by threats, etc

(1) Any person who—

(a) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either in Uganda or elsewhere;

(b) by false pretences or false representations procures any woman or girl to have any unlawful carnal connection, either in Uganda or elsewhere; or

(c) applies, administers to or causes to be taken by any woman or girl any drug, matter or thing with intent to stupefy or overpower her so as to thereby enable any person to have unlawful carnal connection with that woman or girl,

commits a misdemeanour.

(2) No person shall be convicted of an offence under this section upon the evidence of one witness only, unless that witness is corroborated in some material particular by evidence implicating the accused

245. Kidnapping or abducting in order to subject person to grievous harm, slavery, etc

Any person who kidnaps or abducts any person in order that such person may be subjected or may be so disposed of as to be put in danger of being subjected to grievous harm, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, commits a felony and is liable to imprisonment for fifteen years.

249. Buying, etc. of any person as a slave

Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, commits a felony and is liable to imprisonment for ten years.

250. Habitual dealing in slaves

Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves commits a felony and is liable to imprisonment for fifteen years.

251. Inducing a person to give up himself or herself as a slave

Any person who induces another person to give up himself or herself as a slave commits a felony and is liable on conviction to imprisonment for ten years.

Any person who attempts or conspires with another person to induce a person to give up himself or herself as a slave or is an accessory thereto commits a felony and is liable on conviction to imprisonment for five years.

252. Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person commits a misdemeanour.

9. War crimes.

(2) For the purposes of this section, a “war crime” is an act specified in –

- (b) article 8(2)(b) of the Statute (which relates to other serious violations of the laws and customs applicable in international armed conflict); or
- (d) article 8(2)(e) of the Statute (which relates to other serious violations of the laws and customs applicable in armed conflict not of an international character).

PREVENTION OF TRAFFICKING IN PERSONS ACT 2009

2. Interpretation.

In this Act, unless the context otherwise requires—

- (b) “debt bondage” means the status or condition arising from a pledge by the debtor of his or her personal services or labour, or those of a person under his or her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied towards the liquidation of the debt;
- (d) “exploitation” includes at a minimum, sexual exploitation, forced marriage, child marriage, forced labor, harmful child labour, use of a child in armed conflict, use of a person in illegal activities, debt bondage, slavery or practices similar to slavery or servitude, human sacrifice, the removal of organs or body parts for sale or for purposes of witchcraft, harmful rituals or practices;
- (e) “forced labour” means all work or service which is exacted from any person under the threat of any penalty and for which the said person has not offered him/herself voluntarily;
- (p) “slavery” is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised;
- (q) “slave trade” includes all acts involved in the capture, acquisition or disposal of a person with the view to selling or exchanging him or her and with the intention of reducing him or her to slavery;
- (r) “trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, fraud, of deception, of the abuse of power or of a position of vulnerability or of 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;

3. Offence of trafficking in persons

(1) A person who—

- (a) recruits, transports, transfers, harbours or receives a person, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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;
- (b) recruits, hires, maintains, confines, transports, transfers, harbours or receives a person or facilitates the aforementioned acts through force or other forms of coercion for the purpose of engaging that person in prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude, death bondage, forced or arranged marriage; commits an offence and is liable to imprisonment for fifteen years.

(2) Notwithstanding the provisions of subsection (1), where the offender is a legal person, it shall be liable to a fine of one thousand currency points, and temporary or permanent closure, deregistration, dissolution, or disqualification from practice of certain activities.

(3) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall constitute “trafficking in persons” even if this does not involve any of the means set forth in subsection (1) of this Section.

(4) The consent of the victim of trafficking or if a child, the consent of his or her parents or guardian to the acts of exploitation shall not be relevant.

4. Aggravated trafficking in persons

A person commits the offence of aggravated trafficking where—

- (a) the victim of trafficking is a child;
- (b) adoption, guardianship, fostering and other orders in relation to children is undertaken for the purpose of exploitation;
- (c) the offence is committed by a syndicate, or on large scale;
- (d) the offender is an organization engaged in the activities of organizing, directing or protecting the vulnerable persons in society;
- (e) the offender is engaged in organizing or directing another person or persons to commit the offence;
- (f) the offence is committed by a close relative or a person having the parental care, authority or control over the victim or any other person;
- (g) the offence is committed by a public officer;
- (h) the offence is committed by military personnel or law enforcement officer;
- (i) where the person organizes, facilitates or makes preparations for the kidnapping, abduction, buying, selling, vending, bringing from or sending to, receiving, detaining or confining of a person for purposes of harmful rituals or practices, human sacrifice, removal of any body part or organ, or any other act related to witchcraft;
- (j) the victim dies, becomes a person of unsound mind, suffers mutilation, gets infected with HIV/ AIDS or any other life threatening illness; and shall be liable to imprisonment for life.

5. Trafficking in children

A person who—

- (a) does any act referred to under Section 3 in relation to a child;
 - (b) uses a child in any armed conflict;
 - (c) removes any part, organ or tissue from the body of a child for purposes of human sacrifice;
 - (d) uses a child in the commission of a crime;
 - (e) abandons a child outside the country;
 - (f) uses a child or any body part of a child in witchcraft, rituals and related practices;
- commits an offence of aggravated trafficking in children and may be liable to suffer death.

6. Engaging the Labour or Services of a Victim of Trafficking in Persons

A person who while knowing or having reason to believe that a person is a victim of trafficking, engages the labour or services of that victim in

that status, commits an offence and is liable to imprisonment for ten years.

7. Promoting Trafficking in Persons

Any person who—

- (a) knowingly leases or subleases, uses or allows to be used any house, building or establishment for the purpose of exploitation;
- (b) produces, prints, issues or distributes, any document or information of any Government agency, which relates to immigration, for purposes of trafficking;
- (c) tampers with, or falsifies any government or government agency's document or information relating to the immigration regulations or requirements;
- (d) utters or aids any person to utter any false document relating to immigration for the purpose of facilitating that person's entry or stay in Uganda, or exit from the country;
- (e) gives or facilitates the giving of false information to any authority for the purpose of enabling the entry, stay in Uganda, or exit from the country of any person;
- (f) advertises, publishes, prints, broadcasts, distributes or causes the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet of any pornographic or other material intended or likely to facilitate trafficking in persons;
- (g) in any way engages in the selling or buying of persons;
- (h) recruits, transports, transfers, harbours or receives a child for any purpose without authority of the parent or guardian of such a child; except that this provision shall not apply where the recruitment, transportation, transfer, harbouring or receipt is done lawfully, in good faith and in the best interests of the child;
- (i) abandons a child. in circumstances likely to cause fear, isolation, injury, pain or other harm; or to facilitate the trafficking of that child; commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or to imprisonment for five years, or both such imprisonment and fine, and on subsequent conviction for the same offence, is liable to imprisonment of seven years without the option of a fine.

8. Offences Related to Trafficking in Persons

A person who—

- (a) attempts to traffic in persons;
- (b) conspires with another person to do an act of trafficking in persons;
- (c) recruits, transports, transfers, harbours, provides or receives a person for domestic or overseas employment or training or apprenticeship with the intention of trafficking;
- (d) recruits a person below 16 years in any form of employment for the purposes of exploitation;
- (e) introduces or matches any person to another for purposes of sexual exploitation;
- (f) confiscates, conceals, or destroys a passport, travel documents, or other personal documents or belongings of a person for the purpose of unlawfully denying that person freedom of movement, or access to any public services;
- (g) adopts or facilitates the adoption of a person for illicit purposes;

commits an offence and is liable on conviction to imprisonment for five years or a fine of one hundred and twenty currency points or to both such imprisonment and fine, and on subsequent conviction for the same offence, is liable to imprisonment of seven years without the option of a fine.

Ukraine

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Ukraine which prohibits **slavery**, although slavery may form an element of an offence of trafficking under article 149 of the Criminal Code.
- ii) There appears to be **no legislation** in place in Ukraine which prohibits **servitude**, although practices similar to slavery may form an element of an offence of trafficking under article 149 of the Criminal Code.
- iii) **Provisions** related to **forced labour** are found in the Constitution at article 43 which prohibits the use of forced labour. Forced labour may also form an element of an offence of trafficking under article 149 of the Criminal Code.
- iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under article 149, although the act and means do not align with those contained in the Palermo Protocol.

2) International Obligations: Ukraine consents to:

1926 Slavery Convention: (27 January 1959, accession)
1930 Forced Labour Convention: (10 August 1956, ratification)
1953 Protocol to the 1926 Slavery Convention: (27 January 1959, accession)
1956 Slavery Convention: (6 July 1992, succession)
1957 Abolition of Forced Labour Convention: (14 December 2000, ratification)
1966 ICCPR: (12 November 1973, ratification)
1998 Rome Statute of the ICC: (20 January 2000, signature)
2000 Palermo Protocol (Trafficking in Persons): (21 May 2004, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Ukraine appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF UKRAINE 1996 (REV. 2014)

Article 28

Everyone has the right to respect of his or her dignity.
No one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment that violates his or her dignity.

Article 29

Every person has the right to freedom and personal inviolability.

Article 33

Everyone who is legally present on the territory of Ukraine is guaranteed freedom of movement, free choice of place of residence, and the right to freely leave the territory of Ukraine, with the exception of restrictions established by law.

Article 43

Everyone has the right to labour, including the possibility to earn one's living by labour that he or she freely chooses or to which he or she freely agrees.

The State creates conditions for citizens to fully realise their right to labour, guarantees equal opportunities in the choice of profession and of types of labour activity, implements programmes of vocational education, training and retraining of personnel according to the needs of society.

The use of forced labour is prohibited. Military or alternative (non-military) service, and also work or service carried out by a person in compliance with a verdict or other court decision, or in accordance with the laws on martial law or on a state of emergency, are not considered to be forced labour.

Everyone has the right to proper, safe and healthy work conditions, and to remuneration no less than the minimum wage as determined by law.

The employment of women and minors for work that is hazardous to their health, is prohibited.

Citizens are guaranteed protection from unlawful dismissal.

The right to timely payment for labour is protected by law.

Article 51

Marriage is based on the free consent of a woman and a man. Each of the spouses has equal rights and duties in the marriage and family.

Article 52

Children are equal in their rights regardless of their origin and whether they are born in or out of wedlock.

Any violence against a child, or his or her exploitation, shall be prosecuted by law.

CRIMINAL CODE OF THE REPUBLIC OF UKRAINE

Article 146. Illegal confinement or abduction of a person

1. Illegal confinement or abduction of a person, - shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same acts committed in regard of a minor, or for mercenary purposes, or in regard of two or more persons, or by a group of persons upon their prior conspiracy, or by a method dangerous to the victim's life or health, or causing bodily suffering to him or her, or with the use of weapons, or within a lasting period of time, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, where committed by an organized group, or where they caused any grave consequences, - shall be punishable by imprisonment for a term of five to ten years.

Article 149. Trafficking in human beings and other illegal transfer deals in respect of a human being

1. Sale, or any other illegal deals with regard to a person, as well as entrapment, movement, concealment, or transfer of that person for the purpose of exploitation, involving deceit, blackmail or vulnerable state of a person, -

shall be punishable by imprisonment for a term of three to eight years.

2. The same actions committed in respect of a minor, or several persons, or repeated, or committed by a group of persons upon their prior conspiracy, or through abuse of office, or by a person on whom the victim was financially or otherwise dependent, or involving violence that, however, poses no threat to life or health of the victim or his/her relatives, or accompanied with threat to use violence, -

shall be punishable by imprisonment for a term of five to twelve years, with or without the forfeiture of property.

3. Any such actions as provided for by paragraphs 1 and 2 of this Article, where committed by an organized group, or involving violence which poses threat to life or health of a victim or his/her relatives, or accompanied with threat to use violence, or where these actions caused any grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years with or without the forfeiture of property.

Note.

1. Exploitation of human being in this article are considered all forms of the sexual exploitation, in the porn industry, forced labour or forced servicing, slavery or usages similar to slavery, forced conditions, attraction into the kabala, organs' extraction, to experiment on a person without its consent, adoption with the purpose of gain, forced pregnancy, involving into criminal activity, using in armed conflicts, etc.

2. In Articles 149 and 303 of this Code a susceptible state of a person shall mean the state of a person caused by physical or mental properties or external circumstances, that eliminates or limits its ability to realize its actions (inaction) or to control them, to take independent decisions, to resist the violent or other unlawful actions, the coincidence of difficult personal, family or other circumstances.

3. Responsibility for impressment, relocation, concealing, transferring or receiving a young or minor under this Article shall occur notwithstanding whether such actions were committed with use of deception, blackmail or susceptible state of the said persons, or with the use of threat to use violence, or use of official position, or by person on whom the victim was materially or other dependent.

Article 150. Exploitation of children

1. Exploitation of children, who are under legally employable age, by way of profit-seeking employment, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to three years, with the deprivation of the right to

occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions committed in regard of several children, or where they caused significant harm to health, physical development or educational level of a child, or accompanied with the use of children labor in hazardous production, -
shall be punishable by imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 169. Unlawful actions for the purpose of adoption

1. Unlawful mediation or other unlawful actions for the purpose of adoption or placement of a child under guardianship (or in the custody) or under foster care, -

shall be punishable by a fine of 50 to 120 tax-free minimum incomes, or correctional labor for a term up to two years.

2. The same actions committed in regard of several children, or repeated, or committed by a group of persons upon their prior conspiracy, or through abuse of office, or where they caused any grave consequences, -

shall be punishable by imprisonment for a term of two to five years.

Article 172. Gross violation of labor law

1. Unlawful dismissal of an employee for personal reasons, and also any other gross violation of labor law, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or correctional labor for a term up to two years.

2. The same actions committed in regard of a minor, or a pregnant woman, or a mother with a child under 14 years of age or a disabled child, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or correctional labor of a term up to two years, or arrest for a term up to six months.

Article 303. Prostitution or compelling to and engaging in prostitution

1. Systematic prostitution, that is gainful provision of sexual services, -
shall be punishable by a fine of 50 to 500 tax-free minimum incomes, or community service for a term up to 120 hours.

2. Compelling to or engaging in prostitution, that is to provide sexual services for a fee by use of violence or threats of violence or destruction or endamage of property, or by blackmail or deceit, -
shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or arrest for a term up to six months, or imprisonment for a term of one to three years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed in regard of a minor, or by an organized group, -
shall be punishable by imprisonment for a term of three to five years.

4. Trading in prostitution, that is creating, leading or participating in an organized group which supports activities related to the provision of paid sex services by males and females for gainful purposes, -

shall be punishable by imprisonment for a term of five to seven years.

LABOUR CODE

Article 5

1. Guarantees for ensuring the right of citizens to work The state guarantees able-bodied citizens who are permanently residing in Ukraine:

Free choice of activity;

LAW ON TRAFFICKING IN HUMAN BEINGS 2011

Article 1. Definition of terms

1. For the purposes of this Law, terms are used in the following meaning: Trafficking in persons means the commission of an illegal transaction the object of which is a person and also the recruitment, transfer, hiding, transfer or reception of a person committed for the purpose of exploitation, including sexual exploitation, with the use of deceit, fraud, blackmail, a vulnerable person or With the use or threat of the use of violence, using the official position or material or other dependence on another person who, according to the Criminal Code of Ukraine (2341-14), is recognized as a crime.

Article 29. Liability for Violation of the Legislation on Combating Trafficking in Human Beings

1. Persons culpable of violation of the legislation on combating trafficking in human beings shall be liable according to the law.

LAW NO. 1065 2009

Note: criminalises child labour

FAMILY CODE

Article 24. Free Marriage

1. A marriage shall be based on a free consent of a women and men. Forcing a women and men into a marriage is not permitted.

2. Registering a marriage with a person found legally incapable, as well as with a person that has not realized the significance of his/her actions and (or) was unable to keep them under his/her control, entails the consequences set forth in Articles 38 – 40 of the present Code.

Article 38. Grounds for Marriage Invalidity

1. Violation of provisions of Articles 22, 24 – 26 of the present Code shall be the ground for marriage invalidity.

Article 40. Marriage, which is Found Invalid Judicially

1. A marriage is found invalid judicially if it has been registered without free consent of the woman and man. In particular, the consent is not considered to be a free one if, upon marriage registration, the person concerned was suffering a mental handicap, was drunk, drugged, intoxicated as a result of which he/she did not fully realize the significance of his/her actions and (or) was unable to control them, or if the marriage has been registered as result of physical or mental violence.

2. A marriage is found invalid judicially in case of fictitious marriage. A marriage is deemed to be sham if it has been entered into by the woman and man or by one of them without intention to found a family and acquire spouses' rights and responsibilities.

3. A marriage may not be found invalid if, upon judicial trial of the case, circumstances, which proved the absence of the person's consent to marry or his/her unwillingness to found a family disappeared.

United Arab Emirates

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the 1971 Constitution at article 34 which declares that a person may not be enslaved and the Penal Code which criminalises possessing, buying, selling, offering for sale, or disposing of any person as a slave under article 346. Slavery may also form an element of an offence of trafficking under article 2 of the 2006 Federal Law on Combating Trafficking in Human Beings.

ii) There appears to be **no legislation** in place in the United Arab Emirates which prohibits **servitude**, although servitude and practices similar to slavery may form elements of an offence of trafficking under article 2 of the Law on Combating Trafficking in Human Beings.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 34 which declares that a person may not be subjected to forced labour except in cases provided in law and the Penal code which criminalises compelling a person to work under article 347. Forced labour or services may also form an element of an offence of trafficking under article 2 of the Law on Combating Trafficking in Human Beings.

iv) **Provisions** related to **trafficking in persons** are found in the Law on Combating Trafficking in Human Beings which criminalises trafficking under article 2.

2) International Obligations: United Arab Emirates consents to:

1926 Slavery Convention: N/A

1930 Forced Labour Convention: (27 May 1982, ratification)

1953 Protocol to the 1926 Slavery Convention: N/A

1956 Slavery Convention: N/A

1957 Abolition of Forced Labour Convention: (24 February 1997, ratification)

1966 ICCPR: N/A

1998 Rome Statute of the ICC: (27 November 2000, signature)

2000 Palermo Protocol (Trafficking in Persons): (21 January 2009, accession)

2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: United Arab Emirates appears to be:

- in breach of its obligations under the ICCPR in regards to slavery and servitude.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF 1971 (REV. 2009)

Article 26

Personal liberty is guaranteed to all citizens. A person may not be arrested, searched, detained or imprisoned except in accordance with the provisions of the law.

A person may not be subjected to torture or to degrading treatment.

Article 29

Freedom of movement and residence is guaranteed to the citizens as provided in law.

Article 34

A citizen is free to choose his work, profession or trade as provided in law and subject to the governing legislation.

A person may not be subjected to forced labor except in such cases as may be provided in law and provided that such person is compensated for such labor.

A person may not be enslaved.

PENAL CODE

Article (21)

This law shall apply to any one who is found in the State, after being involved abroad as a principal offender or an accomplice in an act of sabotage or impairment of international communication systems, crimes of traffic in drugs, women, or children, slavery, acts of piracy or international terrorism.

Article (346)

Whoever smuggles someone into or out of the country with the intention of taking possession of him or disposing of him, and whoever possesses, buys, sells, offers for sale, or disposes in any manner whatsoever of a person as a slave, shall be punished by term imprisonment.

Article (347)

Whoever compels a person to work with or without pay in order to serve a special interest in other than legally permissible cases shall be punished by imprisonment for a period not exceeding one year, by a fine not exceeding ten thousand Dirhams, or by one of these two penalties.

FEDERAL LAW ON COMBATING TRAFFICKING IN HUMAN BEINGS NO. 51 OF 2006

Article 1. Definitions

The following words and phrases shall have the meanings indicated alongside, unless otherwise provided for in the context:

Human Trafficking: The recruitment, transportation, transfer or receipt of persons by means of threat or force or other forms of coercion, abduction, fraud, deception, abuse of power or abuse of a position of vulnerability, or of the giving or receiving of payments or benefits in order to gain the consent of a person having control over another person for the purpose of exploitation.

Exploitation: Exploitation shall include all forms of sexual exploitation, exploitation of the prostitution of others, forced labor or services, slavery or similar practices to slavery, servitude or removal of organs.

Article 2. Punishments

Temporary confinement shall be sentenced onto those committing the crime of human trafficking stipulated in Article "1" of this law, for a period of not less than five years.

The sentence of life in prison shall be passed for any of the following:

- 1) If the perpetrator has organized, planned or operated an organized criminal group, or assumed leadership or called for others to join the group.
- 2) If the victim is a female, child or handicapped.
- 3) If the crime is committed by way of fraud or use of force or threat of lives or grave injury or physical or mental torture.
- 4) If the act is committed by two or more persons or by an armed person.
- 5) If the perpetrator is a member of an organized criminal group or had participated in acts committed by this group with knowledge of its purposes.
- 6) If the perpetrator is a victim's spouse, relative, sibling or guardian or someone having authority over.
- 7) If the perpetrator is a public official or assigned to carry out public service.
- 8) If the crime is of a Transnational nature.

Article 3

Imprisonment for a period of not less than one year, not exceeding five, in addition to a penalty of not less than Five Thousand Dirhams, not exceeding Twenty Thousand Dirhams or either of the above mentioned penalties, shall be imposed on anyone who has knowledge of an attempt to commit any of the crimes stipulated in this law, and not notifying the competent authorities. Pardoning of punishment of this penalty may be possible if the person refraining from reporting the crime was a spouse to the perpetrator, a relative or sibling.

Article 8

- 1) Punishment for the attempt to commit crimes stated in this law, shall be the same punishment imposed for the commission of the crimes.
- 2) It shall be considered an actor anyone who commits crimes stated in Articles 2, 4, 5 and 6 of this law by those participating in the crime in their capacity as direct accomplices, causers or participants with the knowledge of transporting or harboring persons victimized by any of the human trafficking crimes or the withholding of related documents as a means of exercising coercion upon them.

United Kingdom of Great Britain and Northern Ireland

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Human Rights Act at article 4(1) (Schedule 1) which declares that no one shall be held in slavery and the 2015 Modern Slavery Act which criminalises holding a person in slavery under articles 1(1)(a) and 5.
- ii) **Provisions** related to **servitude** are found in the Human Rights Act at article 4(1) (Schedule 1) which declares that no one shall be held in servitude and the Modern Slavery Act which criminalises holding a person in servitude under articles 1(1)(a) and 5.
- iii) **Provisions** related to **forced labour** are found in the Human Rights Act at article 4(2) (Schedule 1) which declares that no one shall be required to perform forced or compulsory labour and the Modern Slavery Act which criminalises requiring another person to perform forced or compulsory labour under articles 1(1)(b) and 5.
- iv) **Provisions** related to **trafficking in persons** are found in the Modern Slavery Act which criminalises trafficking under articles 2 and 5.

2) International Obligations: United Kingdom of Great Britain and Northern Ireland consents to:

1926 Slavery Convention: (7 December 1953, Definitive signatures)
 1930 Forced Labour Convention: (3 June 1931, ratification)
 1953 Protocol to the 1926 Slavery Convention: (7 December 1953, Definitive signatures)
 1956 Slavery Convention: (30 April 1957, ratification)
 1957 Abolition of Forced Labour Convention: (30 December 1957, ratification)
 1966 ICCPR: (20 May 1976, ratification)
 1998 Rome Statute of the ICC: (4 October 2001, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (9 February 2006, ratification)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: United Kingdom of Great Britain and Northern Ireland appears to be:

- in compliance with its basic obligations under the above instruments with regard to slavery, servitude, forced or compulsory labour, and trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 491

Slavery was declared abolished throughout all British possessions overseas as from 1 August 1834, by the Slavery Abolition Act 1833.

HUMAN RIGHTS ACT 1998

Schedule 1: The Articles

Part I: The Convention Rights and Freedoms

Article 4: Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this Article the term “forced or compulsory labour” shall not include:
 - a. any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
 - b. any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - c. any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
 - d. any work or service which forms part of normal civic obligations.

Article 5: Right to liberty and security

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

MODERN SLAVERY ACT 2015

1 Slavery, servitude and forced or compulsory labour

- (1) A person commits an offence if—
 - (a) the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or
 - (b) the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.
- (2) In subsection (1) the references to holding a person in slavery or servitude or requiring a person to perform forced or compulsory labour are to be construed in accordance with Article 4 of the Human Rights Convention.
- (3) In determining whether a person is being held in slavery or servitude or required to perform forced or compulsory labour, regard may be had to all the circumstances.
- 4) For example, regard may be had—
 - (a) to any of the person’s personal circumstances (such as the person being a child, the person’s family relationships, and any mental or physical illness) which may make the person more vulnerable than other persons;
 - (b) to any work or services provided by the person, including work or services provided in circumstances which constitute exploitation within section 3(3) to (6).
- (5) The consent of a person (whether an adult or a child) to any of the acts alleged to constitute holding the person in slavery or servitude, or requiring the person to perform forced or compulsory labour, does not

preclude a determination that the person is being held in slavery or servitude, or required to perform forced or compulsory labour.

2 Human trafficking

- (1) A person commits an offence if the person arranges or facilitates the travel of another person ("V") with a view to V being exploited.
- (2) It is irrelevant whether V consents to the travel (whether V is an adult or a child).
- (3) A person may in particular arrange or facilitate V's travel by recruiting V, transporting or transferring V, harbouring or receiving V, or transferring or exchanging control over V.
- (4) A person arranges or facilitates V's travel with a view to V being exploited only if—
 - (a) the person intends to exploit V (in any part of the world) during or after the travel, or
 - (b) the person knows or ought to know that another person is likely to exploit V (in any part of the world) during or after the travel.
- (5) "Travel" means—
 - (a) arriving in, or entering, any country,
 - (b) departing from any country,
 - (c) travelling within any country.
- (6) A person who is a UK national commits an offence under this section regardless of—
 - (a) where the arranging or facilitating takes place, or
 - (b) where the travel takes place.
- (7) A person who is not a UK national commits an offence under this section if—
 - (a) any part of the arranging or facilitating takes place in the United Kingdom, or
 - (b) the travel consists of arrival in or entry into, departure from, or travel within, the United Kingdom.

3 Meaning of exploitation

- (1) For the purposes of section 2 a person is exploited only if one or more of the following subsections apply in relation to the person.
 - Slavery, servitude and forced or compulsory labour [...]
 - Sexual exploitation [...]
 - Removal of organs etc [...]
 - Securing services etc by force, threats or deception [...]
 - Securing services etc from children and vulnerable persons [...]

4 Committing offence with intent to commit offence under section 2

A person commits an offence under this section if the person commits any offence with the intention of committing an offence under section 2 (including an offence committed by aiding, abetting, counselling or procuring an offence under that section).

5 Penalties

- (1) A person guilty of an offence under section 1 or 2 is liable—
 - (a) on conviction on indictment, to imprisonment for life;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both.
- (2) A person guilty of an offence under section 4 is liable (unless subsection (3) applies)—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 10 years;
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both.
- (3) Where the offence under section 4 is committed by kidnapping or false imprisonment, a person guilty of that offence is liable, on conviction on indictment, to imprisonment for life.
- (4) In relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the references in subsections (1)(b) and (2)(b) to 12 months are to be read as references to 6 months.

INTERNATIONAL
CRIMINAL COURT
ACT 2001

SCHEDULE 8 Genocide, crimes against humanity and war crimes

Article 7 Crimes against humanity

1 For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(c) Enslavement;

2 For the purpose of paragraph 1:

(c) “Enslavement” means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

Article 8 War crimes

2 For the purpose of this Statute, “war crimes” means:

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy as defined in article 7, paragraph 2(f), enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2(f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;

Part 1. Offences

1. Genocide, crimes against humanity and war crimes

(4) In subsection (1) above—

“crime against humanity” means a crime against humanity as defined in article 7 ;

“war crime” means a war crime as defined in article 8.2.

United States of America

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at amendment 13, section 1 which declares that slavery shall not exist in the United States except as punishment for a crime. The US Code also criminalises various offences related to the slave trade at sections 1582, 1583, 1585, 1587 and 1588 although these provisions do not cover all aspects of the international definition.

ii) **Provisions** related to **servitude** are found in the Constitution at amendment 13, section 1 which declares that involuntary servitude shall not exist in the United States except as punishment for a crime. The US Code also criminalises peonage at section 1581; kidnapping to sell into involuntary servitude at section 1583; and sale into involuntary servitude at section 1584.

iii) **Provisions** related to **forced labour** are found in the US Code at article section 1589 which criminalises providing or obtaining forced labour or services at section 1589.

iv) **Provisions** related to **trafficking in persons** are found in the US Code which criminalises trafficking for labour or services under section 1590 and sex trafficking of children under section 1591, although the latter offence requires prohibited means to be used.

2) International Obligations: United States of America consents to:

1926 Slavery Convention: (7 March 1956, ratification)

1930 Forced Labour Convention: N/A

1953 Protocol to the 1926 Slavery Convention: (7 March 1956, accession)

1956 Slavery Convention: (6 December 1976, accession)

1957 Abolition of Forced Labour Convention: (25 September 1991, ratification)

1966 ICCPR: (8 June 1992, ratification)

1998 Rome Statute of the ICC: N/A

2000 Palermo Protocol (Trafficking in Persons): (3 November 2005, ratification)

2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: United States of America appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery and servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 574

Federal legislation prohibits and punishes as a criminal offence the holding of any person in involuntary servitude, or any effort to entice any person into such status.

Paragraph 575

Section 1 of the Thirteenth Amendment to the United States Constitution provides:

“Neither nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

Paragraph 576

In addition, the criminal statute of the United States include several provisions dealing specifically with slavery. These are sections 1581-1588 of Title 18 of the United States Code, and provide as follows:
[sections 1581-88 reproduced below]

THE UNITED STATES CONSTITUTION 1789 (REV. 1992)

Amendment XIII Passed by Congress January 31, 1865. Ratified December 6, 1865.

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

US CODE – TITLE 18

§ 1581 - Peonage; obstructing enforcement

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

§ 1582 - Vessels for slave trade

Whoever, whether as master, factor, or owner, builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, in any port or place within the United States, or causes such vessel to sail from any such port or place, for the purpose of procuring any person from any foreign kingdom or country to be transported and held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be fined under this title or imprisoned not more than seven years, or both.

§ 1583 - Enticement into slavery

(a)Whoever—

- (1) kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave;
 - (2) entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he or she may be made or held as a slave, or sent out of the country to be so made or held; or
 - (3) obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section,
- shall be fined under this title, imprisoned not more than 20 years, or both.
- (b) Whoever violates this section shall be fined under this title, imprisoned for any term of years or for life, or both if—
- (1) the violation results in the death of the victim; or
 - (2) the violation includes kidnapping, an attempt to kidnap, aggravated sexual abuse, an attempt to commit aggravated sexual abuse, or an attempt to kill.

§ 1584 - Sale into involuntary servitude

- (a) Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.
- (b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (a).

§ 1585 - Seizure, detention, transportation or sale of slaves

Whoever, being a citizen or resident of the United States and a member of the crew or ship's company of any foreign vessel engaged in the slave trade, or whoever, being of the crew or ship's company of any vessel owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States, lands from such vessel, and on any foreign shore seizes any person with intent to make that person a slave, or decoys, or forcibly brings, carries, receives, confines, detains or transports any person as a slave on board such vessel, or, on board such vessel, offers or attempts to sell any such person as a slave, or on the high seas or anywhere on tide water, transfers or delivers to any other vessel any such person with intent to make such person a slave, or lands or delivers on shore from such vessel any person with intent to sell, or having previously sold, such person as a slave, shall be fined under this title or imprisoned not more than seven years, or both.

§ 1586 - Service on vessels in slave trade

Whoever, being a citizen or resident of the United States, voluntarily serves on board of any vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be fined under this title or imprisoned not more than two years, or both.

§ 1587 - Possession of slaves aboard vessel

Whoever, being the captain, master, or commander of any vessel found in any river, port, bay, harbor, or on the high seas within the jurisdiction of the United States, or hovering off the coast thereof, and having on board any person for the purpose of selling such person as a slave, or with intent to land such person for such purpose, shall be fined under this title or imprisoned not more than four years, or both.

§ 1588 - Transportation of slaves from United States

Whoever, being the master or owner or person having charge of any vessel, receives on board any other person with the knowledge or intent that such person is to be carried from any place within the United States to any other place to be held or sold as a slave, or carries away from any place within the United States any such person with the intent that he may be so held or sold as a slave, shall be fined under this title or imprisoned not more than 10 years, or both.

§ 1589 - Forced labor

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2) by means of serious harm or threats of serious harm to that person or another person;

(3) by means of the abuse or threatened abuse of law or legal process; or

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint,

shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

(1) The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnaping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant

shall be fined under this title, imprisoned for any term of years or life, or both.

§ 1590 - Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

(a) Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under subsection (a).

§ 1591 - Sex trafficking of children or by force, fraud, or coercion

(a) Whoever knowingly—

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing, or, except where the act constituting the violation of paragraph (1) is advertising, in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is—

(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized, or solicited had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, obtained, advertised, patronized, or solicited had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained, maintained, patronized, or solicited, the Government need not prove that the defendant knew, or recklessly disregarded the fact, that the person had not attained the age of 18 years.

(d) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined under this title, imprisoned for a term not to exceed 20 years, or both.

(e) In this section:

(1) The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term “coercion” means—

(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 person; or

(C) the abuse or threatened abuse of law or the legal process.

(3) The term “commercial sex act” means any sex act, on account of which anything of value is given to or received by any person.

(4) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm.

(5) The term “venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

§ 1592 - Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—

(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);

(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person’s liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, shall be fined under this title or imprisoned for not more than 5 years, or both.

(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

(c) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (a).

§ 1593A - Benefitting financially from peonage, slavery, and trafficking in persons

Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in any act in violation of section 1581(a), 1592, or 1595(a), knowing or in reckless

disregard of the fact that the venture has engaged in such violation, shall be fined under this title or imprisoned in the same manner as a completed violation of such section.

§ 1593A - Benefitting financially from peonage, slavery, and trafficking in persons

Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in any act in violation of section 1581 (a), 1592, or 1595 (a), knowing or in reckless disregard of the fact that the venture has engaged in such violation, shall be fined under this title or imprisoned in the same manner as a completed violation of such section.

§ 1594 - General provisions

(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

(b) Whoever conspires with another to violate section 1581, 1583, 1589, 1590, or 1592 shall be punished in the same manner as a completed violation of such section.

(c) Whoever conspires with another to violate section 1591 shall be fined under this title, imprisoned for any term of years or for life, or both.

(d) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

(1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(e)

(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(f) Witness Protection.— Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).

VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT 2000

Sec. 103. Definitions

In this division:

(2) Coercion.

The term “coercion” means—

(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 person; or

(C) the abuse or threatened abuse of the legal process.

(4) Debt bondage

The term “debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of 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.

(5) Involuntary servitude

The term “involuntary servitude” includes a condition of servitude induced by means of—

(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or

(B) the abuse or threatened abuse of the legal process.

(8) Severe Forms Of Trafficking In Persons

The term “severe forms of trafficking in persons” means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(9) Sex Trafficking

The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

Uruguay

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Penal Code at article 280 which criminalises reducing a person to slavery and acquiring, transferring or trafficking in slaves.
- ii) **Provisions** related to **servitude** are found in the Penal Code at article 280 which criminalises reducing a person to a condition similar to slavery.
- iii) There appears to be **no legislation** in place in Uruguay which prohibits **forced labour**, although article 7 of the Constitution protects the individual rights to liberty and labour and article 35 declares that no one shall be required to render aid to the army.
- iv) **Provisions** related to **trafficking in persons** are found in the 2008 Immigration Law which criminalises trafficking under article 78.

2) International Obligations: Uruguay consents to:

1926 Slavery Convention: (7 June 2001, accession)
1930 Forced Labour Convention: (6 September 1995, ratification)
1953 Protocol to the 1926 Slavery Convention: (7 June 2001, accession)
1956 Slavery Convention: (7 June 2001, accession)
1957 Abolition of Forced Labour Convention: (22 November 1968, ratification)
1966 ICCPR: (1 April 1970, ratification)
1998 Rome Statute of the ICC: (28 June 2002, ratification)
2000 Palermo Protocol (Trafficking in Persons): (4 March 2005, ratification)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Uruguay appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION 1966
(REINST. 1985, REV.
2004)

Article 7

The inhabitants of the Republic have the right of protection in the enjoyment of life, honor, liberty, security, labor, and property. No one may be deprived of these rights except in conformity with laws which may be enacted for reasons of general interest.

Article 35

No one shall be compelled to render aid of any kind to the army, or to permit his house to be used for the billeting of troops except by order of a civil magistrate according to law, and in such cases he shall receive from the Republic indemnification for loss that may be incurred.

Article 36

Every person may engage in labor, farming, industry, commerce, a profession, or any other lawful activity, save for the limitations imposed by general interest which the law may enact.

Article 41

The law shall provide the necessary measures for the protection of infancy and youth against physical, intellectual, or moral neglect obey their parents or guardians, as well as against exploitation and abuse.

Article 53

Labor is under the legal protection of the law.
It is the duty of every inhabitant of the Republic, without prejudice to his freedom, to apply his intellectual or physical energies in a manner which will redound to the benefit of the community, which will endeavor to afford him, with preference to citizens, the possibility of earning his livelihood through the development of some economic activity.

Article 54

The law must recognize the right of every person, performing labor or services as a worker or employee, to independence of moral and civic consciousness; just remuneration; limitation of the working day; a weekly day of rest; and physical and moral health.
The labor of women and of minors under eighteen years of age shall be specially regulated and limited.

PENAL CODE

Article 280. Acquisition, transfer and slave trade and reduction of other men to slavery

Who you reduce to slavery or other like condition A person who Acquires or slaves and transfers I That traffics in them, Shall be punished with two to six years' imprisonment.

Article 281. Imprisonment

Which, in any way, deprives another of his personal liberty, shall be sentenced to one year in prison chose the Bryant and years imprisonment .

The penalty will be shortened from the third to the half as long as the perpetrator or partner of the latter, the victim freed from captivity within three days from the occurrence.

Article 361. Offenses against morality and decency

shall be punished by a fine of one hundred adjustable units, or equivalent imprisonment:

8 (Inveigling begging). Dedicate children who beg publicly.

IMMIGRATION LAW 2008

Article 78. trafficking

Whoever in any manner or by any means takes part in the recruitment, transportation, transfer, harboring or receipt of persons for forced labor or services, slavery or similar practices, servitude, sexual exploitation, removal and removal of organs or any other activity that undermines human dignity, be punishable by a sentence of four to sixteen years in prison.

Article 79

Whoever, except in cases provided for in Article 78 of this Law and for the same purposes, favor or facilitating the entry, internal transit or exit of people in the country, shall be punished with a sentence of two to eight years penitentiary.

Article 81

Was considered special aggravating circumstances of the crimes described in Articles 77, 78 and 79 of this Act and They will increase by one third to half the penalties provided for therein for compelling the following circumstances:

- A) When any endangered the health or physical integrity of migrants.
- B) When the victim in the case of a child or a teenager or agent has prevailed physical disability or intellectual of a person over eighteen years
- C) When the agent quality magazine police officer or having responsibility for the safety, custody or control issues relating to the migration of people.
- D) When traffic or trafficking took place with violence, intimidation or deception or abuse of inexperience of the victim.
- E) When the agent his exercise of the activities referred to in Articles 77, 78 and 79 of this law its activity habitual.

CHILDREN'S CODE

Article 161. (General principle)

The status of adolescents who work are regulated under the rules of this Code, special laws, treaties, conventions and agreements ratified by the country.

Article 162. (Age of admission)

set at fifteen years the minimum age to be admitted in adolescents who work in public or private employment in all sectors of economic activity, except as specifically set forth in the following articles, and those taking into account the interests of the child or adolescent, grant the National Children Institute. When the National Institute for Minors not automatically granted, exceptions will be managed by the parent or legal guardianship who prove and establish at least the name of the child's legal representative, the nature of the activity and the school day.

Article 163. (Obligation protection)

In the case of children or adolescents work, the state is obligated to protect against all forms of economic exploitation and from performing

any hazardous work harmful to their health or their physical, spiritual, moral or social development. Prohibese any work that you can not enjoy being with her family or guardians or hinder their education.

Article 164. (Tasks and harmful working conditions)

The National Institute for Minors to urgently establish the list of tasks to include within the category of hazardous or harmful to health or physical, spiritual or moral , which shall be strictly prohibited, whatever the age of wanting to work or already in relationship. Also, the National Institute for Minors to the presumption of the existence of hazardous conditions or harmful to health or physical, spiritual and moral development of adolescents sought from the General Inspectorate of Labour and Social Security Ministry Labour and Social Security which is to decide in a period no longer than twenty calendar days, on a hazardous or harmful activity.

Article 165. (Special situations)

The National Children Institute will review the authorizations it has provided on the employment of children and adolescents between thirteen and fifteen. Be allowed only light work, which by its nature or the circumstances in which they provide will not harm the physical, mental or social contracts, or prejudice their schooling.

Article 173. (Enforcement and sanctions)

The National Institute for Minors has the authority and responsibility for monitoring compliance with specific provisions relating to competence in their work of minors and punish the breach thereof, without prejudice to the Comptroller General of compliance by the Ministry of Labour and Social Security. Companies or individuals who do not comply with their obligations will be sanctioned by the National Institute of Child with a fine of up to 2,000 UR (two thousand indexed units). The proceeds from the fines will go to National Children Institute.

Article 176. (Responsibility of parents or guardians)

The parents or guardians of children and adolescents that allow or encourage them to work prohibitive violating enshrined in this Code shall be guilty of the offense under section 279 B. Penal Code. The infringement, the National Institute for Minors, or person, make the complaint to the Judge of the Criminal as appropriate.

Article 179. (Remuneration)

The pay of young workers is governed by the provisions of laws, decrees, awards or collective agreements of the activity.

Article 79

Whoever, except in cases provided for in Article 78 of this law and with the same purpose, encourages or facilitates the entry, internal transit or exit of people in the country, is liable to a penalty of two to eight years' imprisonment .

Article 80

Shall apply, as appropriate, in cases of trafficking provisions of Articles 13 and 14 of Law No. 18,026 of 25 September 2006 in favor of the complainants, victims, witnesses and family.

Article 81

They are considered special aggravating the offenses described in Articles 77, 78 and 79 of this law and will increase from one third to half the penalties provided for therein in case there exist the following circumstances:

- A) When any endangered the health or physical integrity of migrants.
- B) When the victim in the case of a child or teenager or the agent has prevailed in the physical or mental incapacity of a person over eighteen years.
- C) When the agent quality magazine or have a police officer in charge of security, custody or control of matters relating to migration of people.
- D) When traffic or trafficking is effected by violence, intimidation or deception or abuse of the inexperience of the victim.
- E) When the agent doeth the activities mentioned in Articles 77, 78 and 79 of this Act normal activity.

Uzbekistan

1) Domestic Law in Place

i) There appears to be **no legislation** in place in Uzbekistan which prohibits **slavery**, although forceful illegal deprivation of liberty is criminalised under article 138 of the Criminal Code and slavery may form an element of an offence of trafficking under article 135.

ii) There appears to be **no legislation** in place in Uzbekistan which prohibits **servitude**, although forced marriage is criminalised under article 136 of the Criminal Code and customs similar to slavery and servile status may form elements of an offence of trafficking under article 135.

iii) **Provisions** related to **forced labour** are found in the Constitution which prohibits forced labour at article 37. Forced labour or services may also form an element of an offence of trafficking under article 135.

iv) **Provisions** related to **trafficking in persons** are found in the Criminal Code which criminalises trafficking under article 135.

2) International Obligations: Uzbekistan consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (13 July 1992, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (15 December 1997, ratification)

1966 ICCPR: (28 September 1995, accession)

1998 Rome Statute of the ICC: (29 December 2000, signature)

2000 Palermo Protocol (Trafficking in Persons): (12 August 2008, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Uzbekistan appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF 1992

Article 25

Everyone shall have the right to freedom and inviolability of the person.

Article 28

A citizen of the Republic of Uzbekistan shall have the right to freedom of movement on the territory of the Republic, as well as to free entry to and exit from it except for the events specified by law.

Article 37

Everyone shall have the right to work, free choice of work, fair conditions of labour and protection against unemployment in the procedure specified by law.

Any forced labour shall be prohibited except for punishment under the sentence of a court or some other instances stipulated by law.

Article 38

Citizens, working on hire, shall be entitled to a paid rest. The number of working hours and paid labour leave shall be specified by law.

Article 63

The family is the primary unit of the society and shall have the right to protection of the society and state.

Marriage shall be based on the willing consent and equality of both parties.

CRIMINAL CODE

Article 121. Coercion of Woman to Sexual Intercourse

Coercion of a woman to a sexual intercourse in a natural or unnatural form by a person, on which the woman was in financial, service, or other dependence –

shall be punished with by correctional labor up to two years or arrest up to six months.

The same actions accompanied with sexual intercourse in a natural or unnatural form –

shall be punished with correctional labor from two to three years or imprisonment from three to five years.

Article 127. Inducing of Juvenile in Antisocial Conduct

Inducing a juvenile in begging alms, drinking, usage of substances, which, being neither narcotic nor psychotropic, affect, however, will and mentality of the juvenile, committed after a previous administrative penalty for the same actions –

shall be punished with correctional labor up to two years or arrest up to two months, or imprisonment up to three years.

Article 131. Keeping Disorderly Houses and Procuration

Establishing and keeping disorderly houses, as well as procuration committed from mercenary or other foul motives –

shall be punished with fine from one hundred to two hundreds minimal monthly wages or correctional labor up to three years.

The same actions committed:

- a. with involvement of a juvenile;
- b. repeatedly by a recidivist or a person, who previously committed crimes envisaged by Articles 135 or 137 of this Code –

shall be punished by arrest up to six months or imprisonment up to five years.

Article 135. Human trafficking

Human trafficking, that is purchase and sale of the person or his recruitment, transportation, transfer, concealment or obtaining for the purpose of its operation [exploitation- translation error], - is punished by imprisonment from three to five years.

Same actions, perfect:

- a) by abduction, application of violence or threat of its application or other forms of coercion;
 - б) concerning two or more persons;
 - в) concerning the person, obviously for guilty being down and out;
 - г) concerning the person being in material or other dependence on the guilty;
 - д) repeatedly or dangerous recidivist; е) on preliminary collusion by the group of persons;
 - ж) with use of official position;
 - з) with moving of the victim through Frontier of the Republic of Uzbekistan or with its illegal deduction abroad;
 - и) with use of forgery documents, and it is equal with withdrawal, concealment or destruction of the documents certifying victim's identity;
 - к) for the purpose of obtaining of the transplant,
- are punished by restriction of freedom from three to five years or imprisonment from five to eight years.

Same actions:

- a) made concerning the person, obviously for guilty not reached eighteen years;
 - б) entailed death of the victim or other heavy consequences;
 - в) made by especially dangerous recidivist;
 - г) made by the organized group or in its interests,
- are punished by imprisonment from eight to twelve years.

Article 136. Forcing or Preventing Marriage

Forcing a woman to get married or continue cohabitation, or abducting her with intend to marry against her will, as well as preventing her to get married –

shall be punished with fine up to twenty-five minimal monthly wages or correctional labor up to three years, or arrest up to six months, or imprisonment up to three years.

Article 138. Forceful Illegal Deprivation of Liberty

Forceful illegal deprivation of liberty –

shall be punished with fine up to fifty minimal monthly wages or correctional labor up to three years, or imprisonment up to three years.

The same action committed with:

- a. inflicting physical suffering;
 - b. placement of a victim in conditions endangering life or health;
- shall be punished with imprisonment from three to five years.

Article 3. Basic concepts

In this Law the following basic concepts are applied:

HUMAN TRAFFICKING 2008

human trafficking - recruitment, transportation, transfer, concealment or receipt of people for the purpose of their operation by threat of force or its application or other forms of coercion, stealing, fraud, deception, authority misuse or vulnerability of provision, or by bribery in payment type or benefits for receipt of consent of person controlling other person. Exploitation of people means operation of prostitution of other persons or other forms of sexual exploitation, forced labor or the services, slavery or customs similar to slavery, servile status either removal of organs or tissues of the person;

the dealer in people - physical person or legal entity which independently or in group of persons makes any actions connected with human trafficking and also the official who the actions promotes human trafficking and equally does not interfere and does not resist to it though shall do it owing to the ex-officio full powers.

Vanuatu

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the 2006 Penal Code which criminalises taking or keeping another in slavery under article 102.
- ii) There appears to be **no legislation** in place in Vanuatu which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the Constitution which affirms the right to be free from forced labour at article 5(1)(e) and the Employment Law which prohibits forced or compulsory labour at article 7 and criminalises it under article 78.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises engaging in any traffic in persons under article 102 and the Counter Terrorism and Transnational Organised Crime Act which criminalises trafficking in persons under article 34 and trafficking in children under article 35, although these provisions require entry into a State.

2) International Obligations: Vanuatu consents to:

1926 Slavery Convention: *N/A*
1930 Forced Labour Convention: (28 August 2006, ratification)
1953 Protocol to the 1926 Slavery Convention: *N/A*
1956 Slavery Convention: *N/A*
1957 Abolition of Forced Labour Convention: (28 August 2006, ratification)
1966 ICCPR: (21 November 2008, ratification)
1998 Rome Statute of the ICC: (2 December 2011, accession)
2000 Palermo Protocol (Trafficking in Persons): *N/A*
2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Vanuatu appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery and servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION

5. Fundamental rights and freedoms of the individual

1. The Republic of Vanuatu recognises, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health-
- b. liberty;
 - c. security of the person;
 - e. freedom from inhuman treatment and forced labour;
 - i. freedom of movement;

PENAL CODE 2006

101. Prostitution

No person shall procure, aid or facilitate the prostitution of another person or share in the proceeds of such prostitution whether habitual or otherwise, or be subsidised by any person engaging in prostitution.

101B. Promoting or engaging in acts of child prostitution

- (1) A person must not –
- (a) by any means, cause or induce a child to participate in an act of child prostitution; or
 - (b) participate as a client with a child in an act of child prostitution.
- Penalty: Imprisonment for 10 years or, if the child is under the age of 14 years, to imprisonment for 14 years.
- (2) The consent of a child is not a defence to a charge relating to an offence under this section.

Penalty: Imprisonment for 5 years.

102. Slavery

- No person shall –
- (a) take or keep another in slavery; or
 - (b) engage in any traffic in persons. Penalty:
- Penalty: Imprisonment for 20 years.

EMPLOYMENT LAW

7. Forced or compulsory labour

- (1) No person shall exact, procure, or employ forced or compulsory labour.
- (2) The expression "forced or compulsory labour" in subsection (1) means all work or service which is exacted from any person under the threat of any penalty and for which that person has not offered himself voluntarily except –
- (a) any work or service exacted in the course of compulsory military service for work of purely military character;
 - (b) any work or service which forms part of the normal civic obligations of citizens;
 - (c) any work or service exacted from any person as a consequence of a conviction by a court:
- Provided that such work or service shall be carried out under the supervision and control of a public authority and that no person shall be hired to, or placed at the disposal of, private individuals, companies or associations;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war, or of a calamity or threatened calamity such as fire, flood, famine, earthquake, violent epidemic or animal disease, invasion by animal or vegetable pests, and, in general any circumstances that would endanger the existence or the well-being of the whole or part of the community;

(e) any minor communal services of a kind performed by members of a community in the direct interest of such community and which is therefore a normal civic obligation incumbent upon members of such community:

Provided that before exaction of such minor services consultation shall have been had with the members of the community or their representatives in regard to the need for such services.

78. Offences

(1) Except as provided in subsection (2) any person who contravenes or fails to comply with any provisions of this Act or with any order or direction made by the Commissioner or a labour officer acting in the exercise of his functions under this Act shall be guilty of an offence.

(2) Any person who –

(a) contravenes the provisions of section 7 which relates to forced or compulsory labour or section 16(3) which relates to payment of remuneration in intoxicating liquor or noxious drugs;

(b) obstructs the Commissioner or a labour officer in the exercise of his functions under this Act;

(c) knowingly makes a statement false in any material particular when required to make a statement under this Act;

(d) makes, or knowingly allows to be made, any entry in a record required to be kept by an employer which he knows to be false or misleading in a material particular,

shall be guilty of an offence. Penalty: VT 100,000 or imprisonment for a term not exceeding 3 years or both.

COUNTER TERRORISM AND TRANSNATIONAL ORGANISED CRIME ACT

2. Interpretation

(1) In this Act, unless the contrary intention appears:

“exploitation” includes all forms of sexual exploitation (including sexual servitude and exploitation of another person’s prostitution), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs;

“specified means” means any of the following:

(a) threat;

(b) use of force or other forms of coercion;

(c) abduction;

(d) fraud;

(e) deception;

(f) abuse of power or of a position of vulnerability;

(g) giving or receiving payments or benefits to achieve the consent of a person having control over another person;

“trafficking in persons” means the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation;

34. Offence of trafficking in persons

- (1) A person must not engage in trafficking in a person or be involved in the arranging of trafficking in a person, knowing that the person's entry into Vanuatu or any other state is or was arranged by specified means.
- (2) If a person contravenes subsection (1), the person is guilty of an offence punishable on conviction by a term of imprisonment of not more than 10 years or a fine of not more than VT 50 million, or both.

35. Offence of trafficking in children

- (1) A person must not intentionally engage in trafficking in a person who is a child or be involved in the arranging of trafficking in a person who is a child, regardless of whether the child's entry into Vanuatu or any other state is or was arranged by specified means.
- (2) If a person contravenes subsection (1), the person is guilty of an offence punishable on conviction by a term of imprisonment of not more than 15 years or a fine of not more than VT 75 million, or both.

37. Consent of trafficked person

For sections 35 and 36 it is not a defence that:

- (a) the trafficked person consented to the intended exploitation; or
- (b) the intended exploitation did not occur.

Venezuela

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 54 which declares that no person shall be subjected to slavery and the Penal Code which criminalises reducing a person to slavery and intervening in the slave trade under article 174.

ii) **Provisions** related to **servitude** are found in the Constitution at article 54 which declares that no person shall be subjected to servitude and the Penal Code which criminalises subjecting a person to a condition similar to slavery under article 174.

iii) There appears to be **no legislation** in place in Venezuela which prohibits **forced labour**, although coercion is criminalised under article 176 of the Penal Code and article 38 of the Protection of Children and Adolescents law prohibits forced labour of children and adolescents.

iv) **Provisions** related to **trafficking in persons** are found in the Constitution which declares that traffic in persons in any form, shall be subjected to penalties prescribed by law. The Law on the Right of Women to a Life Free of Violence criminalises trafficking in women and girls under articles 55 and 56, and the 2005 Law on Organised Crime criminalises trafficking as part of an organised crime group, although requires international movement.

2) International Obligations: Venezuela consents to:

1926 Slavery Convention: *N/A*

1930 Forced Labour Convention: (20 November 1944, ratification)

1953 Protocol to the 1926 Slavery Convention: *N/A*

1956 Slavery Convention: *N/A*

1957 Abolition of Forced Labour Convention: (16 November 1964, ratification)

1966 ICCPR: (10 May 1978, ratification)

1998 Rome Statute of the ICC: (7 June 2000, ratification)

2000 Palermo Protocol (Trafficking in Persons): (13 May 2002, ratification)

2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Venezuela appears to be:

- in breach of its obligations under the 1926 and 1956 Conventions with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour;
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 581

At a time when the anti-slavery movement had only just begun to spread in Europe and throughout the world, and well before the war between the States, the Venezuelan Congress passed the Act of 24 March 1854, which included the following articles:

“Article 1. Slavery is abolished forever in Venezuela.

“Article 2. Freed slaves shall no longer be legally bound to render service; they shall be entitled to the full enjoyment of their freedom and be subject only to paternal power or any other family authority, as free men.

“Article 3. The introduction of slaves into the national territory is prohibited forever. Slaves introduced in contravention of this ban, whatever the pretext, shall immediately and *ipso facto* be granted their freedom.”

Paragraph 585

In the enumeration of the rights of Venezuelans, the constitutional provision concerning slavery was traditionally worded as follows:

“Slavery is proscribed forever, and slaves setting foot on the territory of the Republic shall be free.”

Paragraph 587

The following extracts from the Criminal Code clearly explain the situation as regards the penalties to be imposed in cases, referred to in section I of the questionnaire, where individual freedom has been violated:

“Article 4. The following persons shall be subject to prosecution in Venezuela and shall be punished in accordance with Venezuelan criminal law:

9. Venezuelan nationals, or aliens having entered Venezuela, who commit on the high seas acts of piracy or other offences regarded under international law as heinous or anti-human, except in cases where they have already been prosecuted in another country and have served their sentences.

“10. Venezuelan nationals who, within or outside the Republic, participate in the slave trade.”

CONSTITUTION OF VENEZUELA

Article 20

Everyone has the right to the free development of his or her own personality, subject only to the limitations deriving from the rights of others and public and social order.

Article 44

Personal liberty is inviolable, therefore: [...]

Article 46

Everyone is entitled to respect for his or her physical, mental and moral integrity, therefore:

2. Any person deprived of liberty shall be treated with respect due to the inherent dignity of the human being.

Article 50

Everyone shall freely transit by any means throughout the national territory, to change his or her domicile and residence, to leave and return to the Republic, to move his or her goods or belongings within the

country and to bring his or her goods into or remove them from the country, subject only to such limitations as may be prescribed by law. In cases involving the granting of a concession, the law shall provide for the circumstances in which an alternate route must be provided. Venezuelans shall enter the country without need for authorization of any kind.

Article 54

No person shall be subjected to slavery or servitude. Traffic of persons, in particular women, children and adolescents, in any form, shall be subject to the penalties prescribed by law.

Article 77

Marriage, which is based on free consent and absolute equality of rights and obligations of the spouses, is protected. A stable de facto union between a man and a woman which meets the requirements established by law shall have the same effects as marriage.

Article 87

All persons have the right and duty to work. The State guarantees the adoption of the necessary measures so that every person shall be able to obtain productive work providing him or her with a dignified and decorous living and guarantee him or her the full exercise of this right. It is an objective of the State to promote employment. Measures tending to guarantee the exercise of the labor rights of self employed persons shall be adopted by law. Freedom to work shall be subject only to such restrictions as may be established by law.

Every employer shall guarantee employees adequate safety, hygienic and environmental conditions on the job. The State shall adopt measures and create institutions such as to make it possible to control and promote these conditions.

Article 89

Work is a social fact and shall enjoy the protection of the State. The law shall make the necessary provisions for improving the material, moral and intellectual conditions of workers. In order to fulfill this duty of the State, the following principles are established:

1. No law shall establish provisions that affect the intactness and progressive nature of labor rights and benefits. In labor relations, reality shall prevail over forms or appearances.
2. Labor rights are unrenounceable; any action, agreement or convention involving a waiver of or encroachment upon these rights is null and void. Concessions and settlements are possible only at the end of the employment relationship, in accordance with the requirements established by law.
3. When there are doubts concerning application or conflicts among several rules, or in the interpretation of a particular rule, that most favorable to the worker shall be applied. The rule applied must be applied in its entirety.
4. Any measure or act on the part of an employer in violation of this Constitution is null and void, and of no effect.
5. All types of discrimination because of political reasons, age, race, creed, sex or any other characteristic is prohibited.

6. Work by adolescents at tasks that may affect their overall development is prohibited. The State shall protect them against any economic and social exploitation.

PENAL CODE

Article 174.

Anyone who reduces a person to slavery or subjects him to a similar condition shall be punished by imprisonment from six to twelve years. In equal penalty will incur those who intervene in the slave trade.

Article 175.

Anyone who has illegitimately deprived some of his personal liberty shall be punished with imprisonment for fifteen days to thirty months.

If the person guilty of committing the offense or during his commission made use of threats, seizure or deception, or if he committed by the spirit of revenge or profit, or to the purpose or pretext of religion, or if he abducted the person to put him to military service Of foreign country, the imprisonment will be of two to four years.

If the offense has been committed against an ascendant or spouse, against any member of Congress or the Legislature of any State, against any Member of the Supreme Court of Justice, or against any other public magistrate, by reason of their functions, Or if the fact has resulted in any serious prejudice to the person, health or property of the aggrieved, the penalty of imprisonment shall be thirty months to seven years.

If the person has spontaneously released the person before any due diligence, without having achieved the intended purpose or caused any harm, the penalty shall be fifteen months to three and a half years.

Article 176.

Anyone who, without authority or right to do so, by threats, violence or other illegitimate coercions, will force a person to perform an act that the law does not oblige or tolerate or prevent from executing any act that is not prohibited by the law. Shall be punished with imprisonment from fifteen days to thirty months.

If the act has been abused by public authority, or against an ascendant or spouse, or against a public official by reason of his or her functions, or if the fact has resulted in any serious prejudice to the person, health or property of the aggrieved, The penalty will be imprisonment from thirty months to five years.

Anyone who, other than the cases indicated and others provided for by law, threatens anyone with serious and unjust harm, will be punished with relegation to a penitentiary colony for a period of one to ten months or arrest from fifteen days to three months or Arrest from fifteen days to three months, after the complaint of the threatened.

Article 178.

Anyone with a foreign object to satisfy his own passions, to marry or to make a profit, has taken a person, under the age of fifteen years, even if she consents, on the side of their parents, guardians or other guardians, even Temporarily, be punished with imprisonment from six months to two years; And the same penalty shall be imposed on the person who improperly abducts that person, even if the latter assents to do so.

If the crime has been committed without the acquiescence of the person taken or kidnapped, or if the person is not twelve years of age, the

provisions and penalties specified in the preceding articles shall apply, as the case may be.

Article 382.

Any person who, outside the cases indicated in the preceding articles, has violated modesty or good customs for acts committed in a public place or exposed to the public's eyes, shall be punished by imprisonment of three to fifteen months.

He who repeatedly or for profit and to satisfy the passions of another, induces, facilitates or favors the prostitution or corruption of any person, will be punished with imprisonment from one to six years. If this crime is committed in a minor person, the penalty shall be applied between the average and the maximum.

Article 385.

Any individual who, by the means referred to in the preceding article and for any of the purposes envisaged, has taken, removed or retained a minor or a married woman, shall be punished with imprisonment of three to five years.

If the abducted person has given her consent, the penalty shall be imprisonment for a period of six months to two years.

And if the kidnapped person is under twelve years of age, even if the guilty person does not have valid violence, threats or deception, the penalty shall be imprisonment for a term of three to five years

Article 388.

Anyone who satisfies the passions of another has induced prostitution or acts of corruption to a minor, shall be punished by imprisonment for three to eighteen months. The imprisonment shall be imposed for a period of one to four years if the offense has been committed:

1. By someone under the age of twelve.
2. Through fraud or deception.
3. By ancestors, the relatives in a straight ascending line, by the adoptive father or mother, by the husband, the guardian or another person in charge of the child to care for, instruct, monitor or keep, even temporarily.

If several circumstances of the different categories mentioned have occurred, the imprisonment will be from two to five years.

Article 507.

Everyone who has allowed a child of twelve, under its authority or entrusted to his care or supervision, is delivered to beg or to serve other this purpose, shall be punished with arrest up to two months or a fine of three hundred Bolivars. In the case of repeated the same offense. arrest will be two to four months.

Article 41. Trafficking in Persons

Whoever as an integral part of an organized crime group promotes, promotes, facilitates or run through the recruitment, transportation, transfer, harboring or receipt of persons, resorting to the threat, force, coercion, abduction, deception, abuse of power, vulnerabilities, awarding, receipt or other fraudulent means of payments or benefits to obtain the consent of the victim, directly or through an intermediary, or a person having authority relationship over the other, to exercise begging,

forced labor or services, debt bondage, irregular adoption, slavery or similar practices, the removal of organs, any kind of sexual exploitation; as employed or forced prostitution, pornography, sex tourism and servile marriage, even with the consent of the victim, shall be punished or imprisoned for twenty to twenty five years and the cancellation compensation the costs to the victim for their recovery and social reintegration. If the victim is a child, child or adolescent will be punished or imprisoned for twenty five to thirty years.

Article 42. Illegal immigration and illegal trafficking in persons

Any person who, as an integral part of an organized crime group, promotes, induces, favors, constricts, facilitates, finances, collaborates, by action or omission or otherwise participates in the entry or exit of aliens or illegal traffic of persons Territory of the Republic, without the fulfillment of legal requirements, to obtain economic benefit or any other benefit for itself or for a third party, will be punished or punished with imprisonment of eight to twelve years.

The consent of the taxpayer does not constitute grounds for exclusion of criminal responsibility for the facts referred to in the preceding articles. Neither is the consent granted by the ascendant, spouse, brother, sister, guardian, guardian, healer or curator, responsible for or in charge of education or custody, person living with the trafficked person, minister or Minister of a cult or official or civil servant, public employee or public employee, being safe the possible criminal responsibility of the latter in case of being determined that even in commission by omission, they intervened in the trafficking.

Article 43. Illegal organ trafficking

Anyone who, as an integral part of an organized crime group, traffics, transplants or illegally disposes of organs, blood, globular concentrate, platelet concentrate, plasma or other derived tissues or anatomical materials from a human being, shall be punished or punished with imprisonment From twenty-five to thirty years.

Article 48. Use of children in pornography

Anyone who, as an integral part of an organized crime group, uses children or adolescents or their image, for purposes or in exhibitions or pornographic shows, whether public or private, or to produce any kind of pornographic material, whatever their support, Or finances any of these activities, shall be punished or punished with imprisonment from twenty-five to thirty years.

LAW ON THE RIGHT OF WOMEN TO A LIFE FREE OF VIOLENCE 2007

15. Forms of violence

The following are considered forms of gender violence against women:

8. Forced prostitution: It is the act of forcing a woman to perform one or more acts of a sexual nature by force or by threat of force, or by coercion such as that caused by fear of violence, intimidation, Psychological oppression or abuse of power, hoping to obtain or have obtained benefits or pecuniary or other benefits, in exchange for acts of a woman's sexual nature.
9. Sexual Slavery: It is the illegitimate deprivation of liberty of the woman, for sale, purchase, loan or barter with the obligation to perform one or more acts of a sexual nature.

19. Trafficking in women and girls: The recruitment, transportation, transfer, reception or reception of women and girls, using the threat or use of force or other forms of coercion, abduction, fraud, Abuse, abuse of power or vulnerability or authority over women, girls or adolescents, for purposes of exploitation, such as prostitution, sexual exploitation, forced labor or services, slavery or practices similar to slavery, Servitude or extraction of organs.

18. Trafficking in women and girls

They are all acts involving recruitment or transport within or across borders, using deception, coercion or force, in order to make a profit for financial or other material order of illegality. ((32))

19. Trafficking in women and girls

The recruitment, transportation, transfer, harboring or receipt of women and girls, resorting to the threat or use of force or other forms of coercion, of abduction, fraud, deception, abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over women or adolescents with the purpose of exploitation, such as prostitution, exploitation sexual, forced labor or services, slavery or practices slavery, servitude or the removal organ....

46. Forced prostitution

Whoever, through the use of physical force, threat of violence, psychological coercion or abuse of power, obliges a woman to perform one or more acts of a sexual nature in order to obtain in return pecuniary or other advantages Nature, for his own benefit or that of a third party, shall be punished with imprisonment of ten to fifteen years.

47. Sexual Slavery

Anyone who illegally deprives a woman of her sexual exploitation by means of purchase, sale, loan, barter or other similar negotiation, forcing her to perform one or more acts of a sexual nature, shall be punished with imprisonment for fifteen to twenty years.

55. Illicit trafficking in women and girls.

Any person who promotes, favors, facilitates or executes the illegal entry or exit of the country of women, girls or adolescents, using deceit, coercion or force to obtain an unlawful benefit for themselves or for a third party, shall be punished or punished with imprisonment Ten to fifteen years.

Article 56. Trafficking in women and girls.

Who promotes, favors, facilitates or executes the recruitment, transportation, reception or reception of women, girls or adolescents through violence, threats, deceit, abduction, coercion or other fraudulent means for the purpose of sexual exploitation, prostitution, forced labor, Slavery, irregular adoption or extraction of organs, shall be punished or punished with imprisonment of fifteen to twenty years.

All children and adolescents have the right to be protected from any form of sexual abuse and exploitation. The State ensure permanent and free programs of assistance and comprehensive care for children and adolescents who have been victims of sexual abuse or exploitation.

38. Prohibition of slavery, servitude and forced labour

No child or adolescent may be subjected to any form of slavery, servitude or forced labor.

Article 94. Right to Protection at Work.

All working children and adolescents have the right to be protected by the State, the family and society, especially against economic exploitation and the performance of any work that may hinder their education, is dangerous or harmful to their health or to their development integral.

Viet Nam

1) Domestic Law in Place

- i) There appears to be **no legislation** in place in Viet Nam which prohibits **slavery**.
- ii) There appears to be **no legislation** in place in Viet Nam which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found the Constitution which prohibits forced labour under article 35(3) and the Labour Code which prohibits forced labour under section 5, although no penalties are prescribed.
- iv) **Provisions** related to **trafficking in persons** are found in the Penal Code which criminalises sex and labour trafficking under articles 119 and 120.

2) International Obligations: Viet Nam consents to:

1926 Slavery Convention: N/A
1930 Forced Labour Convention: (5 March 2007, ratification)
1953 Protocol to the 1926 Slavery Convention: (14 August 1956, accession)
1956 Slavery Convention: N/A
1957 Abolition of Forced Labour Convention: N/A
1966 ICCPR: (24 September 1982, accession)
1998 Rome Statute of the ICC: N/A
2000 Palermo Protocol (Trafficking in Persons): (8 June 2012, accession)
2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Viet Nam appears to be:

- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF 1992 (REV. 2013)

Article 20

1. Every one shall enjoy inviolability of the person and the legal protection of his or her life, health, honor and dignity; and is protected against torture, harassment and coercion, and any form of violation of his or her life and health, and offence of honor and dignity.

Article 23

The citizen shall enjoy freedom of movement and of residence within the country; and can freely travel abroad and return home from abroad. The exercise of these rights shall be provided by the law.

Article 35

1. Citizen has the right to work and to select career, job, and workplace.
2. Worker shall be provided equal and safe conditions of work and shall be paid with salary and enjoy break policy.
3. Discrimination, forced labor, and employment of worker under minimum age of labor are strictly prohibited.

Article 36

1. Male and female have the right to marry and divorce. Marriage shall conform to the principles of free consent, progressive union, monogamy and equality between husband and wife, and mutual respect.
2. The State protects marriage and family, and protects interests of mothers and children.

PENAL CODE 1999 (REV. 2009)

Note: Vietnam's 2012 anti-trafficking law expanded Articles 119 and 120 of the country's penal code to specifically define and prohibit sex and labor trafficking

Article 119. Human trafficking

1. Those who trade in persons shall be sentenced to between two and seven years of imprisonment.
2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between five and twenty years of imprisonment:
A) For the purpose of prostitution;
B) Organized;
C) Being professional;
D) to remove the victim's body parts;
E) To be taken abroad;
E) For many;
G) Committing multiple offenses;
3. The offenders may also be subject to a fine of between five million dong and fifty million dong, probation or residence ban for one to five years.

Article 119.-Trafficking in humans

Article 119. Trafficking in humans

1. Those who traffic in humans shall be sentenced to between two and seven years of imprisonment.
2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between five and twenty years of imprisonment:
a/ For prostitution purposes;
b/ In an organized manner;

- c/ In a professional manner;
 - d/ For taking victims' bodily organs;
 - e/ For bringing abroad;
 - f/ Trafficking in more than one person;
 - g/ Committing the crime more than once.
3. Offenders may be imposed a fine of between five million and fifty million dong, subject to probation or residence ban for one to five years

Article 120.-Trading in, fraudulently exchanging or appropriating children

1. Those who trade in, fraudulently exchange or appropriate children in any form shall be sentenced to between three and ten years of imprisonment.
2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between ten and twenty years of imprisonment or life imprisonment:
 - a/ In an organized manner;
 - b/ In a professional manner;
 - c/ For a despicable motive;
 - d/ Against more than one child;
 - e/ For taking victims' bodily organs;
 - f/ For bringing abroad;
 - g/ For inhuman purposes;
 - h/ For prostitution purposes;
 - i/ Dangerous recidivism;
 - j/ Causing serious consequences.
3. The offenders may also be subject to a fine of between five million and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years or subject to probation for one to five years.

Article 128. Illegally forcing laborers, public employees to leave their jobs

Those who, for their own benefits or other personal motivation, illegally force laborers, public employees to leave their jobs, causing serious consequences shall be subject to warning, non-custodial reform for up to one year or a prison term of between three months and one year.

LABOUR CODE 1994

Section 5.

- (1) All persons shall have the right to work, the right to freely choose an employment and occupation, to learn a trade, and to improve professional skills without any discrimination in respect of sex, race, social class, creed or religion.
- (2) Maltreatment of workers and the use of forced labour in any form shall be prohibited.
- (3) Every activity that generates employment, constitutes self-employment, and teaches or involves the learning of a trade for employment, and every production or business activity that absorbs abundant labour shall receive encouragement, favourable treatment and assistance from the State

ANTI-TRAFFICKING LAW

Article 2. Interpretation of terms

In this Law, the terms below are construed as follows:

1. Sexual exploitation is the coercion of others to engage in prostitution, as an object to produce pornographic publications, pornographic performances or sex slavery.
2. Sexual slavery is the fact that a person is dependent upon others for his or her sexual needs.
3. Forced labor is the use of force, the threat of use of force or other means of forcing another to work against their will.

Article 3. Prohibited Acts

1. Human trafficking as provided for in Article 119 and Article 120 of the Penal Code.
2. The transfer or acceptance of a person for sexual exploitation, forced labor, removal of organs or for other inhuman purposes.
3. Recruiting, transporting, harboring for sexual exploitation, forced labor, taking organs or for other inhumane purposes or for committing the acts specified in Clauses 1 and 2. This.
4. Forcing other persons to commit one of the acts prescribed in Clauses 1, 2 and 3 of this Article.
5. Brokerage for others to commit one of the acts specified in Clauses 1, 2 and 3 of this Article.
6. Retaliation, threats of retaliation against victims, witnesses, denouncers, denouncers, their relatives or persons preventing acts specified in this Article.

Yemen

1) Domestic Law in Place

- i) **Provisions** related to **slavery** are found in the Decree Concerning Crimes and Penalties which criminalises buying, selling, presenting or dealing in human beings under article 248.
- ii) There appears to be **no legislation** in place in Yemen which prohibits **servitude**.
- iii) **Provisions** related to **forced labour** are found in the Constitution at article 29 which declares the no citizen can be compelled to do any work except within the law.
- iv) There appears to be **no legislation** in place in Yemen which prohibits **trafficking in persons**, although article 248 of the Decree Concerning Crimes and Penalties criminalises dealing in human beings or importing persons for the purpose of dealing with them.

2) International Obligations: Yemen consents to:

1926 Slavery Convention: (9 February 1987, accession)
1930 Forced Labour Convention: (14 April 1969, ratification)
1953 Protocol to the 1926 Slavery Convention: (9 February 1987, accession)
1956 Slavery Convention: *N/A*
1957 Abolition of Forced Labour Convention: (14 April 1969, ratification)
1966 ICCPR: (9 February 1987, accession)
1998 Rome Statute of the ICC: (28 December 2000, signature)
2000 Palermo Protocol (Trafficking in Persons): *N/A*
2014 Protocol to the Forced Labour Convention: *N/A*

3) Outcome: Yemen appears to be:

- in breach of its obligations under the 1926 with regard to slavery;
- in breach of its obligations under the ICCPR in regards to slavery, servitude and forced labour; and
- in breach of its obligations under the 1930 and 1957 Forced Labour Conventions.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION (REV.
2001)

Article 29.

Work is a right, an honour, and a necessity for society's progress. Every citizen has the right to choose the appropriate work for himself within the law. No citizen can be compelled to do any work except within the law, and in which case it is to serve the common interest and be in return for a fair wage. The law shall regulate union activities and professional work, and the relationship between workers and employers.

Article 48.

a. The state shall guarantee to its citizens their personal freedom, preserve their dignity and their security. The law shall define the cases in which citizens freedom may be restricted. Personal freedom cannot be restricted without the decision of a competent court of law.

Article 57.

Freedom of movement from one place to another within the country is guaranteed for all citizens, and may not be restricted except by law and for reasons necessitated by the security and safety of the people. The law shall regulate entry and exit from Yemen. No citizen may be deported from or denied return to Yemen.

DECREE
CONCERNING
CRIMES AND
PENALTIES

Article (248): The crime of slavery

Anyone who buys or sells or presents or deals in any such way on a human being shall receive the punishment of imprisonment for a period not exceeding ten years is to : First: Anyone who buys or sells or give as present or deal in any way in a human being. Second: Anyone who brings to the country or imports from it a person for the purpose of dealing with him.

Article (279): Instigation on Immorality and Prostitution

Punishment with imprisonment for a period not exceeding three years is to whoever instigates others on immorality or prostitution. If the crime occurs in accordance with this instigation, the punishment with imprisonment will be not more than seven years.

If the crime committed is on a minor not reaching fifteen years of age, or the instigator supports in his living on immorality or prostitution whoever he instigates, it is lawful that the punishment of the instigator reaches imprisonment for a period not exceeding ten years.

If both cases are combined, it is possible that the punishment of the instigator reaches imprisonment for a period not exceeding fifteen years.

Article (280): Punishment of the Procurer

Punishment with imprisonment for a period not exceeding fifteen years is to whoever consents to his wife or any of his unmarried females or those to whom he is the guardian or whoever he undertakes to raise, to commit prostitution. If he returns [to his act], his punishment will be the death penalty and the woman who consents that her daughters commit prostitution will be punished with the same penalty.

CHILD RIGHTS LAW

Note: article 161 specifically criminalizes the prostitution of children (no text available)

Zambia

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found the Constitution at article 14(1) which declares that no person shall be held in slavery and in its Penal Code Act which criminalises slavery at article 261. Habitual dealing in slaves is also criminalised under article 262 and slavery may form an element of an offence of trafficking under article 3 of the 2008 Anti-Human Trafficking Act.

ii) **Provisions** related to **servitude** are found the Constitution at article 14(1) which declares that no person shall be held in servitude and in its Penal Code Act 1930. Article 4 of the Anti-Human Trafficking Act also criminalises causing another person to enter a situation of debt bondage, and servitude and practices similar to slavery may form elements of an offence of trafficking under article 3.

iii) **Provisions** related to **forced labour** are found the Constitution at article 14(2) which declares that no person shall be required to perform forced labour and in the Penal Code Act which criminalises unlawful compulsory labour at article 263.

iv) **Provisions** related to **trafficking in persons** are found in Anti-Human Trafficking Act which criminalises trafficking under article 3, although the provision requires the specified means to be used in cases of trafficking in children. The Constitution also declares that no young person shall be subject to traffic in any form at article 24(3).

2) International Obligations: Zambia consents to:

1926 Slavery Convention: (23 March 1973, succession)
 1930 Forced Labour Convention: (2 December 1964, ratification)
 1953 Protocol to the 1926 Slavery Convention: (23 March 1973, succession)
 1956 Slavery Convention: (23 March 1973, succession)
 1957 Abolition of Forced Labour Convention: (22 February 1965, ratification)
 1966 ICCPR: (10 April 1984, accession)
 1998 Rome Statute of the ICC: (13 November 2002, ratification)
 2000 Palermo Protocol (Trafficking in Persons): (24 April 2005, accession)
 2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Zambia appears to be:

- in breach of its obligations under the 1956 Convention with regard to servitude;
- in breach of its obligations under the ICCPR in regards to servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in children.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.qub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: reference below; 1955 Engen Report: no law mentioned.

AWAD REPORT

Paragraph 594

The following legislation relating to slavery or conditions analogous to slavery is presently in force in Zambia:

(a) Constitution of Zambia:

Section 16:

- (1) No person shall be held in slavery or servitude.
- (2) No person shall be required to perform forced labour.
- (3) For the purposes of this section, the expression "forced labour" does not include:
 - a. any labour required in consequence of a sentence or order of a court;
 - b. labour required of any person while he is lawfully detained that, though not required in consequence of a sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
 - c. any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;
 - d. any labour required during any period when the Republic is at war or a declaration under Article 30 or 31 is in force or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period, or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or
 - e. any labour reasonably required as part of reasonable and normal communal or other civic obligation.

(b) Penal Code (Cap. 6):

Section 232:

Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony, and is liable to imprisonment for seven years.

Section 233:

Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony, and is liable to imprisonment for ten years.

Section 234:

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

CONSTITUTION 1991 (REV. 2009)

Article 11. Fundamental rights and freedoms

It is recognised and declared that every person in Zambia has been and shall continue to be entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed, sex or marital status, but subject to the limitations contained in this Part, to each and all of the following, namely:

- a. life, liberty, security of the person and the protection of the law;
- b. freedom of conscience, expression, assembly, movement and association;

c. protection of young persons from exploitation;

Article 13. Protection of right to personal liberty

1. No person shall be deprived of his personal liberty except as may be authorised by law in any of the following cases:

Article 14. Protection from Slavery and Forced Labour

1. No person shall be held in slavery or servitude.
2. No person shall be required to perform forced labour.
3. For the purpose of this Article, the expression “forced labour” does not include—
 - a. any labour required in consequence of a sentence or order of a court;
 - b. labour required of any person while he is lawfully detained that, though not required in consequence of a sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;
 - c. any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;
 - d. any labour required during any period when the Republic is at war or a declaration under Article 30 or 31 is in force or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period, or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or
 - e. any labour reasonably required as part of reasonable and normal communal or other civic obligation.

Article 22. Protection of freedom of movement

1. Subject to the other provision of this Article and except in accordance with any other written law, no citizen shall be deprived of his freedom of movement, and for the purposes of this Article freedom of movement means—
 - a. the right to move freely throughout Zambia;
 - b. the right to reside in any part of Zambia; and
 - c. the right to leave Zambia and to return to Zambia.

Article 24. Protection of young persons from exploitation

1. No young person shall be employed and shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development:
Provided that an Act of Parliament may provide for the employment of a young person for a wage under certain conditions.
2. All young persons shall be protected against physical or mental ill-treatment, all forms of neglect, cruelty or exploitation.
3. No young person shall be the subject of traffic in any form.
4. In this Article “young person” means any person under the age of fifteen years.

PENAL CODE ACT
1930

261. Disposing of any person as a slave

Any person who imports, exports, removes, buys, sells or Buying or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave, is guilty of a felony and is liable to imprisonment for seven years.

262. Habitual dealing in slaves

Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves is guilty of a felony and is liable to imprisonment for ten years.

263. Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

Note: in the 1966 Awad Report, these same provisions appear as Section 231-233.

ANTI-HUMAN
TRAFFICKING ACT
2008

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"child labour" includes all forms of slavery or practices similar to slavery such as—

- (a) the sale of a child;
- (b) trafficking of a child for the purpose of engaging the child in work away from home and from the care of the child's family, in circumstances within which the child is exploited;
- (c) debt bondage or any other form of bonded labour;
- (d) serfdom; and
- (e) forced or compulsory labour, including forced or compulsory recruitment of a child for use in armed conflict;

"coercion" means violent psychological coercion and other forms of non violent psychological coercion such as—

- (a) a threat of serious harm to a person or another person;
- (b) any scheme, plan or pattern; or
- (c) the abuse or threatened abuse of the legal process; intended to cause a person to believe that, if the person does not perform labour or provide a service, the person or another person will suffer serious harm;

"debt bondage" means the status or condition that arises from a pledge by a person—

- (a) of the person's personal services; or
- (b) of the personal services of another person under that person's control;

as security for a debt owed, or claimed to be owed, including any debt incurred or claimed to be incurred after the pledge is given, by that person if—

- (i) the debt owed or claimed to be owed is manifestly excessive;
- (ii) the value of those services as reasonably assessed is not applied toward the liquidation of the debt or purported debt; or
- (iii) the length and nature of those services are not respectively limited and defined;

"exploitation" includes—

- (a) all forms of slavery or practices similar to slavery, including debt bondage or forced marriage;
- (b) sexual exploitation;
- (c) servitude;

- (d) forced labour;
 - (e) child labour; and
 - (f) the removal of body parts contrary to the Human Tissue Act;
- "forced labour" means labour or services obtained or maintained through threats, the use of force, intimidation or other forms of coercion or physical restraint;
- "practices similar to slavery" include—
- (a) debt bondage;
 - (b) serfdom;
 - (c) any institution in which, or practice under which—
 - (i) a woman who does not have the right to refuse is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person;
 - (ii) the husband of a woman, his family or his clan has the right to transfer her to another person for value received or otherwise; or
 - (iii) a woman, on the death of her husband, is liable to be inherited by any other person; or
 - (d) any institution in which, or practice under which a child is delivered by either one or both of the child's natural parents or by the child's guardian to another person, whether for reward or not, for the purpose of the exploitation of the child;
- "servitude" means a condition in which the labour or services of a person are provided or obtained through threats of 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 does not perform such labour or services, that person or another person would suffer serious harm;
- "slavery" means the exercise of any or all of the powers attaching to the right of ownership over a person;
- "traffic" means to recruit, transport, transfer, harbour, receive or obtain a person, within or across the territorial boundaries of Zambia, by means of—
- (a) any threat or use of force or other forms of coercion;
 - (b) abduction;
 - (c) fraud or deception;
 - (d) false or illegal adoption of a child contrary to the Adoption Act or any other written law;
 - (e) the destruction, concealment, removal, confiscation or possession of any passport, immigration document or other official identification document of a person;
 - (f) the abuse or threatened abuse of the law or legal process or any other form of abuse of power or of a position of vulnerability; or
 - (g) the giving or receiving of payments or benefits to achieve the consent of the person;
- for the purpose of exploitation;

3. Prohibition of trafficking in persons

- (1) Subject to subsections (2) to (11), a person who intentionally and unlawfully trafficks another person commits an offence and is liable, upon conviction, to imprisonment for a term of not less than twenty years and not exceeding thirty-years.
- (2) Where the victim of an offence under subsection (1) is a child, the offender is liable to imprisonment for a term of not less than twenty-five years and not exceeding thirty-five years.

- (3) Where the victim of an offence under subsection (1) is trafficked for the purpose of sexual exploitation, the offender is liable to imprisonment for a term of not less than twenty-five years and may be liable to imprisonment for life.
- (4) Where the victim is trafficked for the purpose of engaging the victim in the worst forms of labour or child labour, the offender is liable to imprisonment for a term of not less than twenty-years and not exceeding thirty-five years.
- (5) Where the victim of an offence under subsection (1) is abducted, the offender is liable to imprisonment for a term of not less than twenty-five years and not exceeding thirty-five years.
- (6) Where the trafficking results in the death or grievous bodily harm of a victim, the offender may be liable to imprisonment for life.
- (7) Where the offender is the natural parent, guardian or any other person who has parental responsibilities and rights in respect of a child and the offender trafficked or permitted the trafficking of the child, the offender is liable to imprisonment for a term of not less than twenty-five years and not exceeding thirty-five years.
- (8) Where the offender is a public officer and uses the person's office in furtherance of an offence under this section, the offender is liable to imprisonment for a term of not less than twenty-five years and not exceeding thirty-five years.
- (9) Where the offender is a person who is concerned in the management of an institution or organised criminal group engaged in trafficking in persons, the offender is liable to imprisonment for a term of not less than twenty-five years and not exceeding thirtyfive years.
- (10) Where the offender is charged with and convicted by a court for the commission of five or more counts of human trafficking, the offender is liable to imprisonment for a term of not less than twenty-five years and not exceeding thirty-five years.
- (11) Where the victim is trafficked for the purpose of the removal of the victims body parts contrary to the Human Tissue Act, the offender is liable to imprisonment for a term of not less than twenty-five years and not exceeding thirty-five years.
- (12) In orderto establish the liability, in terms of subsection (1), of an employer or principal, the conduct of an employee or agent or any other person acting on behalf of the employer or principal may be attributed to the employer or principal if that person is acting—
 - (a) within the scope of the employee's or agent's employment;
 - (b) within the scope of the employee's or agent's actual or apparent authority; or
 - (c) with the express or implied consent of a director, member or partner of the employer or principal.
- (13) Subsection (12) does not exclude the liability of an employee or agent of or any other person acting on behalf of the employer or principal for committing the offence of trafficking in persons.
- (14) A finding by a court that an employer or principal has contravened subsection (1) shall constitute a ground for revoking the licence or registration of the employer or principal to operate.

4. Debt bondage

A person who intentionally and unlawfully engages in conduct that causes another person to enter into a situation of debt bondage commits

an offence and is liable, upon conviction, to imprisonment for a term of not less than fifteen years and not exceeding twenty-five years.

6. Using the services of victim

(1) A person who intentionally and unlawfully benefits, financially or otherwise, from the services of a victim or who uses or enables another person's usage of the services of a victim commits an offence and is liable, upon conviction, to imprisonment for a term of not less than ten years and not exceeding twenty-five years.

(2) Where the services used or procured constitute—

(a) sexual exploitation; or

(b) the worst forms of labour;

the offender is liable to imprisonment for a term of not less than fifteen years and not exceeding twenty-five years.

7. Conduct facilitating trafficking in persons

(1) A person who—

(a) transports a victim or is in charge of a conveyance which facilitates any offence under this Act;

(b) intentionally and unlawfully leases or subleases or allows any room, house, building or premises to be used for the purpose of harbouring a victim; or

(c) advertises, publishes, prints, broadcasts, distributes or causes the advertisement, publication, printing, broadcast or distribution of information that suggests or alludes to trafficking by any means, including the use of the Internet or other information technology; commits an offence and is liable, upon conviction to the same penalties as if the person had been convicted of the offence.

(2) It shall be a defence for a person charged with an offence under subsection (1) to satisfy the court that that person did not know and had no reasonable cause to believe that the premises leased or sublet were being used for the purpose of facilitating the commission of an offence under this Act.

11. Aiding, abetting etc. of offender

A person who aids, abets, counsels, procures, incites or solicits the commission of an offence under this Act, commits an offence and is liable, upon conviction, to the same penalties as if the person had been convicted of the offence.

12. Attempts to commit offence

A person who attempts to commit an offence under this Act commits an offence and is liable, upon conviction, to imprisonment for a term of not less than ten years and not exceeding twenty years.

21. Non defences

It shall not be a defence to a charge for an offence under defences this Act to prove—

(a) that a victim consented to the act constituting the offence;

(b) that the victim had previously engaged in prostitution, or has any other history of a sexual or criminal nature;

(c) where the victim is a child, that the victim, the parent, guardian or other person who has parental responsibilities and rights in respect of the child consented to the act constituting the offence;

- (d) that the exploitation of the victim did not occur; or
- (e) that the act constituting the offence is a customary practice.

Zimbabwe

1) Domestic Law in Place

i) **Provisions** related to **slavery** are found in the Constitution at article 54 which declares that no person may be subjected to slavery. Article 93 of the Criminal Law (Codification and Reform) Act also criminalises deprivation of freedom.

ii) **Provisions** related to **servitude** are found in the Constitution at article 54 which declares that no person may be subjected to servitude. Article 94 of the Criminal Law (Codification and Reform) Act also criminalises pledging of female persons.

iii) **Provisions** related to **forced labour** are found in the Constitution at article 55 which declares that no person may be made to perform forced or compulsory labour and the Labour Act which criminalises forced labour under article 4A.

iv) **Provisions** related to **trafficking in persons** are found in the Trafficking in Persons Act which criminalises trafficking under article 3, although this provision does not require exploitation and requires transportation.

2) International Obligations: Zimbabwe consents to:

1926 Slavery Convention: N/A

1930 Forced Labour Convention: (27 August 1998, ratification)

1953 Protocol to the 1926 Slavery Convention: N/A

1956 Slavery Convention: (1 December 1998, ratification)

1957 Abolition of Forced Labour Convention: (27 August 1998, ratification)

1966 ICCPR: (13 May 1991, accession)

1998 Rome Statute of the ICC: (17 July 1998, signature)

2000 Palermo Protocol (Trafficking in Persons): (13 December 2013, accession)

2014 Protocol to the Forced Labour Convention: N/A

3) Outcome: Zimbabwe appears to be:

- in breach of its obligations under the 1956 Convention with regard to slavery and servitude;
- in breach of its obligations under the ICCPR in regards to slavery and servitude; and
- in breach of its obligations under the Palermo Protocol with regards to trafficking in persons.

4) Sources:

Provisions are drawn from internet sources and available through the Slavery in *Domestic Jurisdictions* website at <http://www.gub.ac.uk/slavery/>, the [UNODC Database of Legislation](#), and the [ICC National Implementing Legislation Database](#)

1966 Awad Report: no law mentioned; 1955 Engen Report: no law mentioned.

CONSTITUTION OF 2013

49. Right to personal liberty

1. Every person has the right to personal liberty, which includes the right-
 - a. not to be detained without trial; and
 - b. not to be deprived of their liberty arbitrarily or without just cause.

54. Freedom from slavery or servitude

No person may be subjected to slavery or servitude.

55. Freedom from forced or compulsory labour

No person may be made to perform forced or compulsory labour.

64. Freedom of profession, trade or occupation

Every person has the right to choose and carry on any profession, trade or occupation, but the practice of a profession, trade or occupation may be regulated by law.

65. Labour rights

1. Every person has the right to fair and safe labour practices and standards and to be paid a fair and reasonable wage.
2. Except for members of the security services, every person has the right to form and join trade unions and employee or employers' organisations of their choice, and to participate in the lawful activities of those unions and organisations.
3. Except for members of the security services, every employee has the right to participate in collective job action, including the right to strike, sit in, withdraw their labour and to take other similar concerted action, but a law may restrict the exercise of this right in order to maintain essential services.
4. Every employee is entitled to just, equitable and satisfactory conditions of work.
5. Except for members of the security services, every employee, employer, trade union, and employee or employer's organisation has the right to--
 - a. engage in collective bargaining;
 - b. organise; and
 - c. form and join federations of such unions and organisations.
6. Women and men have a right to equal remuneration for similar work.
7. Women employees have a right to fully paid maternity leave for a period of at least three months.

66. Freedom of movement and residence

2. Every Zimbabwean citizen and everyone else who is legally in Zimbabwe has the right to--
 - a. move freely within Zimbabwe;
 - b. reside in any part of Zimbabwe; and
 - c. leave Zimbabwe.

78. Marriage rights

2. No person may be compelled to enter into marriage against their will.

81. Rights of children

1. Every child, that is to say every boy and girl under the age of eighteen years, has the right--

e.to be protected from economic and sexual exploitation, from child labour, and from maltreatment, neglect or any form of abuse;

CRIMINAL LAW
(CODIFICATION AND
REFORM) ACT

82. Living off or facilitating prostitution

Any person who—

- (a) keeps a brothel; or
 - (b) demands from a prostitute any payment or reward in consideration of the person—
 - (i) keeping, managing or assisting in the keeping of a brothel in which the prostitute is, or has been, living for immoral purposes; or
 - (ii) having solicited other persons for immoral purposes on behalf of the prostitute; or
 - (iii) having effected the prostitute's entry into a brothel for the purpose of prostitution; or
 - (iv) having brought or assisted in bringing the prostitute into Zimbabwe for immoral purposes; or
 - (c) demands from a prostitute any payment or reward in consideration for any present or past immoral connection with the prostitute;
- shall be guilty of living off or facilitating prostitution and liable to a fine not exceeding level seven or imprisonment for a period not exceeding two years or both.

83. Procuring

Any person who procures any other person—

- (a) for the purposes of engaging in unlawful sexual conduct with another person or with persons generally, whether inside or outside Zimbabwe; or
 - (b) to become a prostitute, whether inside or outside Zimbabwe; or
 - (c) to leave Zimbabwe with the intent that the other person may become a prostitute; or
 - (d) to leave his or her usual place of residence, not being a brothel, with the intent that he or she may become an inmate of or frequent a brothel elsewhere;
- shall be guilty of procuring and liable to a fine up to or exceeding level fourteen or—
- (i) in a case where the person procured is a young person, imprisonment for a period not exceeding ten years, or both such fine and imprisonment;
 - (ii) in any other case, imprisonment for a period not exceeding two years, or both such fine and imprisonment.

93 Kidnapping or unlawful detention

(1) Any person who

- (a) deprives an adult of his or her freedom of bodily movement, intending to cause such deprivation or realising that there is a real risk or possibility that such deprivation may result; or
 - (b) not being the lawful custodian of the child concerned -
 - (i) deprives a child of his or her freedom of bodily movement, intending to cause such deprivation or realising that there is a real risk or possibility that such deprivation may result; or
 - (ii) detains or keeps a child, intending to deprive the child's lawful custodian of his or her control over the child or realising that there is a real risk or possibility that such deprivation may result;
- shall be guilty of kidnapping or unlawful detention and liable

- A. to imprisonment for life or any shorter period, except in a case referred to in subparagraph B; or
- B. where the kidnapping or unlawful detention was Committed in the mitigating circumstances referred to in paragraph (b) of subsection (3), to a fine not exceeding level seven or imprisonment for a period not exceeding two years or both.
- (2) An accused may be convicted of kidnapping or unlawful detention-
 - (a) whatever the manner in which the accused deprived the adult or child of his or her freedom of bodily movement or the lawful custodian of his or her control, whether by the use of threats or force or by the use of fraudulent misrepresentation or otherwise; and
 - (b) whatever the period over which the accused deprived the adult or child of his or her freedom of bodily movement or the lawful custodian of his or her control.
- (3) In determining an appropriate sentence to be imposed upon a person convicted of kidnapping or unlawful detention, and without limitation on any other factors or circumstances which a court may take into account -
 - (a) a court shall regard it as an aggravating circumstance if -
 - (i) the kidnapping or unlawful detention was accompanied or motivated by the demand of a ransom for the safe return of the adult or child; or
 - (ii) the kidnapping or unlawful detention was accompanied by violence or the threat of violence;
 - (b) a court shall regard it as a mitigating circumstance if, in the case of the kidnapping or unlawful detention of a child, the accused is a parent of or closely related to the child and the kidnapping or unlawful detention was not accompanied by violence or the threat of violence.

94 Pledging of female persons

- (1) A lawful custodian or relative of a female person who -
 - (a) at a time when the female person is under the age of eighteen years, or without her consent, hands her over to another person as compensation for the death of a relative of that other person, or as compensation for any debt or obligation; or
 - (b) at a time when the female person is under the age of eighteen years, or without her consent, enters into an arrangement whereby the female person is promised in marriage to any man, whether for any consideration or not; or
 - (c) by force or intimidation compels or attempts to compel a female person to enter into a marriage against her will, whether in pursuance of an arrangement referred to in paragraph (a) or (b) or otherwise;
 shall be guilty of pledging a female person and liable to a fine up to or exceeding level fourteen or imprisonment for a period not exceeding two years or both.
- (2) Any party to an arrangement or marriage referred to in Subsection (1) may be charged as an accomplice to pledging a female person.

LABOUR ACT

4A. Prohibition of forced labour.

- (1) Subject to subsection (2), no person shall be required to perform forced labour.
- (2) For the purposes of subsection (1) “forced labour” does not include—
 - (a) any labour required in consequence of the sentence or order of a court; or

- (b) labour required of any person while he is lawfully detained which, though not required in consequence of the sentence or order of a court—
- (i) is reasonably necessary in the interests of hygiene or for the maintenance or management of the place at which he is detained; or
 - (ii) is permitted in terms of any other enactment; or
 - (c) any labour required of a member of a disciplined force in pursuance of his duties as such or any labour required of any person by virtue of an enactment in place of service as a member of any such force; or
 - (d) any labour required by way of parental discipline; or
 - (e) any labour required by virtue of an enactment during a period of public emergency or in the event of any other emergency or disaster that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or disaster, for the purpose of dealing with that situation.
- (3) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

TRAFFICKING IN PERSONS ACT

2. Interpretation

"debt bondage" means a pledge by a debtor of his or her personal services or labour, or those of a person under his or her control, as security or payment for a debt;

3. Crime of trafficking in persons.

- (1) Any person who-
- (a) trafficks any individual by transporting him or her into outside or within Zimbabwe-
 - (i) involuntarily, that is to say by any of the following means-
 - A. force, violence or threats thereof; or
 - B. administering drugs to subdue the victim or causing the victim to be addicted to drugs; or
 - C. abduction or detention of the victim; or
 - D. fraud, extortion or deception; or
 - E. the abuse of power or trust over the victim; or
 - F. the giving of inducements to the victim or a person having control over the victim for the purpose of facilitating the transportation of the victim; or
 - (ii) voluntarily, for an unlawful purpose;
 - (b) knowingly does any of the following acts-
 - (i) recruits, transfers, harbours or receives another person that he or she knows or suspects is being or is likely to be trafficked; or
 - (ii) attempts, assists, abets, conceals, procures, incites, solicits, connives at, or conspires with others for, the commission of the crime of trafficking; or
 - (iii) leases or subleases or allows the use of any premises or land which belongs to him or her or over which he or she has control for the purpose of trafficking; or

- (iv) advertises or assists in the advertising, printing, publication, broadcasting or distribution by any means, any material that promotes trafficking in persons; or
 - (v) being an internet service provider operating in Zimbabwe, is aware of any site on its server that contains information in contravention of subparagraph (iv); or
 - (vi) for the purpose of trafficking assists any other person to obtain false identity or travel documents or tampers with identity or travel documents; or
 - (vii) facilitates in any way the cross-border transportation of victims in contravention of paragraph (a); or
 - (viii) benefits either directly or indirectly from the proceeds of trafficking; or
 - (ix) for the purpose of trafficking confiscates, destroys or conceals the identity or travel documents of an individual in order to unlawfully deny such individual his or her freedom of movement, or access to any public services;
- shall be guilty of the crime of trafficking persons.
- (2) Any person who commits the crime of trafficking in persons-
- (a) in a case described in-
 - (i) subsection (1)(a); or
 - (ii) subsection (1)(b) that is committed in any of the aggravating circumstances described in subsection (3);
 shall be liable to imprisonment for life or any definite period of imprisonment of not less than ten years;
 - or
 - (b) in a case described in-
 - (i) subsection (1)(a) where special circumstances in terms of subsection (5) are found to apply; or
 - (ii) subsection (1)(b) that is not committed in any of the aggravating circumstances described in subsection (3) or, if committed in such circumstances, where special circumstances in terms of subsection (5) are found to apply;
 shall be liable to a fine not exceeding level fourteen or imprisonment not exceeding ten years or both such fine and such imprisonment.
- (3) The crime of trafficking in persons shall be considered to be committed in aggravating circumstances if-
- (a) the trafficked person is a child or disabled person; or
 - (b) the child adoption laws of any country or territory are abused to facilitate the trafficking of a child; or
 - (c) the crime is committed by an organized criminal group; or
 - (d) the offender is an ascendant, parent, sibling, guardian or a person who exercises parental authority over the victim; or
 - (e) the offender is a member of a law enforcement agency or the leader of a religious body or group that purports to be a religious body; or
 - (f) by reason or on the occasion of the act of trafficking, the victim dies, becomes insane, suffers mutilation or is infected with the Human Immune Virus (HIV), Acquired Immuno-Deficiency Syndrome (AIDS), a sexually transmitted infection (STI) or any other disease; or
 - (g) the transportation of the victim was, to the knowledge of the offender, procured by any of the means specified in subsection (1)(a).
- (4) If a victim was trafficked for the purposes of adult or child pornography or prostitution, or for any purpose or in any circumstances involving the breach of the immigration or labour laws of Zimbabwe or of

any country or territory, that victim shall not be charged with any crime whose essential elements include adult or child pornography, prostitution or the breach of the immigration or labour laws in question.

(5) If the person accused of trafficking in persons in contravention of subsection (2)(a) satisfies the court that there are special circumstances in the case, which circumstances shall be recorded by the court, why the penalty provided under subsection (2)(a) should not be imposed, the person on conviction shall be liable to the penalty provided under subsection (2)(b).

(6) No portion of a sentence imposed in terms of subsection (2)(a) shall be suspended by the court if the effect of such suspension is that the convicted person will serve less than ten years imprisonment.

(7) It shall not be a defence to a charge of trafficking in persons for an offender to prove that-

(a) a victim consented to any act constituting the offence; or

(b) the victim had previously engaged in prostitution or pornography or has been convicted of any criminal offence; or

(c) where the victim is a child, that the victim, or the parent, guardian or other person who has parental authority over the victim, consented to any act constituting the offence; or

(d) the purpose for which the offence is committed was not fulfilled; or

(e) any act constituting an essential element of the crime of trafficking in persons is a customary or religious practice.