

**Criminal Law (Human Trafficking) (Amendment) Bill 2012**

**ARRANGEMENT OF HEADS**

**HEAD**

- 1. Short title and commencement**
- 2. Interpretation**
- 3. Amendment of section 1 of Act of 2008**
- 4. Insertion of sections 4A and 4B into Act of 2008**

## **Head 1      Short title and commencement**

Provide that -

(1) This Act may be cited as the Criminal Law (Human Trafficking) (Amendment) Act 2013.

(2) This Act shall come into operation one month after its passing.

## **Head 2                      Interpretation**

Provide that in this Act -

“the principal Act” means the Criminal Law (Human Trafficking) Act 2008;

“Act of 1998” means the Child Trafficking and Pornography Act 1998.

### Head 3

### Amendment of section 1 of Act of 2008

Provide that section 1 of the principal Act is amended -

- (i) by the substitution of the following definitions for those of “exploitation” and “labour exploitation”:

“ “exploitation” means -

- (a) labour exploitation,
- (b) sexual exploitation,
- (c) exploitation consisting of the removal of one or more of the organs of a person, or
- (d) exploitation consisting of forcing a person to engage in criminal activities; ”

“ “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 him or her to render services to another, or
  - (c) enslavement of the person or subjecting him or her to servitude or a similar condition or state, and
- (ii) by the insertion of the following definitions:

“beg” has the same meaning as it has in section 1(2) of the Criminal Justice (Public Order) Act 2011;

“criminal activities” means any conduct which constitutes an offence or more than one offence committed for financial gain;

“forced labour” has the same meaning as in International Labour Organisation (ILO) Convention No. 29 of 1930 concerning Forced or Compulsory Labour;

“public official” means an officer or employee of a public body, the term public body to be construed in accordance with the Ethics in Public Office Act 1995, and any person acting on behalf of the public administration of the State.

## **Head 4**

## **Insertion of sections 4A and 4B into Act of 2008**

Provide that –

The following sections are inserted after section 4 of the principal Act:

(4A) - (1) Where a court is determining the sentence to be imposed on a person for an offence under section 2 or 4 of this Act, or section 3 (other than subsections (2A) or (2B)) of the Act of 1998, the fact that the offence was committed by a public official in the performance of his or her duties shall be treated for the purpose of determining the sentence as an aggravating factor.

(2) Accordingly, the court shall (except where the sentence is one of imprisonment for life) impose a sentence that is greater than that which would have been imposed in the absence of such a factor.

(4B) Sections 2 and 4 of this Act are without prejudice to section 247 of the Children Act 2001 and sections 2, 5 and 6 of the Criminal Justice (Public Order) Act 2011.