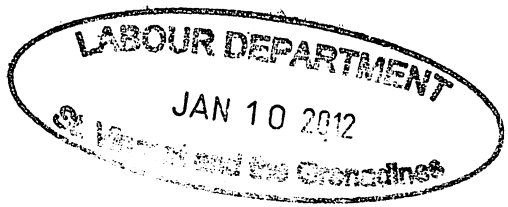
SAINT VINCENT AND THE GRENADINES

PREVENTION OF TRAFFICKING IN PERSONS ACT 2011

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY



SECTION

1. Short title and commencement
2. Interpretation
3. Object of the Act
4. Protocol to have force of law in Saint Vincent and the Grenadines

PART II

CRIMINAL OFFENCES AND RELATED PROVISIONS

5. Offence of trafficking in persons
6. Offence of unlawful withholding of identification papers
7. Offence of transporting a person for the purpose of exploiting such a person's prostitution
8. Aggravated circumstances
9. Consent or past sexual behaviour of a victim is irrelevant
10. Legal age of consent to sex not a defence to trafficking in persons
11. Victim to be immune from prosecution
12. Forfeiture
13. Receiving financial or other benefit knowing that it is as a result of trafficking in persons
14. Offences of bodies corporate

15. Additional penalties for bodies corporate

16. Restitution

17. Entry, search and seizure

18. Offence of threatening, obstructing, etc., a police officer

19. Jurisdiction

PART III

ASSISTANCE AND PROTECTION OF VICTIMS OF TRAFFICKING

20. Protection for the safety of victims, including identification of victims

21. Witness protection

22. Protection of the privacy of victims, including proceedings held in camera

23. Information of victims

24. Opportunity for the presentation of the victim's views and concerns

25. Assistance to victims

26. Immigration status of victims

27. Assistance for citizen or permanent resident victims abroad

28. Verification of nationality or age of victims

29. Return of victims to country of citizenship or lawful residence

30. Assistance to victims who are unable to prove their nationality status through normal means

31. Services for returned victims

32. Special consideration to be given to child victims

PART IV

MISUSE OF COMMERCIAL TRANSPORTATION

33. Responsibilities of international commercial transportation companies or individuals

PART V

NATIONAL TASK FORCE AGAINST TRAFFICKING IN PERSONS

34. Establishment of the Task Force

35. Functions of the Task Force

36. Composition of the Task Force

37. Chairman of the Task Force

38. Meetings of the Task Force

39. Declaration of interest

PART VI

GENERAL

40. Minister to lay annual report in the House

41. Exclusion of persons implicated in trafficking

42. Regulations

43. Consequential amendment to Proceeds of Crime and Money Laundering (Prevention) Act

SCHEDULE

SAINT VINCENT AND THE GRENADINES

ACT NO. 27 OF 2011

I ASSENT

[L.S.]

CHARLES JAMES
Governor-General's Deputy
8th November, 2011.

AN ACT to give effect to and to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and to provide for matters connected therewith and incidental thereto.

[15th November, 2011]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Prevention of Trafficking in Persons Act, 2011.

(2) This Act comes into operation on such day as the Governor-General may fix by proclamation published in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires –

"abuse of a position of vulnerability" includes –

(a) such abuse that a person believes he has no reasonable alternative but to submit to the labour or service demanded of him; and

(b) taking advantage of the vulnerabilities of a person resulting from –

(i) the person having entered or remained in the country illegally or without proper documentation;

(ii) pregnancy;

(iii) physical or mental disease or disability of the person, including addiction to the use of any substance; or

(iv) reduced capacity to form judgments by virtue of being a child;

(v) the socio-economic circumstances of the person;

"abuse of power" includes taking advantage of a position of authority or power, whether official or unofficial over a person or taking advantage of holding an official position, title or public office;

"child" means a person below the age of eighteen years;

"child pornography" means –

(a) audio or visual depiction of any kind, whether –

(i) made or produced by electronic, mechanical or other means; or

(ii) embodied in a disc, tape, film or other device, whether electronically or otherwise, so as to be capable of being retrieved or reproduced therefrom,

of sexually explicit conduct involving a child; or

(b) any representation of the genitalia of a child,

where such audio or visual depiction or representation lacks genuine literary, artistic, or scientific value;

"coercion" means –

(a) violent coercion such as serious harm or physical restraint against any person; and

(b) non-violent or psychological coercion, such as –

(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 person; or

(iii) the abuse or threatened abuse of the legal process;

"competent authority" means the competent authority appointed under the law related to immigration in respect of the issuing of visas or other required authorisation to permit a person to remain in Saint Vincent and the Grenadines;

"debt bondage" 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;

"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;

"illicit removal of human organs" means the unlawful removal of organs, tissue or body parts from a victim irrespective of whether the victim consented to such removal;

"Minister" means the Minister to whom responsibility for national security is assigned;

"organised criminal group" means a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more offences established under this Act;

"practices similar to slavery" includes–

(a) debt bondage;

(b) serfdom;

(c) forced or servile marriages; and

(d) delivery or receipt of children for exploitation.

"Protocol" means the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime, the text of which is set out in the Schedule;

Schedule

"restitution" means financial or other compensation for the victim for damages suffered during the process of being trafficked;

"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 will suffer serious harm;

"sexual exploitation" means compelling a person to engage in –

(a) prostitution;

(b) the production of child pornography or other pornographic material; or

(c) any other sexual activity,

by means of threat, coercion, abduction, the effects of drugs, force, fraud or abuse of power;

"sexually explicit conduct" includes actual or simulated sexual activity, such as sexual intercourse whether between persons of the same or opposite sex and whether involving genital, anal or oral sex, bestiality, masturbation, sadistic or masochistic abuse;

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

"Task Force" means the National Task Force Against Trafficking in Persons established under section 34;

"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 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;

"travel documents" means any document that can be used for travel between States such as –

(a) a passport;

(b) a visa;

(c) a tourist card;

(d) an airline ticket; and

(e) any other document used under the laws of a State to establish identity in that State;

"victim" means a person against whom the offence of trafficking in persons has been committed.

Object of the Act

3. The object of this Act is to prescribe measures to prevent and combat trafficking in persons by –

(a) providing a framework for protecting and assisting victims;

(b) providing the means to effectively investigate, prosecute and suppress all forms of trafficking in persons; and

(c) promoting cooperation between Saint Vincent and the Grenadines and other States in order to prevent and suppress trafficking in persons and to punish offenders.

Protocol to have force of law in Saint Vincent and the Grenadines

4. (1) The Protocol has the force of law in Saint Vincent and the Grenadines.

(2) The Minister may make regulations to give effect to the Protocol in Saint Vincent and the Grenadines.

(3) Regulations made under subsection (2) shall be subject to negative resolution of the House of Assembly.

PART II

CRIMINAL OFFENCES AND RELATED PROVISIONS

Offence of trafficking in persons

5. (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.

Offence of unlawful withholding of identification papers

6. Any person who for the purposes of trafficking in persons and acting or purporting to act as another person's employer, manager, supervisor, contactor, employment agent, or solicitor or client such as a pimp, knowingly procures, destroys, conceals, removes, confiscates, or possesses any passport, immigration document, or other government identification document, whether actual or purported, belonging to another person, commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for twelve years or both.

Offence of transporting a person for the purpose of exploiting such a person's prostitution

7. (1) Any person who knowingly transports or conspires to transport or attempts to transport or assist another person engaged in transporting any person into Saint Vincent and the Grenadines or across an international border for the purposes of exploiting that person's prostitution commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars or to imprisonment for twelve years or both.

(2) Notwithstanding subsection (1), where a person is convicted under subsection (1) and there is the presence of any one of the following aggravating factors resulting from acts of the convicted person –

(a) transporting two or more persons at the same time;

(b) causing permanent or life-threatening bodily injury to the person transported;

(c) transporting 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 fifteen years and order that the conveyance used for transporting the victim be forfeited to the State.

Aggravated circumstances

8. (1) Notwithstanding the penalty imposed under section 5, where a person is convicted under that section and there is the presence of any of the following aggravating circumstances resulting from acts of the convicted person –

(a) the convicted person used, threatened to use, or caused another to use or threaten to use a dangerous weapon;

(b) the victim suffers a serious bodily injury, or if the convicted person commits a sexual assault against the victim;

(c) the trafficking involved a victim who is particularly vulnerable, including a pregnant woman;

(d) the victim had not attained the age of eighteen years of age;

(e) in the course of trafficking, the convicted person recklessly caused the victim to be exposed to a life threatening illness, or if the convicted person intentionally caused the victim to become addicted to any drug or medication;

(f) the victim suffers a permanent or life-threatening bodily injury;

(g) the trafficking was part of the activity of an organised criminal group;

(h) the trafficking was part of the activity of an organised criminal group and the convicted person organised the group or directed its activities; or

(i) the trafficking occurred as the result of abuse of power or position of authority or trust in relation to the victim, including but not limited to a parent or guardian, relative or non-relative residing in the household where the victim resides, teacher, children's club leader, or any other person who has been entrusted with the care or supervision of the child,

the court may impose an additional term of imprisonment of up to twenty years.

(2) In this section –

"dangerous weapon" means –

(a) an instrument capable of inflicting death or serious bodily injury; or

(b) an object that is not an instrument capable of inflicting death or serious bodily injury but –

(i) closely resembles such an instrument; or

(ii) is used in such a way that it creates the impression that the object is an instrument capable of inflicting death or serious bodily injury;

"life-threatening illness" means any illness that involves a substantial risk of death, and includes Human Immuno Deficiency Virus Infection (HIV/AIDS) and tuberculosis;

"permanent or life-threatening bodily injury" means –

(a) injury involving a substantial risk of death, loss or substantial impairment of the function of a bodily member, organ or mental faculty that is likely to be permanent;

(b) disfigurement that is likely to be permanent; or

(c) maltreatment to a life-threatening degree, such as by denial of food or medical care that results in substantial impairment of function of the body or mind;

"serious bodily injury" means –

(a) injury involving extreme physical pain or the protracted impairment of a function of a bodily member, organ or mental faculty; or

(b) injury requiring medical intervention such as surgery, hospitalisation or physical rehabilitation;

"sexual assault" means –

(a) causing another person to engage in a sexual act by–

(i) using force against that person;

(ii) threatening or placing that person in fear that any person will be subjected to death, serious bodily injury, or kidnapping; or

(b) engaging in a sexual act with –

(i) an incapacitated person; or

(ii) a person who cannot express consent.

Consent or past sexual behaviour of a victim is irrelevant

9. (1) In any prosecution for an offence of trafficking in persons under section 5, the alleged consent of the victim or if the victim is a child, the consent of his parents or guardians to the intended or realised exploitation is irrelevant once any of the means or circumstances set forth in the definition of "trafficking in persons" is established.

(2) In a prosecution for trafficking in persons under section 5, the evidence of a victim's past sexual behaviour is irrelevant and inadmissible for the purpose of proving that the victim engaged in other sexual behaviour, or to prove the victim's sexual predisposition.

Legal age of consent to sex not a defence to trafficking in persons

10. The legal age of consent to sex or to marriage is not a defence to the offence of trafficking in persons.

Victim to be immune from prosecution

11. A victim is not criminally liable for any immigration-related offence, or any other criminal offence that is a direct result of being trafficked.

Forfeiture

12. (1) Where a person has been convicted of the offence of trafficking in persons and the court is satisfied that any property, including but not limited to money, valuables and other movable and immovable property, of the person convicted was used or intended to be used, or was obtained in the course of the crime or benefits were gained from the proceeds of the crime, the court shall order that the property be forfeited to the State.

(2) Overseas assets of persons convicted of trafficking in persons shall also be subject to forfeiture.

Receiving financial or other benefit knowing that it is as a result of trafficking in persons

13. 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 to a fine of two hundred thousand dollars or to imprisonment for ten years or both.

Offences of bodies corporate

14. (1) A body corporate which commits an offence under this Act is liable on conviction on indictment to a fine of two million dollars.

(2) Subject to subsection (3), where a body corporate commits an offence under this Act, every director, manager, secretary or other similar officer concerned with the offence is liable on conviction to the punishment provided for the offence.

(3) A director, manager, secretary or other similar officer concerned with the management of a body corporate shall not be liable for an offence under this Act unless the court is satisfied –

(a) that the offence was committed with the person's connivance; or

(b) the person had not exercised all such diligence to prevent the commission, having regard to the nature of functions in that capacity and to all the circumstances.

(4) In this section "director," in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Additional penalties for bodies corporate

15. Where a body corporate or its director, manager, secretary or other similar officer concerned with the management of the body corporate has been convicted of an offence under this Act, the court shall have the power, in addition to the penalties prescribed for the stated offence to –

(a) revoke the business licences or other operating permits of the body corporate;

(b) order that the body corporate be wound up;

(c) forfeit the assets and properties of the body corporate; and

(d) prohibit the body corporate from performing any further activities.

Restitution

16. (1) Where a person is convicted of the offence of trafficking in persons the court may order that person to pay restitution to the victim.

(2) Restitution under this section shall 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; and

(g) any other losses suffered by the victim which the court considers applicable.

(3) Restitution shall be paid to the victim –

(a) upon the conviction of the accused; and

(b) as far as possible, from any property forfeited under section 12 or the proceeds thereof.

(4) The absence of the victim from the proceedings shall not prejudice the victim's rights to receive restitution.

Entry, search and seizure

17. (1) Subject to subsection (3), where a Judge, Magistrate or Justice of the Peace is satisfied by information on oath that there are reasonable grounds for suspecting that evidence of or relating to an offence under this Act is to be found on any premises specified in the information, the Judge, Magistrate or Justice of the Peace may issue a warrant in accordance with subsection (2).

(2) A warrant issued under subsection (1) may authorise a police officer named therein to enter the premises specified therein, with such assistance and by the use of such force as is necessary and reasonable to –

(a) enter upon the premises;

(b) search the premises for evidence of or relating to an offence under this Act; and

(c) seize any article, vehicle or property found in the course of the search that the police officer believes, on reasonable grounds, to be evidence of or relating to an offence under this Act.

(3) A warrant shall not be issued under this section unless the informant or some other person has given the Judge, Magistrate, or Justice of the Peace on oath, such further information as the Judge, Magistrate or Justice of the Peace may require concerning the grounds on which the issue of the warrant is sought.

(4) A warrant issued under this section shall include a statement of the purpose for which the warrant is issued and a reference to the nature of the offence of trafficking.

(5) Where it would not be reasonably practicable to obtain a warrant, a police officer authorised in writing by the Commissioner of Police may without a warrant enter any premises on which he has reasonable grounds for suspecting that evidence of or relating to an offence under this Act is to be found and may –

(a) search the premises for evidence of or relating to an offence under this Act;

(b) seize any article, vehicle or property found in the course of the search that the police officer believes on reasonable grounds to be evidence of or relating to an offence under this Act.

Offence of threatening, obstructing, etc., a police officer

18. Any person who threatens, assaults or obstructs a police officer acting in the execution of his duty under this Act commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year or both.

Jurisdiction

19. A court in Saint Vincent and the Grenadines shall have the jurisdiction to try an offence under this Act where the act constituting the offence has been carried out –

(a) wholly or partly in Saint Vincent and the Grenadines;

(b) by a citizen of Saint Vincent and the Grenadines anywhere; or

(c) by a person on board a vessel or aircraft registered in Saint Vincent and the Grenadines.

PART III

ASSISTANCE AND PROTECTION OF VICTIMS OF TRAFFICKING

Protection for the safety of victims, including identification of victims

20. (1) In the investigation and prosecution of offences relating to trafficking in persons, the following shall apply –

(a) all steps necessary to identify the victim shall be taken;

(b) the victim shall be given the appropriate protection to prevent recapture, and to secure the victim from threats, reprisals and intimidation by the traffickers and their associates;

(c) appropriate measures of protection shall be taken to secure the victim's family from threats, reprisals or intimidation by the traffickers or their associates if the victim's family resides in Saint Vincent and the Grenadines;

(d) appropriate measures of protection shall be taken to secure any organisation or entity providing assistance or support to the victim from threats, reprisals or intimidation by the traffickers and their associates; and

(e) the victim shall be given an opportunity to consult with a victim's advocate or other appropriate person to develop a safety plan.

(2) Law enforcement officials such as the Police, Immigration, and other investigative officers shall comply with the measures specified in subsection (1).

Witness protection

21. (1) Victims whether or not witnesses or potential witnesses may be eligible for applicable witness relocation and protection programmes for victims of organised criminal activity or other serious

offences, if it is determined that an offence involving a crime of violence directed at the victim is likely to be committed.

(2) The programmes referred to in subsection (1) may include –

(a) relocation;

(b) new identity documents establishing identity;

(c) new residence;

(d) work permits; or

(e) protection of confidentiality of identity and location.

Protection of the privacy of victims, including proceedings held in camera

22. (1) In a prosecution for trafficking in persons under this Act or unlawful use of documents under section 6, the identity of the victim and the victim's family must be kept confidential by ensuring that names and identifying information of the victim and the victim's family and their location are not released to any member of the public or published in the press or media, including by the defendant.

(2) A hearing under this section shall be held in camera if the court so orders.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars or imprisonment for two years or both.

Information for victims

23. The Minister shall inform victims, in a language that they can understand, of their legal rights and the progress of relevant court and administrative proceedings, as appropriate, including but not limited to proceedings of the criminal offenders, proceedings for the return of the victims to their country of citizenship or lawful residence, and procedures for seeking legal immigration status pursuant to section 26.

Opportunity for the presentation of the victim's views and concerns

24. (1) The Court shall provide an opportunity to a victim, if the victim desires it, to present his views and concerns at appropriate stages of criminal proceedings against traffickers, in a manner not prejudicial to the rights of the defendant.

(2) An interpreter who speaks a language the victim understands must be made available to the victim during the course of legal proceedings.

Assistance to victims

25. (1) Victims who are not citizens or permanent residents of Saint Vincent and the Grenadines and their accompanying dependent children may be entitled to receive social benefits for the duration of their stay in Saint Vincent and the Grenadines as may be determined by the Minister responsible for social security.

(2) A victim's spouse may be entitled to receive social benefits provided for in this section in circumstances as may be determined by the Minister responsible for social security.

(3) Residence in shelters or other facilities established under this section is voluntary, and victims may decline to stay in shelters.

(4) Victims may have the option to communicate with and receive visits from family, friends and attorneys-at-law.

(5) In the absence of exigent circumstances, victims, once identified as such, shall not be housed in prisons or other detention facilities for accused or convicted criminals.

(6) Child victims, once identified as such, shall not be housed in prisons or other detention facilities for accused or convicted criminals under any circumstances.

(7) Victims who are citizens or permanent residents of Saint Vincent and the Grenadines shall be eligible for assistance provided for in this section to the extent that such assistance is not provided by the Government to citizens or residents.

Immigration status of victims

26. (1) The competent authority may provide a victim and accompanying dependent children with appropriate visas or other required authorisation to permit them to remain and work in Saint Vincent and the Grenadines for the duration of the criminal prosecution against the traffickers.

(2) A victim may be eligible for residence in Saint Vincent and the Grenadines in the manner prescribed in the law related to immigration, provided they have complied with reasonable requests, if any, for assistance in the investigation or prosecution of acts of trafficking.

(3) Dependent children accompanying a victim shall also be eligible for resident status in Saint Vincent and the Grenadines in the manner prescribed in the law related to immigration.

(4) A victim's spouse and children, and in the case of child victims, the parents or guardian, and the victim's siblings, may be eligible to join the victim in Saint Vincent and the Grenadines as part of the victim's application for residence under this section.

Assistance for citizen or permanent resident victims abroad

27. The Minister responsible for foreign affairs, through Saint Vincent and the Grenadines diplomatic mission and consular offices, where practicable, shall offer assistance to a citizen or permanent resident of Saint Vincent and the Grenadines who is in another country and who has been identified as a victim, including but not limited to –

(a) assistance in understanding the laws of the country to which he has been trafficked, including his rights as a victim, options for reporting the crime, and opportunities for seeking restitution or other benefits that are available under the laws of that country;

(b) assistance in obtaining emergency services, including but not limited to medical care and counselling;

(c) at the request of either the victim or the appropriate authorities in the other country, replacement or provision of passports or other travel documents necessary for the victim to return to Saint Vincent and the Grenadines without undue or unreasonable delay; or

(d) material assistance in returning to his last place of residence in Saint Vincent and the Grenadines, in the same manner provided for a citizen or permanent resident of Saint Vincent and the Grenadines who becomes stranded, when the country to which he was trafficked does not provide such assistance.

(2) The Minister responsible for foreign affairs, through Saint Vincent and the Grenadines diplomatic missions and consular offices abroad, shall publish and disseminate information on the rights of victims under the laws of Saint Vincent and the Grenadines and the country or countries for which the diplomatic mission or consular office has responsibility both to the appropriate authorities in that country and to possible victims who are citizens or permanent residents of Saint Vincent and the Grenadines.

(3) In the case of diplomatic missions and consular offices of countries of destination of victims, the information referred to in subsection (2) shall be provided to appropriate authorities and to potential victims who are citizens or lawful residents of the country for which the mission or office has responsibility.

(4) Diplomatic missions and consular offices of Saint Vincent and the Grenadines shall appoint an officer to be responsible for implementing and supervising plans and ensuring the provision of services required under this section.

(5) The Minister responsible for foreign affairs in cooperation with other appropriate authorities shall develop plans as are reasonably convenient for the safe, orderly return without undue or unreasonable delay of citizens or permanent residents of Saint Vincent and the Grenadines.

Verification of nationality or age of victims

28. (1) Upon request by the appropriate authority of another State, the Minister shall, without undue or unreasonable delay, verify whether a person who is a victim is a citizen or permanent resident of Saint Vincent and the Grenadines.

(2) A request made under subsection (1) may include a request for the verification of –

(a) the age and name of a person who is a victim and who is suspected of being a minor; and

(b) any immigration status the victim may have in Saint Vincent and the Grenadines.

(3) The Minister shall designate a public officer to deal with requests made under this section.

Return of victims to country of citizenship or lawful residence

29. (1) The Ministers responsible for national security and foreign affairs shall, in cooperation and after consultation with non-governmental organisations and international organisations, develop plans for the safe return of victims to their countries of citizenship or lawful residence.

(2) Plans developed under subsection (1) shall take due account that a victim may elect to apply for citizenship or permanent residency of Saint Vincent and the Grenadines or remain in Saint Vincent and the Grenadines during the criminal proceedings against the traffickers.

Assistance to victims who are unable to prove their nationality status through normal means

30. (1) A victim abroad who claims to be a citizen or permanent resident of Saint Vincent and the Grenadines, but whose identity cannot be verified through ordinary means, may establish his right to return to Saint Vincent and the Grenadines by demonstrating significant connections to Saint Vincent and the Grenadines through such factors as –

(a) place of birth;

(b) presence of family members;

(c) presence of friends;

(d) significant knowledge of specific geographical areas and neighbourhoods;

(e) long-term residence in Saint Vincent and the Grenadines; or

(f) any other means.

(2) The list of factors in subsection (1) is not exhaustive, and not every factor is required to make the determination of whether a victim has a right to return to Saint Vincent and the Grenadines.

(3) A determination under this section shall be made with due concern for compassion and justice to victims and the fact that the victim would not be eligible for citizenship based on the showing made under this section shall not be a bar to re-entry.

(4) Diplomatic missions and consular offices abroad shall assign a specific diplomat to make determinations under this section.

(5) A victim may appeal an adverse determination to the Minister.

(6) Where the Minister determines that a victim is eligible to re-enter Saint Vincent and the Grenadines under this section, the diplomatic mission or consular office abroad shall issue a travel document, permitting re-entry.

Services for returned victims

31. A victim who returns from abroad shall have access to educational and training programmes provided by any governmental or private entity without being differentiated from other participants on the basis of having been trafficked.

Special consideration to be given to child victims

32. (1) Assistance under this Part shall be provided to a victim who is a child in a manner that is in the best interest of the child and appropriate to the child's situation.

(2) A victim who is a child shall be provided with appropriate services, which may include understanding of his rights, privacy, housing, care and age-appropriate support and rights specified in this Part.

(3) Special programmes must be developed for a child witness, including –

(a) arrangements to have the child testify outside the court setting or by video;

(b) arrangements to have all testimony and court proceedings take place in the presence of a parent, legal guardian, foster parent or social worker;

(c) arrangements to have a legal practitioner attend court proceedings solely on behalf of the child;

(d) arrangements, whenever safe and possible, for the child to be reunited with family members in Saint Vincent and the Grenadines or in his country of origin; and

(e) arrangements to facilitate the provision of special mental and physical medical care tailored to the needs of a child.

PART IV

MISUSE OF COMMERCIAL TRANSPORTATION

Responsibilities of international commercial transportation companies or individuals

33. (1) An international commercial transportation provider shall verify that each passenger to any destination into or outside Saint Vincent and the Grenadines possesses the necessary travel documents, including passport and visas, to enter the destination country and any transit countries.

(2) Subsection (1) applies to the international commercial transportation provider, his agents, and any person selling or issuing tickets, boarding passes or similar documents allowing passengers to

travel, and to persons collecting or checking such tickets, boarding passes or similar documents prior to or subsequent to boarding.

(3) Any person referred to in subsection (2) who fails to comply with subsection (1) commits an offence and is liable on conviction on indictment to a fine of two hundred thousand dollars or to imprisonment for two years or both.

(4) Where an offence is committed under this section, the international commercial transportation provider shall bear the costs of returning the person to his initial point of embarkation.

(5) Where an international commercial transportation provider knowingly transports a victim into or from Saint Vincent and the Grenadines he shall be liable for costs associated with providing accommodation and meals for the victim and any accompanying children for the duration of the victim's stay inside or outside Saint Vincent and the Grenadines.

PART V

NATIONAL TASK FORCE AGAINST TRAFFICKING IN PERSONS

Establishment of the Task Force

34. There is established a Task Force to be known as the National Task Force Against Trafficking in Persons.

Functions of the Task Force

35. (1) The functions of the Task Force shall be as follows –

(a) to develop plans in consultation with non-governmental organisations and other elements of civil society to provide victims with appropriate housing, employment, educational, and training opportunities and pyschological counselling, legal assistance or legal information and medical assistance;

(b) to develop a national plan to address trafficking in persons and coordinate its effective implementation;

(c) to coordinate the collection and sharing of trafficking data among government agencies;

(d) to coordinate the sharing of information between agencies for the purpose of –

(i) determining whether individuals crossing or attempting to cross the international border of Saint Vincent and the Grenadines with travel documents belonging to other persons or without travel documents are prepetrators or victims of trafficking in persons; and

(ii) detecting criminal groups engaged in trafficking in persons transnationally or within Saint Vincent and the Grenadines;

(e) to identify and engage in efforts to facilitate cooperation with foreign countries, particularly those which are a –

(i) significant source of victims;

(ii) transit location; or

(iii) destination of victims.

(f) to strengthen bilateral, multilateral, local and regional capacities to assist victims, prevent trafficking, prosecute traffickers and to enhance cooperation efforts between destination countries and countries of origin and assist in the appropriate reintegration of victims;

(g) to establish policies to enable the Government to work with non-governmental organisations and other elements of civil society to prevent trafficking in persons and provide assistance to victims;

(h) to coordinate and provide training for law enforcement, immigration and other relevant officials in addressing trafficking in persons;

(i) in coordination with other appropriate governmental agencies and appropriate non-governmental organisations, to prepare, disseminate and publish awareness raising material to discourage the demand that fosters the exploitation of persons, especially women and children, that leads to trafficking; and

(k) to prepare quarterly and annual reports of the activities of the Task Force and submit them to the Minister.

(2) All data collected under subsection (1) must respect the privacy of victims.

(3) The Task Force shall take into account the age, gender and special needs of the victims and accompanying dependent children in formulating plans to provide services to them and in delivering such services.

(4) Plans developed in accordance with subsection (1) (a) shall be submitted for approval to the Cabinet and the Task Force shall undertake periodic reviews of the plans and their implementation to ensure compliance with the requirements of section 25 and to ensure that all victims are treated with respect for their human rights and dignity.

(5) The Task Force shall carry out its functions either directly or via one or more of the constituent ministries as appropriate.

Composition of theTask Force

36. (1) The Task Force shall comprise the Attorney-General, the Ministers responsible for finance, foreign affairs, family, gender affairs, national security, social development, social security, labour and legal affairs.

(2) The Task Force shall also comprise other appropriate senior government officials including officials with responsibility for law enforcement, immigration, social development, foreign affairs, labour, justice and appropriate non-governmental organisations and other persons with the relevant expertise, who shall be appointed by the Cabinet and who shall hold office for two years but may be eligible for reappointment.

Chairman of the Task Force

37. The Cabinet shall appoint from amongst members who comprise the Task Force under section 36 (1) a Chairman of the Task Force.

Meetings of the Task Force

38. (1) The Task Force shall regulate its own procedures and shall meet at least once every quarter and at such other times as may be expedient or necessary and at such times and such days as the Task Force may determine.

(2) The Chairman may request that a special meeting of the Task Force be convened.

(3) The Chairman shall preside at all meetings of the Task Force, but where he is absent, the members present shall appoint a Chairman to preside at the Meeting.

(4) The Task Force shall select a Secretary from amongst its membership.

(5) The Secretary shall keep minutes of each meeting which shall be confirmed by the members of the Task Force at the subsequent meeting.

(6) A copy of the confirmed minutes of each meeting prepared by the Secretary shall be submitted to the Chairman.

Declaration of interest

39. Any member of the Task Force, including the Chairman, whose interest is likely to be directly affected by a decision or determination of the Task Force on any subject matter, shall declare his interest in the subject matter and shall not be present or take part in the meeting when the particular subject matter is being deliberated.

PART VI

GENERAL

Minister to lay annual report in the House

40. (1) The Minister shall within three months after the end of each year cause a copy of an annual report on trafficking in Saint Vincent and the Grenadines to be laid in the House of Assembly.

(2) The report referred to in subsection (1) shall include –

(a) the number of victims identified;

(b) the number of investigations initiated;

(c) the number of persons arrested;

(d) the number of prosecutions commenced and the outcome; and

(e) any other pertinent matter which the Minister considers necessary.

Exclusion of persons implicated in trafficking

41. (1) The competent authority shall not issue an entrance or transit visa to a person convicted of an offence under this Act, or to a person whom an overseas consular official knows or has reason to believe is a trafficker of persons, or who had knowingly assisted or conspired with a trafficker to traffic in persons.

(2) The competent authority shall revoke the visa of a person convicted of an offence under this Act.

Regulations

42. The Minister may make regulations for carrying into effect the objects and purposes of this Act either generally or in relation to any particular case.

Consequential amendment to Proceeds of Crime and Money Laundering (Prevention) Act Cap. 181

43. Schedule 2 of the Proceeds of Crime and Money Laundering (Prevention) Act is amended by adding after item 6 the following item–

"7. Prevention of Trafficking in Persons Act 2011.".

SCHEDULE

(section 2)

PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

Preamble

The States Parties to this Protocol,

Declaring that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,

Taking into account the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, here is no universal instrument that addresses all aspects of trafficking in persons,

Concerned that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing trafficking in women and children,

Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and punishment of trafficking in persons, especially women and children, will be useful in preventing and combating that crime,

Have agreed as follows:

I. General provisions

Article 1

Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

Article 2

Statement of purpose

The purposes of this Protocol are:

(a) To prevent and combat trafficking in persons, paying particular attention to women and children;

(b) To protect and assist the victims of such trafficking, with full respect for their human rights; and

(c) To promote cooperation among States Parties in order to meet those objectives.

Article 3

Use of terms

For the purposes of this Protocol:

(a) "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 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) 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 subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

Article 4

Scope of application

This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.

Article 5

Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:

(a) Subject to the basic concepts of its legal system, attempting to commit an offence established in accordance with paragraph 1 of this article;

(b) Participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(c) Organizing or directing other persons to commit an offence established in accordance with paragraph 1 of this article.

II. Protection of victims of trafficking in persons

Article 6

Assistance to and protection of victims of trafficking in persons

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.

2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases.

(a) Information on relevant court and administrative proceedings;

(b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.

3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

(a) Appropriate housing;

(b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;

(c) Medical, psychological and material assistance; and

(d) Employment, educational and training opportunities.

4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.

6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Article 7

Status of victims of trafficking in persons

in receiving States

1. In addition to taking measures pursuant to article 6 of this, Protocol, each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. In implementing the provision contained in paragraph 1 of this article, each State Party shall give appropriate consideration to humanitarian and compassionate factors.

Article 8

Repatriation of victims of trafficking in persons

1. The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

2. When a State Party returns a victim of trafficking in persons to a State Party of which that person is a national or in which he or she had, at the time of entry into the territory of the receiving State Party, the right of permanent residence, such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary.

3. At the request of a receiving State Party, a requested State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of trafficking in persons is its national or had the right of permanent residence in its territory at the time of entry into the territory of the receiving State Party.

4. In order to facilitate the return of a victim of trafficking in persons who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

5. This article shall be without prejudice to any right afforded to victims of trafficking in persons by any domestic law of the receiving State Party.

6. This article shall be without prejudice to any applicable bilateral or multilateral agreement or arrangement that governs, in whole or in part, the return of victims of trafficking in persons.

III. Prevention, cooperation and other measures

Article 9

Prevention of trafficking in persons

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.

2. States Parties shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.

5. States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

Article 10

Information exchange and training

1. Law enforcement, immigration or other relevant authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information, in accordance with their domestic law, to enable them to determine:

(a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;

(b) The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons; and

(c) The means and methods used by organized criminal groups for the purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.

2. States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training should also take into account the need to consider human rights and child- and gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

3. A State Party that receives information shall comply with any request by the State Party that transmitted the information that places restrictions on its use.

Article 11

Border measures

1. Without prejudice to international commitments in relation to the free movement of people, States Parties shall strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons.

2. Each State Party shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of offences established in accordance with article 5 of this Protocol.

3. Where appropriate, and without prejudice to applicable international conventions, such measures shall include establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State.

4. Each State Party shall take the necessary measures, in accordance with its domestic law, to provide for sanctions in cases of violation of the obligation set forth in paragraph 3 of this article.

5. Each State Party shall consider taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol.

6. Without prejudice to article 27 of the Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

Article 12

Security and control of documents

Each State Party shall take such measures as may be necessary, within available means:

(a) To ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued; and

(b) To ensure the integrity and security of travel or identity documents issued by or on behalf of the State Party and to prevent their unlawful creation, issuance and use.

Article 13

Legitimacy and validity of documents

At the request of another State Party, a State Party shall, in accordance with its domestic law, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued in its name and suspected of being used for trafficking in persons.

IV. Final provisions

Article 14

Saving clause

1. Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and

the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.

2. The measures set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.

Article 15

Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 16

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

Article 17

Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

Article 18

Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of

the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

Article 19

Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

Article 20

Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.

Passed in the House of Assembly this 8th day of November, 2011.

NICOLE HERBERT
Clerk of the House of Assembly.

Printed by the Government Printer at the Government Printing Office,
Campden Park, St. Vincent and the Grenadines.

2011 [Price $22.20]