



BELIZE

**TRAFFICKING IN PERSONS (PROHIBITION) ACT
CHAPTER 108:01**

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CHAPTER 108:01

TRAFFICKING IN PERSONS (PROHIBITION)

18 of 2003.
S.I. 119 of 2003.

[1st August, 2003]

PART I

Preliminary

1. This Act may be cited as the Trafficking in Persons (Prohibition) Act. Short title.

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

“abuse of a position of vulnerability” means,

- (a) an abuse committed on a person where the person abused believes he has no reasonable alternative but to submit to the labour or service demanded of him;
- (b) includes taking advantage of the vulnerabilities of the abused person resulting from his having entered Belize illegally or without proper immigration documents, or resulting from the abused person pregnancy, diseased condition (physical or mental or disability to the person to alcohol or any illegal drugs reduced capacity to form judgments by virtue being a child;

“child” means a person below the age of eighteen years;

“coercion” includes,

- (a) violent as well as forms of non-violent psychological coercion;
- (b) threats of serious harm to; or physical restraint against, any person;

- (c) any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in harm to, or physical restraint against, any person;
- (d) 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 reasonable assessed is not applied towards liquidation of the debt or where, the length and nature of those services are not 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 other form of commercial sexual exploitation, including pimping, pandering or procuring prostitution, or profiting from sexual prostitution, maintaining a brothel, or engaging in child pornography or strip tease dances where females or males dance nude or in a state or semi-nudity;
- (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;

“illicit removal of human organs” refers to unlawful conduct, not to legitimate medical procedures for which proper consent has obtained under the laws of Belize.

“practices similar to slavery” are defined in the Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery, founded in the United Nations Treaty Series, Volume 266 at page 1, section 1 in Article 1 thereof; and include debt bondage, serfdom, force 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 harm to that person or another person, or through a scheme, plan, or pattern intended to cause that person to believe that, if the person did not perform such labour or services, that person or another person would suffer harm;

“slavery” means the status or condition of a person over whom any or all 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 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.

PART II

Criminal and Related Offences

3.–(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 person commits an offence and is liable

Trafficking in persons.

on summary conviction to imprisonment for a period of not less than one year but which may extend to five years, or to a fine of ten thousand dollars.

(2) The recruitment, transportation harbouring or receipt of a child, or the giving of payments or benefits to obtain the consent of a person having the control of a child, for the purpose of exploitation, constitutes trafficking in persons irrespective of whether any of the elements of the definition “trafficking in persons” is present or not in any case.

4. A person who, acting or purporting to act as another person’s employer, manager, supervisor, contractor, employment agent, or solicitor of clients [such as a pimp], knowingly procures, destroys, conceals, removes, confiscates, or possesses any passport, birth certificate, immigration document, or other governmental document, actual or purported, belonging to another person commits an offence and is liable on summary conviction to a fine of not less than five hundred dollars and not more than one thousand dollars, or to imprisonment for a period of not less than six months and not more than one year or to both such fine and period of imprisonment.

5.-(1) A person commits an offence who knowingly transports, conspires to transport, attempts to transport, or assists another person to transport, any person into or outside Belize for the purpose of exploiting that person as a prostitute is liable on conviction to the sentences specified in subsection (2) of this section.

(2) A person who contravenes subsection (1) of this section, shall on summary conviction be liable to imprisonment for a period of not less than three years, but which may extend to eight years where the number of persons transported for the purposes of prostitution exceed five, or where the persons transported are or include children, or where the transportation is done as part of the activity of any gang or an organized criminal group or network.

6.-(1) The court may order a person convicted of the offence of trafficking in persons to pay restitution to the victims.

Unlawfully withholding identification papers.

Transporting a person for the purpose for exploiting such person as a prostitute.

Restitution.

(2) In determining the amount of restitution, the court shall take into account,

- (a) the cost of medical and psychological treatment of the victim;
- (b) the costs of physical and occupational therapy and rehabilitation of the victim;
- (c) the costs of necessary transportation, temporary housing and childcare of the victim;
- (d) the victim's lost income;
- (e) the degree of emotional distress, pain and suffering experienced by the victim; and
- (f) any other loss suffered by the victim.

(3) Where the court orders the payments of restitution, that payment shall be made promptly after the conviction, and the return of the victim to his home country or any other absence of the victim from Belize shall not prejudice the victim's right to receive restitution.

7. In this Act, the expression “organized criminal group or network” means a structured group of three or more persons in existing for a period of time and acting in concert with the aim of committing an offence under this Act in order to obtain, directly or indirectly, a financial or other material benefit.

Organized criminal group or network defined.

8.-(1) In any prosecution for an offence of trafficking persons, the alleged consent of the victim to the intended or realized exploitation is irrelevant once any of the elements the definition or “trafficking in persons” is established.

Consent or past sexual behaviour of victim is irrelevant.

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

Irrelevancy of legal age of consent to sex in defence.

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

Prosecution immunity for victims.

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

PART III

Assistance and Protection for Victims Internally and against International Accomplices

Guiding principles.

11. In the investigation and prosecution of offences relating to trafficking in persons, the following guidelines shall apply,

- (a) all steps necessary to identify the victim of the trafficking shall be taken;
- (b) reasonable protection to a victim of the trafficking shall be taken to prevent recapture by the traffickers and their associates;
- (c) reasonable protection shall be taken to secure the victim's family, if it resides in Belize, from threats, reprisals or intimidation by the traffickers or their associates.

(2) The Belize Police Department, Department of Immigration and Nationality Services, and other investigative officers shall follow the guidelines specified in subsection (1) of this section.

Privacy of victims.

12. In a prosecution for trafficking in persons, the court shall hold all proceedings *in camera*, and shall ensure that the identity of the victim and the victim's family shall be kept confidential by ensuring that names and identifying information of the victim and the victim's family are not released to the press or the public.

13.—(1) The Director of Public Prosecutions shall inform a victim of trafficking of the progress of the criminal proceedings.

Right to information to victims.

(2) The Director of Immigration and Nationality Services shall inform a victim of trafficking of decisions for the return of the victim to his country of citizenship or lawful residence, and the procedures for seeking permanent residency status or citizenship of Belize, where the victim qualifies to apply for permanent residency or citizenship status.

14. The Department of Immigration and Nationality Services shall issue temporary residency permits and other permits authorized by the Immigration Act, Cap. 156, authorizing a victim trafficking and any dependent children accompanying him to remain in Belize for the duration of the criminal proceedings against the traffickers, provided such victim is willing to comply with reasonable requests, if any, to assist in the investigation or prosecution of the traffickers.

Immigration status of victims.

15.—(1) The Ministry responsible for Foreign Affairs shall, upon request by the Director of Immigration and Nationality Services, without undue delay verify whether a person who is a victim of trafficking in persons is a citizen of, or holds a permanent residency status in any country specified in the request.

Verification of countries of nationality of victims.

(2) A request under subsection (1) of this section, may also be made by any consular officer of a country with a consular office in Belize.

(3) A request made under subsection (2) of this section, may include a request for the verification of,

- (a) the age and name of a person who is a victim of trafficking in persons and who is suspected of being a minor;
- (b) whether the victim is a citizen or permanent resident of the country making the request.

(4) The Minister responsible for Foreign Affairs shall designate an officer to deal with requests made under this section.

Return of victims to their countries of nationality or lawful residence.

16.—(1) The Department of Immigration and Nationality Services shall, in cooperation and after consultation with non-governmental organizations and international organizations, develop plans for the safe return of victims of trafficking in persons to their countries of citizenship or lawful residency.

(2) Plans developed under subsection (1) of this section, shall take due account that a victim of trafficking may elect to apply for citizenship or permanent residency of Belize, or remain in Belize during the criminal proceedings against the traffickers.

Assistance to victims who are unable to prove nationality or residency through normal means.

17.—(1) The Ministry responsible for Foreign Affairs shall, through diplomatic channels, assist a victim of trafficking who is unable to prove his citizenship or nationality status.

(2) In providing assistance under subsection (1) of this section, the Ministry responsible for Foreign Affairs shall take into account the victim's alleged connection to any country through factors such as,

- (a) place of birth;
- (b) presence of family members;
- (c) presence of friends;
- (d) significant knowledge of specific geographical areas;
- (e) long-term residency in the country;
- (f) knowledge of the local or, if it be so stated, native or indigenous language of the country;
- (g) any other means.

(3) The officer designated for the purpose of section 15 (4) of this Act, shall be responsible for administering this section.

18. In implementing any provision of this Act, consideration shall be given to trafficking victims who are children, in a manner that is in the child's best interest and appropriate to the situation.

Priority consideration to child victims.

19. In this Part, the expression "international commercial transportation providers" refers to operators, employees and agent of air lines, buses, ships, vessels and crafts that transport passengers into and from within Belize to any destination into or outside Belize by land, sea or air.

International commercial transportation providers.

20.—(1) An international commercial transportation provider shall verify that each passenger to any destination into or outside Belize possesses the necessary travel document, including passport and visas, to enter the destination and any transit countries.

Liability of International commercial transportation providers.

(2) Subsection (1) of this section, applies to the international commercial transportation provider, his agents, and any person selling or issuing tickets, boarding passes or similar documents allowing a passenger 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) of this section who fails to comply with subsection (1) of this section, commits an offence and is liable on summary conviction to a fine of not more than one thousand dollars or to imprisonment for a period of not more than six months.

(4) Where an offence is committed under this section, 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 of trafficking into or from Belize, 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 outside or inside Belize.

PART IV

Miscellaneous

Data collection.

21.—(1) The Department of Immigration and Nationality Services shall collect and publish, once every year in the month of December, statistical data on trafficking in persons in Belize.

(2) The data referred to in subsection (1) of this section, shall include,

- (a) the number of arrests, prosecutions, convictions and acquittals of traffickers and those committing trafficking-related crimes (such as pimping, pandering, procuring, maintaining a brothel and other crimes related to trafficking;
- (b) statistics on the number, age and sex of the victims;
- (c) trafficking routes and patterns, including countries of origin and transit countries;
- (d) methods of transportation used;
- (e) border crossing issues, including use of fraudulent documents.

Public awareness campaigns.

22.—(1) The Department of Immigration and National Services shall prepare public awareness programs designed to educate potential victims of trafficking in persons and their families of the risks of victimization.

(2) Public awareness programs prepared under subsection (1) of this section, shall be in the form of leaflets and shall identify common recruitment techniques, use of debt bondage, other coercive tactics, risks of maltreatment, rape, exposure to HIV/AIDS and other sexually transmitted diseases, and psychological harm related to victimization in trafficking cases.

(3) The public awareness programs prepared under subsection (1) of this section, shall be placed at immigration ports of entry into Belize.

(4) The Director of Immigration and National Services shall periodically evaluate programs prepared under subsection (1) of this section to ensure their effectiveness.

23. The Department of Immigration and Nationality Services shall verify, at ports of entry, the legitimacy and validity of travel documents to ensure that they are authentic and are not unlawfully altered, replicated or issued.

Verifications of legitimacy and validity of travel documents.

24. The Minister with responsibility for Immigration may make Regulations for any purpose which gives effect to the objects of this Act.

Regulations.

25.-(1) The Protocol to prevent, suppress, and punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transitional Organised Crime, the text of which is set out in the Schedule to this Act, is hereby declared to form part of the laws of Belize.

Protocol binds the State.

(2) The Minister with responsibility for Immigration may make Regulations to the Protocol in Belize.

(3) Regulations made under subsection (2) of this section, shall be appointed negative resolution by the National Assembly.

FIRST SCHEDULE

TRAFFICKING IN PERSONS
(PROHIBITION) ACTProtocol on Prohibition of
Trafficking in Persons*[Sections 3 and 5]*

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

Advance copy of the authentic text. The
copy certified by the Secretary- General will
be issued at a later time.

UNITED NATIONS
2000

SECOND SCHEDULE

TRAFFICKING IN PERSONS
(PROHIBITION) ACT
Protocol on Penalties for
Trafficking in Persons
[Sections 4 and 6]

PROTOCOL TO PREVENT, SUPPRESS AND PUNISH
TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND
CHILDREN, SUPPLEMENTING THE UNITED NATIONS
CONVENTION AGAINST TRANSITIONAL 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, there 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 inter-governmental *ad hoc* committee for the purpose of elaborating a comprehensive international convention against transitional 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 Conventions 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 Transitional Organized Crime

1. This Protocol supplements the United Nations Convention against Transitional 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,

1. To prevent and combat trafficking in persons, paying particular attention to women and children;
2. To protect and assist the victims of such trafficking, with full respect for their human rights; and
3. To promote co-operation among States Parties in order to meet those objectives.

Article 3

Use of Terms

For the purposes of this Protocol,

1. “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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;
2. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph 1 of this article shall be irrelevant where any of the means set forth in subparagraph 1 have been used;
3. The recruitment, transportation, transfer, harbouring or receipt of child for the purposes of exploitation shall be considered “trafficking

in persons” even if this does not involve any of the means set forth in subparagraph 1 of this article;

4. “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 offenses are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offenses.

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 Protocol, when committed intentionally.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offenses,
 - (a) Subject to the basic concepts of its legal system, attempting to commit an offense 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 proceeding;
- (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 co-operation 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 victims of trafficking in person 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 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 Person 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, Co-operation 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

(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 co-operation 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 co-operation, 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 co-operation, 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, co-operate 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 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 victims including protecting 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 co-operation with non-governmental organizations, other relevant organizations and other elements of civil society.

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

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 commission of offenses 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 co-operation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

Article 12

Security and Control of Documents

1. Each State Part 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

1. 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 identify documents issued or purported to have been issued in its name 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 and, in particular to 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 measure set forth in this Protocol shall be interpreted and applied in a way that is not discriminatory to persons on the grounds 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 the application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the requests 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 of 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 deposition 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 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 or such amendment.

5. When an amendment enters into force, it shall be binding on those State Parties which have expressed their consent to be bound by it. Other State 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.