

ANTI-HUMAN TRAFFICKING (AMENDMENT) ACT, 2018

No. 13



of 2018

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 08:09
3. Insertion of section 12A in the Act

An Act to amend the Anti-Human Trafficking Act.

Date of Assent: 29.06.2018

Date of Commencement: 29.06.2018

ENACTED by the Parliament of Botswana.

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| <p>1. This Act may be cited as the Anti-Human Trafficking (Amendment) Act, 2018.</p> <p>2. The Anti-Human Trafficking Act (hereinafter referred to as “the Act”) is amended in section 2 by —</p> <p>(a) inserting in alphabetical order the following new definitions —</p> <p>““financial or other material benefit” includes any type of financial or non-financial inducement, payment, bribe, reward, advantage or service; “fraudulent travel documents” means a passport or other document of identity that —</p> <p>(a) has been made or altered in a material way by an unauthorised person;</p> <p>(b) has been issued or obtained through misrepresentation, corruption, duress or in any unlawful manner; and</p> <p>(c) is used by a person other than the rightful holder;” and</p> <p>(b) amending the definition of “exploitation” by inserting immediately after the last entry, the following paragraphs —</p> <p>“(k) use of a person in illegal activities;</p> <p>(l) debt bondage;</p> <p>(m) human sacrifice; or</p> <p>(n) harmful rituals or practices.”.</p> <p>3. The Act is amended by inserting immediately after section 12, the following new section —</p> <p>“Smuggling of persons 12A. (1) Any person who smuggles another person into or out of Botswana, whether or not the smuggling is to obtain, directly or indirectly, a financial or other material benefit commits an offence of smuggling and is liable to a fine not exceeding P200 000 or to imprisonment for a term not exceeding 15 years or to both.</p> | <p>Short title</p> <p>Amendment of section 2 of Cap. 08:09</p> <p>Insertion of section 12A in the Act</p> |
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(2) Any person who, during the commission of the offence under subsection (1) —

(a) subjects the person being smuggled to torture, inhuman and degrading treatment, including for exploitation; or

(b) endangers or is likely to endanger the life or safety of the person being smuggled,

commits an offence and is liable to a fine not exceeding P500 000 or to imprisonment for a term not exceeding 20 years or to both.

(3) Subject to subsection (1), where the smuggling results in the death of the person being smuggled the offender shall be liable to a fine not exceeding P1 000 000 or to a maximum term of life imprisonment or to both.

(4) Any person who procures, provides or possesses a fraudulent travel document for purposes of facilitating smuggling commits an offence and is liable to a fine not exceeding P100 000 or to imprisonment for a term not exceeding 10 years, or to both.

(5) The consent of a victim of smuggling shall not be relevant where any of the means set out in subsection (1) have been used.”.

PASSED by the National Assembly this 12th day of June, 2018.

BARBARA N. DITHAPO,
Clerk of the National Assembly.