

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
38TH CONSTITUTIONAL REGULAR SESSION, 2017**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**PROHIBITION OF TRAFFICKING IN PERSONS ACT 2017**

AN ACT to prohibit all forms of trafficking in persons in the Republic of the Marshall Islands and to ensure protection for women, children, men from the revictimization of trafficking in persons.

**BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**

**PART I - PRELIMINARY**

**§101. Short title.**

This Act may be cited as the Prohibition of Trafficking in Persons Act 2017.

**§102. Purpose and General Principles.**

- (1) The purposes of this Law are:
  - (a) To prevent and combat trafficking in persons in the Republic of the Marshall Islands;
  - (b) To protect and assist the victims of the such trafficking, while maintaining full respect and protecting their human rights;
  - (c) To ensure just and effective investigation, prosecution and punishment of traffickers; and
  - (d) To promote and facilitate national and international cooperation in order to meet these objectives.
- (2) The measures set forth in this law shall be interpreted and applied in a way that is not discriminatory on any ground, such as race, color,

religion, belief, age, family status, culture, language, ethnicity, national or social origin, citizenship, gender, sexual orientation, political or other opinion, disability, property, birth, immigration status, the fact that the person has been trafficked or has participated in the sex industry, or other status.

- (3) Child victims shall be treated fairly and equally regardless of their or their parents or the legal guardian's race, color, religion, belief, age family status, culture, language, ethnicity, national or social origin, citizenship, gender, sexual orientation, political or other opinion, disability, property, birth, immigration status, the fact that the person has been trafficked or has participated in the sex industry, or other status.

### §103. Definitions.

- (1) For the purpose of this Law, the following definitions shall apply:
- (a) "Abuse of a position of vulnerability" shall refer to any situation in which the person involved believes he or she has no real and acceptable alternative but to submit; or shall mean ~~taking~~ advantage of the vulnerable position a person is placed in as a result of fear, coercion, infliction of physical or emotional harm or influence.
  - (b) "Accompanying dependents" shall mean any family members and/or close relative, whom the trafficked person is legally obligated to provide support and was present with the victim of trafficking in persons at the time of the offense, as well as any child born during or after the time of the offence.
  - (c) 'Accomplice' shall mean any person natural or otherwise, that ~~supports~~, contributes to, funds, or provides material resources, ~~and any~~ other assistance and in any form, to support the commission of an offense as set out under this Act.
  - (d) "Child" shall mean any person below the age of eighteen;
  - (e) "Commercial carrier" shall mean a legal or a natural person who engages in the transportation of goods or people for commercial gain;
  - (f) "Coercion" shall mean the use of force or threat thereof, and some forms of non-violent or psychological use of force or threat thereof, including but not limited to

- (i) threats of harm or physical restraint of 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;
  - (iii) abuse or any threat linked to the legal status of a person;
  - (iv) Psychological pressure;
- (g) "Deception" shall mean any conduct that is intended to deceive a person; or shall mean any deception by words or by conduct
- (h) "Debt bondage" shall mean the status or condition arising from a pledge by a debtor of his or her personal services or those of a person under his or her control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or if the length of those services is not limited and defined.
- (i) "Exploitation of prostitution of others" shall mean the unlawful obtaining of financial or other material benefit from the prostitution of another person;
- (j) "Forced labor or services" shall mean all work or service that is exacted from any person under the threat of any penalty and for which the person concerned has not offered him or herself voluntarily.
- (k) "Prostitution" shall have the same definition as defined in the Prostitution Act.
- (l) "Public Official" shall mean any person holding a legislative, executive, or judicial office, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that persons seniority;
- (m) "Revictimization" shall mean a situation in which the same person suffers from more than one criminal incident over a specific period of time.
- (n) "Servitude" shall mean the labor conditions and or the obligations to work or to render services from which the person in question cannot escape and which he or she cannot change

