



TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

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REPUBLIC OF TRINIDAD AND TOBAGO

PRACTICE DIRECTION

DECLARATION OF THE USE OF SPECIAL CRIMINAL COURT PROCEDURE FOR SEXUAL OFFENCES AND TRAFFICKING IN PERSONS MATTERS

This Practice Direction, is issued pursuant to **Section 24(2)** of the **Criminal Division and District Criminal and Traffic Courts Act No. 18 of 2018**, *Part 20 of the Criminal Procedure Rules*, and *Part 22 of the Children Court Rules* and is applicable to the entire Judiciary of Trinidad and Tobago which includes the Supreme Court and all Summary Courts.

Whereas

- a) Section 24(2) of the Criminal Division and District Criminal and Traffic Courts Act No. 18 of 2018 provides that the Chief Justice may, by Practice Direction, determine the case types and offences which are appropriate for the special criminal court procedure provided for in Rules of Court made under subsection (1) (a), and
- b) Section 24 (1) (a) provides for the Rules Committee to make Rules of Court establishing a special criminal court procedure for the management of case types and offences referred to in subsection (2)

And Whereas

The Judiciary recognizes:

- a) the role of the court, attorneys and parties in managing and participating actively in the progression of these matters to fair and speedy disposition.
- b) the negative effect of delay on the victims and witnesses in cases involving sexual offences and trafficking in persons
- c) the need to limit the re-traumatization of victims of sexual offences and human trafficking;
- d) the need for all agencies in the Criminal Justice System who play a role in the progress of cases involving sexual offences and trafficking in persons to act with alacrity and to be cognizant of the nature of these offences, and their effect on victims and on accused persons;

PRACTICE DIRECTION—CONTINUED

- e) The multi-jurisdictional impact of cases involving these offences and the need to repatriate foreign victims and witnesses to their country of origin in an expeditious and sensitive manner.
- f) the need for early identification and early disposition of cases involving sexual offences and trafficking in persons

And in furtherance of the objective of active case management and the court's taking control of the pace of litigation

The Chief Justice hereby directs that the following case types and charges as well as all inchoate offences associated with them will be subject to Sexual Offences and Trafficking in Persons Special Criminal Court Procedure Rules:

A. Offences of a Sexual Nature including but not limited to:

No. in TT. ICCS	NAME OF OFFENCE	SECTION IN LAW	UNODC TT ICCS CODE
1.	Allowing or encouraging a child to reside in or frequent a brothel	Section 11 Children Act, 2012	03022
2.	Causing or encouraging the seduction, prostitution or sexual penetration of a child	Section 12 Children Act, 2012	030222
3.	Paying for the sexual services of a child	Section 13 Children Act, 2012	030222
4.	Causing or inciting prostitution of a child	Section 14 Children Act, 2012	030222
5.	Controlling the activities of a child prostitute	Section 15 Children Act, 2012	030222
6.	Arranging or facilitating the prostitution of a child	Section 16 Children Act, 2012	030222
7.	Sexual penetration of a child	Section 18 Children Act, 2012	030113
8.	Sexual touching of a child	Section 19 Children Act, 2012	030121
9.	Causing or inciting a child to engage in sexual penetration or sexual touching	Section 21 Children Act, 2012	030112
10.	Causing or inciting a child to engage in sexual activity with an animal	Section 22 Children Act, 2012	030129

PRACTICE DIRECTION—CONTINUED

11.	Engaging in sexual activity in the presence of a child	Section 23 Children Act, 2012	030229
12.	Causing a child to watch a sexual act	Section 24 Children Act, 2012	030229
13.	Luring a child	Section 25 Children Act, 2012	030229
14.	Sexual communication with a child	Section 25A Children Act, 2012	030223
15.	Sexual grooming of a child	Section 25B Children Act , 2012	030223
16.	Sexual offences by abuse of trust	Section 29 and 30 Children Act , 2012	030121
17.	Making or permitting child pornography to be made	Section 40 (1) (a) Children Act, 2012	030221
18.	Publishing, distributing, transmitting or showing child pornography	Section 40 (1) (b) Children Act, 2012	030221
19.	Publishing, or causing to be published an advertisement conveying the distribution or showing of child pornography	Section 40 (1) (c) Children Act, 2012	030221
20.	Obtaining access to child pornography	Section 40 (1) (d) Children Act, 2012	030221
21.	Possession or control of child pornography	Section 40 (1) (e) Children Act, 2012	030221
22.	Purchasing, receiving or exchanging child pornography	Section 40 (1) (f) Children Act, 2012	030221
23.	Exposing a child or causing a child to be exposed to pornography	Section 41 Children Act, 2012	030229
24.	Inciting or facilitating child pornography	Section 42 Children Act, 2012	030221
25.	Grievous sexual assault of an adult	Section 4 A Sexual Offences Act Chapter 11:28	03011
26.	Rape	Section 4 (1) Sexual Offences Act Chapter 11:28	030111
27.	Sexual intercourse with a mentally subnormal person	Section 12 Sexual Offences Act Chapter 11:28	030113
28.	Indecent Assault	Section 15 Sexual Offences Act Chapter 11:28	03012

PRACTICE DIRECTION—CONTINUED

29.	Procuration	Section 17 Sexual Offences Act Chapter 11:28	03021
30.	Procuring defilement of a person with intent to have sexual intercourse	Section 18 Sexual Offences Act Chapter 11:28	03022
32.	Permitting the use of premises as a brothel	Section 22 (b-c) Sexual Offences Act Chapter 11:28	03021
33.	Prostitution	Section 23 Sexual Offences Act Chapter 11:28	03021
34.	Person aiding in prostitution	Section 24 Sexual Offences Act Chap 11:28	03021
106.	Incest (not rape/assault)	Section 9 Sexual Offences Act Chapter 11:28	08029
112.	Failure to report suspected sexual offence in respect of a minor	Section 31 Sexual Offences Act Chapter 11:28	08061

B. Offences involving Trafficking of Persons including but not limited to:

No. . in TT. ICCS	NAME OF OFFENCE	SECTION IN LAW	UNODC TT ICCS CODE
57.	Threatening or assaulting a police officer, social worker or any worker involved in the provision of assistance and protection to a victim	Section 14 Trafficking in Persons Act Chapter 12:10	0201
58.	Trafficking in persons	Section 16 Trafficking in Persons Chapter 12:10	0204
59.	Inciting, organizing or directing persons to trafficking	Section 17 Trafficking in Persons Chapter 12:10	0204
60.	Trafficking in children	Section 18 Trafficking in Persons Chapter 12.10	02044
60 A	Inciting, organising or directing another person to traffic in children	Section 19. Trafficking in Persons Chapter 12.10	02044
61.	Procuring, destroying, concealing, removing, confiscating or possessing any travel or identification document belonging to another for the	Section 22 Trafficking in Persons Act Chapter 12:10	0204

PRACTICE DIRECTION—CONTINUED

	purpose of trafficking		
62.	Transporting another person for purpose of exploiting that person for prostitution	Section 23 Trafficking in Persons Chapter 12:10	02041
75.	Knowingly receiving financial benefit from trafficking in persons.	Section 25 Trafficking in Persons Chapter. 12:10	0704
76.	Knowingly receiving or obtaining financial benefit from trafficking in children.	Section 26 Trafficking in Persons Chapter 12:10	0704
148.	Obstructing a police officer, social worker or any worker involved in the provision of assistance and protection to a victim	Section 14 Trafficking in Persons Act Chapter 12:10	08061

EFFECTIVE DATE

This Practice Direction shall take effect on a date in the first quarter of 2023 to be determined by the Rules Committee.

Dated this 22nd day of January, 2023

/s/ Ivor Archie
Chief Justice