

PUBLIC FINANCE MANAGEMENT ACT
(Cap. 54:01)

PUBLIC FINANCE MANAGEMENT (VICTIMS OF TRAFFICKING
FUND) ORDER, 2022
(Published on 29th September, 2022)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Interpretation
3. Establishment of Fund
4. Purpose of Fund
5. Administration of Fund
6. Management of Fund
7. Receipts into Fund
8. Disbursements from Fund
9. Surplus in Fund
10. Investment of Fund monies
11. Accounts of Fund

IN EXERCISE of the powers conferred on the Minister of Finance by section 38 of the Public Finance Management Act, as read with section 27 of the Anti-Human Trafficking Act, the following Order is hereby made —

1. This Order may be cited as the Public Finance Management (Victims of Trafficking Fund) Order, 2022. Citation
2. In this Order, unless the context otherwise requires — Interpretation
 - “Accounting Officer” means the Permanent Secretary in the Ministry responsible for justice appointed as such under paragraph 5(1);
 - “Committee” means Management Committee established under paragraph 6;
 - “Fund” means the Public Finance Management (Victims of Trafficking Fund) as established under paragraph 3; and
 - “Protocol” has the same meaning assigned to the term under the Anti-Human Trafficking Act. Cap. 08:09
3. There is hereby established a Special Fund to be known as the Public Finance Management (Victims of Trafficking Fund) (hereinafter referred to as the “Fund”). Establishment of Fund
4. The purpose of the Fund is to — Purpose of Fund
 - (a) provide immediate and temporary shelter for victims of trafficking;
 - (b) absorb cost associated with anti-human trafficking public information campaigns;
 - (c) assist Government with expenses associated with repatriation of foreign victims to their countries of origin;
 - (d) assist Government with;
 - (i) costs associated with recalling of victims to testify in Botswana courts when necessary,

- (ii) facilitation of requests for mutual legal assistance, and
- (ii) any cost associated with disposal of an anti-human trafficking case;
- (e) fund development and maintenance of local re-integration programmes for Botswana victims;
- (f) facilitate payments into the Fund for purposes of effecting restitutions to victims in accordance with section 22 of the Anti-Human Trafficking Act;
- (g) absorb costs associated with capacity building initiatives for front-line officials;
- (h) assist with costs associated with maintaining any centre for victims or accredited non-governmental organisations operating as centres for victims in accordance with sections 16 and 17 of the Anti-Human Trafficking Act; and
- (i) assist Government with transport, education, medical, and psychosocial care costs associated with general day-to-day upkeep of victims whilst under the care of any centre established in terms of section 16 of the Anti-Human Trafficking Act.

Administration of Fund

5. (1) The Permanent Secretary in the Ministry responsible for justice shall be the Accounting Officer and he or she shall be responsible for the administration of the Fund in accordance with the provisions of this Order.

(2) The Accounting Officer may exercise all such powers and perform all such duties as may be required to be exercised or performed for the proper discharge of his or her functions under this order.

(3) The Accounting Officer may, in writing authorise any other public officer to exercise or perform all or any of the powers or duties required of him or her under this Order.

Management of Fund

6. (1) The Minister responsible for justice shall in consultation with the Accounting Officer, appoint a Management Committee for the Fund.

(2) The Committee shall be responsible for —

- (a) overseeing the management of the Fund;
- (b) advising the Accounting Officer with respect to the performance of the Fund;
- (c) determining policies for giving effect to the project and purposes of the Protocol to prevent, suppress and punish trafficking in persons;
- (d) issue rules relating to the assistance of non-governmental organisation to carry out activities with a view of prevention and suppression of trafficking in persons; and
- (f) performing any other acts as directed by the Minister responsible for justice.

(3) The Committee appointed under subparagraph (1) shall consist of —

- (a) the Deputy Permanent Secretary in the ministry responsible for justice who shall be the Chairperson of the Committee;
- (b) a representative from the Ministry responsible for finance;
- (c) a representative at Director level from the Attorney General's Chambers or Directorate of Public Prosecutions;
- (d) a representative at Director level from the Financial Intelligence Agency;
- (e) a representative at Director level from Botswana Police Service;
- (f) a representative at Director level from Ministry responsible for local government and rural development;
- (g) a representative at Director level from the Ministry responsible for transport; and

(h) a representative at Director level from the Ministry responsible for labour and home affairs.

(4) The Anti-Human Trafficking Unit under the Safety Division in the Ministry responsible for justice shall serve as the Secretariat.

(5) A member of the Committee shall be appointed for a period of three years, and shall be eligible for re-appointment for a further term not exceeding three years.

7. There shall be paid into the Fund —

Receipts into Fund

- (a) such monies as may from time to time be appropriated by the National Assembly for the purposes of the fund;
- (b) monies collected as proceeds of crime of human trafficking;
- (c) such monies as maybe directed to the fund as restitution as the court may determine in accordance with section 22 of the Anti-Human Trafficking Act;
- (d) interest accrued from investments of monies of the Fund in accordance with paragraph 10; and
- (e) fees, donations or contributions from other sources as the Minister may approve.

8. There shall be paid from the Fund —

Disbursements from Fund

- (a) expenses related to assistance of the victims of trafficking in persons;
- (b) the balance of damages, restitution, compensation and rehabilitation of victims of trafficking in persons; and
- (c) such other expenses as may be required for purposes of the Anti-Human Trafficking Act as the Minister may, in writing approve.

9. If the Fund is in surplus at the end of a financial year, such surplus shall remain as part of the Fund balance and shall be carried forward into the following financial year.

Surplus in Fund

10. Any monies accruing to the Fund which is not required for immediate use shall be invested in Botswana accordance with the objects of the Fund as the Accountant-General may direct and interest from such investment shall accrue to the Fund.

Investment of Fund monies

11. The Accounting Officer shall —

Accounts of Fund

- (a) keep and maintain or cause to be kept and maintained, proper books of accounts and records of all financial transactions, assets and liabilities of the Fund in respect of each financial year;
- (b) maintain an account into which all receipts into the Fund and all disbursements from the Fund shall be recorded and the monthly reconciliation for the Fund accounts shall be carried out; and
- (c) prepare, sign and transmit to Accountant-General and Auditor-General a statement of income and expenditure and a balance sheet of the Fund in respect of the financial year, containing such information in the manner that the Minister in consultation with Accountant-General may direct, within a period of two months after the close of each financial year.

MADE this 23rd day of September, 2022.

PEGGY O. SERAME,
Minister of Finance.