**SENATE**

*Tuesday, April 26, 2016*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence to Sen. H.R. Ian Roach from today's sitting of the Senate.

**INVOCATION OF STANDING ORDER 42(10)**

**Madam President:** Hon. Senators, just before we entered this Chamber, I had a meeting with the leaders of the three benches and now I want to point out and remind all Members of this Chamber of Standing Order 42(10), which sets out that a Member shall not read his speech except in certain circumstances. Hon. Senators, we have all been in this Chamber for seven months now, and I am hoping that we are a little more familiar in this debating environment. As is set out in Erskine May's *Parliamentary Practice* the Twenty-Fourth Edition, and I am quoting here:

> "The purpose of this rule is to maintain the cut and thrust of debate, which depends upon successive speakers meeting in their speeches to some extent the arguments of earlier speeches; debate is more than a series of set speeches prepared beforehand without reference to each other."

Hon. Senators, I have also noticed from our last sitting that some five out of the 19 speakers asked for the use of the lectern, and the use of this lectern also tends to the danger of infringing against that Standing Order about reading speeches. And the use of the lectern is usually in heavy debates such as the presentation of budgets and the reply to budget presentations by the Minister and the Leader of the Opposition accordingly. So, I would ask that we also try not to seek the use of this lectern.

**STRATEGIC SERVICES AGENCY (AMDT.) BILL, 2016**

Bill to amend the Strategic Services Agency Act, Chap. 15:06, to expand the functions of the Strategic Services Agency, brought from the House of Representatives [*The Attorney General*]; read the first time.

**PAPERS LAID**

1. Audited Financial Statements of Taurus Services Limited (TAURUS) for the financial year ended September 30, 2014. [*The Minister of Rural Development and Local Government* (*Sen. The Hon. Franklin Khan*)]
2. Audited Financial Statements of Youth Training and Employment Partnership Programme (YTEPP) Limited for the financial year ended September 30, 2014. [*Sen. The Hon. F. Khan*]
3. Audited Financial Statements of National Flour Mills Limited for the financial year ended December 31, 2012. [*Sen. The Hon. F. Khan*]
4. Audited Financial Statements of National Flour Mills Limited for the financial year ended December 31, 2013. [*Sen. The Hon. F. Khan*]
5. Audited Financial Statements of National Flour Mills Limited for the financial year ended December 31, 2014. [*Sen. The Hon. F. Khan*]
6. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended December 31, 2001. [*Sen. The Hon. F. Khan*]
7. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended December 31, 2002. [*Sen. The Hon. F. Khan*]

   Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the nine months ended September 30, 2003. [*Sen. The Hon. F. Khan*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2004. [*Sen. The Hon. F. Khan*]
9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2005. [*Sen. The Hon. F. Khan*]
10. Customs (Amendment to the First Schedule) Order, 2016. [*Sen. The Hon. F. Khan*]
11. Motor Vehicles and Road Traffic (Amendment) (No. 2) Order, 2016. [*Sen. The Hon. F. Khan*]

**ORAL ANSWERS TO QUESTIONS**

**The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan):** Madam President, the Government will be answering all

questions save and except question No. 36 to the Minister of Finance, and question No. 52 to the Prime Minister, and we seek your deferral for two weeks.

*The following questions stood on the Order Paper:*

**National Insurance Scheme**
**(Coverage to Self-Employed Persons)**

**36.** A. Could the hon. Minister of Finance inform this Senate as to whether the Government intends to offer coverage to self-employed persons under the National Insurance Scheme of Trinidad and Tobago?

B. If the answer to (A) is in the affirmative, could the Minister provide the Senate with a specific time frame for the incorporation of these self-employed persons under the National Insurance System? [*Sen. W. Mark*]

**Senior Cabinet Minister**
**(Enquiry into Bank Transaction)**

**52.** Could the hon. Prime Minister state whether the Government intends to hold an inquiry into the $93,000.00 transaction involving a senior Cabinet Minister which recently occurred at a major commercial bank? [*Sen. K. Ameen*]

*Questions, by leave, deferred.*

**Ambulance Services**
**(Details of Overall Response Time)**

**34. Sen. Wade Mark** asked the hon. Minister of Health:
Could the Minister of Health inform this Senate as to the steps he intends to take to improve the overall response time of the Ambulance Services in Trinidad and Tobago?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam President. Before I begin I want to just welcome the Form 4 students of Naparima Girls' High School to this Chamber, their principal and their form teacher. Since assuming office, the Ministry of Health has collaborated with the Global Medical Response of Trinidad and Tobago (GMRTT) to effectively resolve the myriad of issues that adversely affected the performance of the emergency ambulance service. Previously, when an ambulance arrived at a public health institution with a patient, it required, on average, 40 minutes to transfer the care and custody of the patient to receiving facility personnel. In many cases this process exceeded one hour, and in extreme cases the process endured for several hours.

Today, Madam President, the average patient hand over time ranges from 15 to 20 minutes, and continues to improve as evidenced by data generated by a time and motion study piloted at the San Fernando General Hospital in March 2016. To effect the improvement it is noted that the Ministry of Health provision of substantial numbers of hospital stretchers to receiving health facilities, eliminating the need for the patient to remain on the ambulance stretcher and allowing for timely patient hand over.

Additionally, and perhaps more importantly, is the collaborative spirit of the GMRTT and the respective RHAs to put the needs of the patient first and to increase the efficiency and effectiveness of emergency health care. Through collaboration procedures at all health institutions have been streamlined to ensure ambulance patients are properly and efficiently triaged and placed in an appropriate treatment queue. The counterparts at the RHAs have worked with GMRTT to extract ambulance personnel from the patient registration process, and to clear ambulance equipment and personnel to be ready for the next citizen medical emergency.

As a result, Madam President, ambulance response times to all emergencies have been reduced by 25 per cent in March 2016, as compared to the previous period. The improvements in productivity are equivalent to adding three ambulances every day and night to improve service to the public. Additionally, the supervisors at GMRTT were given full access to both the head of emergency department and the manager, emergency department in case an ambulance is kept longer than 20 minutes.

Again, Madam President, this measure was instituted to improve overall response time of the ambulance service. Thank you for the opportunity. [*Desk thumping*]

**Sen. Mark:** Thank you very much, Madam President. Could the hon. Minister of Health indicate to this honourable House, what system of monitoring and assessment you have put in place to ensure that this new arrangement, whereby it takes 15 to 20 minutes for an ambulance to arrive, pick up a patient and take that patient to the general hospital of whichever facility? What mechanisms of monitoring do you have in place to ensure that does not go back to the old period?

**Hon. T. Deyalsingh:** Well, the old period you are referring to are the dark days of 2010 to 2015, [*Desk thumping*] and we have no intention, absolutely none, to going back to that dark period, where you and your Government could not fix the ambulance service. What we have done is instituted a simple system of handover where people document and sign off for receiving and dispatching. And I will guarantee you Sen. Mark, we are not going back to those dark days of 2010 and 2015. Very dark indeed. Very, very dark. [*Desk thumping*]

**Sen. Mark:** Madam President, my friend—I could say my friend. Could the hon. Minister indicate whether he is satisfied with the number of ambulances currently in the service involving the GMRTT, given for instance the need to ensure that this system is adequately and effectively executed?

**Hon. T. Deyalsingh:** I really appreciate the revised tone of your supplemental questions, and I will respond in kind. We are adhering to the contract between GMRTT and the Ministry of Health. A contract which the last administration paid absolutely no attention to. There is this feeling that the deficiencies in the ambulance service was only the fault of GMRTT. On becoming Minister of Health I noticed upon reading the contract that both parties, the Ministry of Health and GMRTT were both not adhering to the terms. What we have done from our end is the additional stretchers to conform to the contract terms and conditions, and we are also holding GMRTT to their end of the bargain where they will have to provide new ambulances. So, the solution was a collaborative solution, and it lay in both parties coming together under an administration which paid attention to the issues surrounding poor people. [*Desk thumping*]

**Sen. Mark:** Can I ask the hon. Minister, how many new ambulances, given the contractual arrangements between the Government and GMRTT, are expected to get into the service stream within the next year as an example?

**Hon. T. Deyalsingh:** I really congratulate the Member on his tone again. Excellent tone, I love it. The terms of the contract—it is a pity you did not ask me in that question, but I can get it for you and I can give it to you personally by phone or text. But, I do not have that information here right now, and I would not like to mislead you and/or the public.

## Persons linked to ISIL
## (Invocation of Government Provisions)

**35. Sen. Wade Mark** asked the hon. Attorney General:

Could the Attorney General inform this Senate whether the Government intends to invoke the provisions of the Anti-Money Laundering and Financing of Terrorism Act in respect of any citizens of this country who have been proven to be linked to the Islamic State of Iraq and the Levant (ISIL) and who wish to return to Trinidad and Tobago?

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam President. I think that graciousness is not lost at all in this august House, and I too recognize the most capable debating team that often arises from Naparima Girls' High School, if I may be permitted. Not that they are the team, but that they host some of the best. Welcome all.

Madam President, the question is phrased with respect to the anti-money laundering and financing of terrorism Act. Regrettably there is no such law in Trinidad and Tobago. However, I have taken the opportunity to address it, perhaps that was just a misstatement, in the following fashion. There are two key pieces of legislation that would be relevant to persons who have been proven to be linked to ISIL and wish to return to this country. These are the Anti-Terrorism Act, Chap. 12:07; and the Proceeds of Crime Act, Chap. 11:27. I have noted at this juncture that the powers of the Attorney General under the legislation are restricted to sections 22B, 36 and 37 of the Anti-Terrorism Act. But, other key legislative tools under these two Acts are available to the constitutionally independent office holder, that being the Director of Public Prosecutions and, of course, the Judiciary.

Accordingly, where someone is proved to be linked to ISIL, this Government will invoke the provisions of the law that are within the discretion of the Executive to apply, regardless of whether the person has already left the country or whether they wish to return. In such circumstances as described in this question, section 22B of the Anti-Terrorism Act, will be invoked. Section 22B(1) allows the Attorney General to apply to a judge for an order under section 22B(3), to designate an individual or an entity as a listed entity for the purposes of the Act, and to freeze assets. Section 22B(1)(ii) allows such application to be made in respect of entities or individuals where there are reasonable grounds to believe that the entity or individual is knowingly acting on behalf of, at the direction of, or in association with an entity designated as a terrorist entity by the United Nations Security Council. Madam President, the United Nations Security Council has so designated ISIL.

Madam President, we are in fact building on the momentum already gained by this Government, while section 22B was available to the last administration, it took this Government to begin implementing it. The Attorney General's office has successfully invoked section 22B in the first ever such application to the High Court regarding one Kareem Ibrahim. The application was filed on November 24, 2015, and the order under section 22B(3) was granted on December 3, 2015, listing Ibrahim and freezing his assets. The guidance of the court in this matter will now greatly assist the State in charting a course for the various types of applications to be made under section 22B.

Section 36(1) of the Anti-Terrorism Act allows the DPP to apply ex parte to a judge for an order for the restraint of property that may ultimately be made the subject of a forfeiture order under section 37. Section 36(2) provides that upon

such an application under section 36(1), the Attorney General may request that the judge

> "appoint a person to take control of, and manage or otherwise deal with, the whole or a part of the property, in accordance with the directions of the judge;" or—
>
> "(b) require any person having possession of the property to give possession thereof to the person appointed under paragraph (a)."

Section 37 allows the Attorney General to apply to a judge for an order of forfeiture with respect to terrorist property as defined in the Act. While the subject matter of section 22B is an individual or entity, sections 36 and 37 focus on terrorists' property. These powers under 36 and 37 will therefore also be applied where the circumstances so dictate, Madam President. I thank you. [*Desk thumping*]

**Sen. Mark:** Madam President, may I ask the hon. Attorney General, given the fact that from reports in the press, there are hundreds of Trinidad and Tobago citizens who are fighting for ISIL on the fronts, on various fronts in the Middle East, and from also press reports, several of them have returned home having served their contract, I would like to ask the Attorney General whether his office and the security services are monitoring those persons who have returned to the country, and whether he has seen it necessary thus far to invoke, under the Anti-Terrorism Act, section 22B(1) as it relates to those returning fighters of Trinidad and Tobago descent, who have returned to these shores thus far?

**Hon. F. Al-Rawi:** Thank you, Madam President. First of all, I would like to put into the public record that there is no information that there are hundreds of people involved as foreign terrorist fighters who are Trinidadians or Tobagonians involved in other territories. There may be anecdotal information, but we must be driven by evidence. What I can say with certainty is that the matter of foreign terrorist fighters is being addressed with all seriousness by all security apparatus, both in Trinidad and Tobago and with our international partners, particularly with foreign states, individually and through Europol and Interpol. That has led to the monitoring of a number of persons in a very active and real-time circumstance, and I am very pleased to say that the anti-terrorism desk which the Office of the Attorney General now has in operation—in coordination with the Ministry of National Security, is very active, and we are about to approach the court in relation to a number of persons for section 22B designations.

Obviously, we cannot go into the details of these things, but suffice it to say, the country deserves action and enforcement, and that is exactly what we intend to deliver.

**Sen. Mark:** Madam President, through you, if the Attorney General could share with us, based on the evidence before you, what is the precise number of nationals who are currently fighting with ISIL in the Middle East at this time, and would you want to probably let us know in those circumstances, the threat to the State of T&T that returning nationals pose from your perspective?

**Hon. F. Al-Rawi:** Madam President, matters of national security must be treated with very carefully. A precise number is an incapability. Firstly because one relies upon anecdotal information, usually originating from a different country, where the information has to be specifically verified. In the Office of the Attorney General, one must be careful to balance the rights of the individual against wild allegations but, also, to safeguard the public interest and to treat with matters seriously. Most regrettably, I would not be in a position to supply a number to the Parliament, suffice it to say however that this is a multidimensional treatment that is being applied. And what I can say, is that we are in fact approaching the issue of foreign terrorist fighters, or persons alleged to be by separate stand-alone legislation as well, which will be coming to the Parliament very shortly.

The international cooperation factor cannot be discounted. One cannot have precise information about who is in Syria, or Iraq, or otherwise, unless somebody tells you that somebody is there. So, we must treat with circumstantial information, and the road towards evidence with great care and caution.

**Sen. Mark:** Madam President, is the Attorney General willing to share with us at this time, whether the Government is contemplating bringing to this honourable House new legislation that, like Australia, would deny those persons citizenship, who have left this country to fight with ISIL in the Middle East, like, as I said, has happened in Australia? Is the Government of Trinidad and Tobago looking at the possibility of making those persons non-citizens and make it very difficult for them to return to the Republic of T&T after their contracts have expired in the Middle East under ISIL?

**Hon. F. Al-Rawi:** Madam President, what I can say is that the Government is looking at the issue of foreign returning terrorists. The South East Asian pacific region has brought forward a lot of very interesting legislation which we have looked at.

Malaysia is particularly persuasive in the type of treatment that they give. Because, as a territory and as a State, we have to not only manage the application of anti-terrorism laws, which we are doing and which we have demonstrated we are doing. But we must be careful to treat with the issue of statelessness, because when one creates, by way of rejection of citizenship, someone who is deemed to be stateless, on the Western hemispherical content you have to factor how you are going to treat with the persons who have become stateless.

Our international partners are not persuaded, as South East Asia or Pacific countries have been, to create a concept of statelessness. Because, the question is going to be: who is going to receive the person who is stateless? What is interesting and important is to treat with the terrorist threat and to apply the laws. We have very robust laws and we are very robust partners, and we are together in a very tight coordination to make sure that we eradicate terrorism, and the financing of terrorism, we uphold United Nations Resolution 12:78 wholeheartedly, and we are driving the process.

**Sen. Hadeed:** Thank you, Madam. Is the Attorney General aware that a number of terrorists—since January, I have been told this, I have been reliably informed that—travel to Venezuela and return to Trinidad not through the regular means, but through the porous borders that we have down in Cedros and those areas? Are you aware of that?

**Hon. F. Al-Rawi:** I would answer by saying that the National Security Council, through the various entities that operate there, are tracking all issues specifically. We are aware that porous borders create significant problems for us as a country, be it in relation to allegations of persons who are terrorists; be it in relation to the importation of guns, narcotics, trafficking in persons, et cetera, and what we have done is to broaden a very deep link with the Government of Venezuela, the Bolivarian Republic of Venezuela, where we are sharing intelligence and manning the border, patrolling, as a unified approach, and that we have—as a matter of fact, up to yesterday the Minister of National Security and I, both in addressing this hemispherical defence council conference which was held under the auspices of the Minister of National Security here in Trinidad, again repeated the call to countries such as Mexico, Colombia and Brazil.

We were faced with a very interesting question by the Brazilian commander, why would Trinidad and Tobago give up its offshore patrol vessels which the Brazilian navy is now flying under the name Trinidad Class BAE Systems. They found it astounding that we as a country would have given up vessels to protect our maritime tier one, tier two and tier three defence positions, and they asked for

an answer from me as Attorney General, what would possess a country such as Trinidad and Tobago to give up class vessels such as BAE Systems, sold to them, and which they have in active fleet operation, and leave our borders unprotected.

**Sen. Mark:** What did you tell them?

**Hon. F. Al-Rawi:** I told them that was something that had to be addressed to the last Government, but suffice it to say, the point is we have purchased and put into effect maritime vessels which cost Trinidad and Tobago the same amount as vessels 10 times the size, but nonetheless we have put into operation. I thank you. [*Desk thumping*]

## Aripo Livestock Farm
## (Details of)

**51. Sen. Khadijah Ameen** asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister tell the Senate whether it is the intention of the Government to sell the 400-acre state owned Aripo Livestock Farm to a private individual?

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Thank you, Madam President. At this time the Government has no intention to sell the Aripo Livestock Farm to a private individual.

**Sen. Mark:** Madam President, may I? Could the hon. Minister of Agriculture, Land and Fisheries indicate at what time or at which time in the near future does the Government intend to dispose of the Aripo Livestock Farm.

**Madam President:** No, before the Minister rises, that is not arising from the question.

**Sen. Mark:** No, no, he said at this time.

**Madam President:** That is not arising from the question posed or answered.

**Sen. Mark:** Madam, if I may? Madam?

**Madam President:** No, no. Any further supplemental?

**Sen. Ameen:** Considering the Minister's answer, Madam President, I know that he indicated that the Government does not have any intention at this time, and I want to ask if you have any plans in the future that you are aware of for the Government to dispose of the Aripo farm?

**Madam President:** No. Sen. Ameen—

**Sen. Ameen:** Arising out of his answer.

**Madam President:** Sen. Ameen, no. Let us move on, are there any other supplementals? Sen. Ameen, the next question.

**Darian Nedd**
**(Steps taken)**

**53. Sen. Khadijah Ameen** asked the hon. Minister of National Security:

In light of the recent murder of 14-year-old Darian Nedd, could the Minister state what steps were taken, prior to his murder, to protect him, given that reports were made to the police about threats against his family?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you, Madam President. May you permit me to also acknowledge the presence of the principal, teachers and students of Naparima Girls' High School.

Madam President, hon. Members, I wish to advise that this matter is currently before the court, and therefore we must be responsible to ensure that no statements are made to prejudice the legal process. I am permitted to say, however, that 14-year-old Darian Nedd was murdered around 12.35 a.m. on Sunday, March 20, 2016. This matter, as all matters such as this type, is being managed by the investigative and prosecutorial arms of the State. I am advised by the Trinidad and Tobago Police Service that several persons were interviewed by the Trinidad and Tobago Police Service, following which three persons were detained. One person was subsequently charged on Sunday, March 27, 2016 for the murder of Darian Nedd, Madam President.

**Sen. Ameen:** Madam President, the question did not pertain so much as to murder of the—in terms of finding the murderer, but with regard to steps that were taken given that it was public knowledge that he was a witness in a crime and so on. So, it speaks to the question of protecting state witnesses and witnesses to crime, and the families of these witnesses. So, I do not know if the Minister could perhaps share some information with regard to that?

**Hon. Maj. Gen. E. Dillon:** Madam President, I repeat that the matter is before the court, and therefore answers such as this could prejudice the case.

**2.00 p.m.**

**Sen. Mark:** Madam President, if I may, the only person in this Parliament that I know could determine these things would be your good self, and I do not think it is fair for a Minister, in responding to a question, to simply invoke the sub judice

rule and you have not ruled on the matter. You know, if the Minister could tell this Parliament, in those circumstances, at what level or stage is this particular matter—it is not because it is before the court, you do not answer. So I would like to have your intervention and ruling on this matter.

**Madam President:** As I understand the Minister of National Security, he is actually saying that in the interest of national security and in the interest of this particular matter, someone has been charged and he does not want, at this stage, to be talking about the incidents that led up to the murder. That is my interpretation, and he is within his right to give that answer.

**STANDING ORDER 117 AGREEMENT**

**Madam President:** Before I call on Sen. Ramkissoon, let me just say that there has been agreement pursuant to Standing Order 117 for how this debate will be conducted. There will be four speakers altogether. Agreement has been reached among the benches. There will be the mover of the Motion and three other speakers. I also want to join with everyone else in the Chamber in welcoming the students from Naparima Girls' High School, San Fernando. [*Desk thumping*]

Sen. Ramkissoon. [*Desk thumping*]

**MODERN TECHNOLOGY**
**(LEGISLATION FOR NEGATIVE USAGE)**

**Sen. Melissa Ramkissoon:** Thank you, Madam President. Madam President, I beg to move the following Motion standing in my name:

*Whereas* the limitless use of technology creates avenues for its abuse and for various types of cybercrimes, including cyberbullying, which can harm our citizens;

*And whereas* the laws of Trinidad and Tobago have not, to date, addressed the issue of the regulation of such "cyber-activity";

*Be it resolved* that the Senate call upon the Government to quickly close the gaps in our legislation in relation to penalties for the abuse and negative usage of computers, mobile devices and Internet technology.

Madam President, as I kick off today's debate—[*Interruption*]

**Sen. Mark:** No, no, you go ahead.

**Sen. M. Ramkissoon:** Okay, yes. As I rise to kick off today's debate I seek to challenge the Parliament on a Motion of boundless interest that impacts our

present and future communicative paths. Madam President, we, the people of Trinidad and Tobago, demand now—now as regular everyday service. We share photos online instantly with our friends worldwide. With a click of a button we can have video conferencing with any business partner throughout the world. So this transition from delivery time of weeks to immediate, exposes major gaps in our policy and legal system. However, people abuse the same technology to commit cybercrimes.

Allow me to share with the Senate a definition from Interpol international about cybercrime. Cybercrime is a fast-growing area of crime. More and more criminals are exploiting the speed, convenience and secrecy of the Internet to commit a diverse range of criminal activities that know no borders, either physical or virtual, cause serious harm and pose real threats to victims worldwide.

Madam President, crime in education is on top of our agenda in Trinidad and Tobago, where national security has been allocated approximately $.8 billion and education and training have been allocated approximately $10 billion of our nation's budget. So this Motion is pinnacle in our core attention of our country's safety, as our country's safety is a shared responsibility. In the words of Nelson Mandela who said education is the most powerful weapon for changing the world, if we want to use this powerful weapon, how do we then set such an environment to stimulate and achieve such powerful world changers? According to our country, Trinidad and Tobago's National School Code of Conduct, which was last updated in May 2009, states that:

> Schools are a—"setting for all children and youth to learn and develop holistically. It should be a place that promotes the values of responsibility, respect, civility, academic excellence in a safe, learning and teaching environment, as well as promote equity, justice and fairness."

Before I go on to see if this is existing in our present school situation, Madam President, please allow me a few minutes to acknowledge the instigators of this Motion. It is such a proud moment for me to highlight work done by our very own brilliant young minds. One group is from my past high school, Naparima Girls' High School, and I am quite proud of their persistence and willingness for change. I urge you all to reflect upon our very first sitting of the Eleventh Parliament where His Excellency The President of the Republic of Trinidad and Tobago, in his feature address, arose in our minds and commended the girls on raising the awareness of our lapse in legislation in relation to cybercrimes.

Personally, I expect nothing less from these young ladies, as our school motto says: "Not for ourselves only but for others". And this is truly demonstrated in

their hard work thus far. So the Form 3 students who are now in Form 4, took part in the RBC 2014/2015 Young Leaders Project and embarked on a mission to educate the public on cyberbullying, cyber stalking and catfishing and its negative impacts on our society. So, Madam President, as they are here with us today, please allow me to publicly acknowledge the president of the project, Miss Rebecca Ann Jattan, the vice project president, Miss Alviya Mir, the creative committee, the documentation committee, their Form teacher, Miss Nancoo and the present principal, Mrs. Gosine for their commendable work and effort in this piece of Motion. So thank you.

I would secondly like to highlight the Point Fortin Roman Catholic Primary School that held a school walk through the streets of Point Fortin to raise awareness of bullying and a cry for persons to stop bullying and violence in schools, as they prayed for mercy on Trinidad and Tobago. Over 700 persons came out to support this cause and this walk, and that is also commendable. Now, many groups throughout Trinidad and Tobago have been setting up groups and trying to save our country, to put it nicely, a little at a time in their own community in their own way, and we must acknowledge the good work that is going this way.

So, Madam President, as we see more and more persons bringing awareness of violence in schools, this issue that I am raising before the Parliament today is of critical importance as it not only affects our youths by the usage of social media but it affects and impacts all. For example, people who post their resumes online with all their personal information in the hope of getting a job, to persons who may be even working with a childhood bully, and they may even not have learnt how to speak up or speak out for themselves. And this is why I am very passionate about this private Motion, as it is not for some but it is definitely for all.

Madam President, cybercrimes have serious, sometimes fatal effects on victims. Let us not disappoint our future leaders, our youths, the ones our today decisions will impact. I urge all Members listening, do your own research into this Motion and I urge the Government to understand the priority to update our legislation to protect all from the abuse of technology as we have embraced technology in our homes, our pockets and definitely in our everyday routine.

Madam President, these young ladies even went a step further where they set up an online petition to demand the amendment of legislation which was signed by approximately 4,000 persons. This method of highlighting things to the Parliament is not a stranger to the UK system, where the UK has online petitions

which are used by the Parliament to get the public more involved. They have even ventured into a cyberchamber to have up-to-date live interaction with their public. And these are truly game changers and positive usage of digital technology, to engage the public.

I encourage our Parliament to use such e-petitions where motions attracting over 1,000 persons can reach a committee stage to highlight work that the Parliament should be working on and which is of vital interest to the public. So, Madam President, this is not simple because this activity also needs protection, as we cannot have a petition being raised by an activist group who feels driven and passionate about causing harm and bringing about public humiliation, or an immature non-social individual, who hides behind the cloak of the Internet.

The Internet, as defined, is the most important, single development in the history of human communication. It is quite simple to say to solve this, let us just take away the Internet from the children. Take away the Internet, we would not have cyberbullying, we will not have cyberstalking, we will not have hackers if we just take them away from the Internet. To those persons who say take away the Internet, I simply say, do not sleep so the nightmares will stop. If you expect persons not to react, or you tell a young child do not fall asleep so you would not have bad dreams, that is both impractical and impossible to do because digital technology is pivotal to the progression of our society to achieve a holistic society. Digital technology is the vehicle of change that will help our society achieve its development goals regarding health, education, socialization and even business environment. Technology can change our culture. It can change how cities progress. It can even attract persons to your country. So, Madam President, permit me to lay before this Senate, evidence to reveal the high threats posed by not having proper laws to counter the crimes and abuse committed by users who shield under the secrecy of the Internet cloak.

Now, there are various types of cybercrimes out there, and I would like to urge the Government to not try to address every piece of cybercrime in one piece of legislation. I would suggest that they risk-rank the threats and apply it to the society in which we live in today. Because, as for example, you might want to look at cyberterrorism and anti-terrorism acts together, or you might want to look at cyberbullying and bullying and violence in schools in one piece of legislation. So do not lump it all. I would suggest we look at it separately and where it is applicable.

For the purpose of this debate, I would like to focus my time remaining on cyberbullying and cyberterrorism in our country. And I would like to just share a saying that was taken from Miss Lynette Mather:

What if the kid you bullied at school, grew up to be the only surgeon to save your life? What would you do?

Now, we need to understand what do we class as cyberbullying? Cyberbullying is when you torment, threaten, harass, humiliate and embarrass someone by the use of an interactive and digital technology. Unfortunately, only one in 10 victims will ever report they have been bullied, and this is very sad because then we do not have proper statistics available to know the real threats of cyberbullying in our nation today.

Now, many may have grown up with the saying, or the era: "Sticks and stones may break my bones but words will never hurt me." Now, this is a popular local saying, and unfortunately, in today's society it is quite a false saying, because it teaches you to stand up and be strong for yourself, to stand up against your bully, to stand up against your enemy, to be strong. And that is why in our society when a child who is being bullied and reports it to the teacher, it is normally the teacher who moves the victim from the class—transfers the victim, the child who reported being bullied—to another class than having transferred the bully himself or herself.

So in this society when we are talking about the next stage of violence in a school which is cyberbullying, how do we deal with this? Because we are dealing with a bully without a face. How do we stand up? How do we defend ourselves as it not only exists in schools or in your safe haven, but it now exists in your home? Cyberbullying no longer exists in the schoolyard; it follows you home. So it exists beyond the schoolyard.

I would like to share with the listening audience and the Senate, Madam President, a case study in the US which was highlighted on multiple media. And I would like to draw your attention to Miss Megan Meier, who was not yet 14 years old, and she had an—every teenager wants to be part of the social media, have an account, so she asked her parents to create a Myspace account. After much deliberation, her parents decided, "Yes, under watchful vigilance, we will allow you to create a Myspace account". After creating such account, she got a friend request from Josh Evans—not a problem. They chatted over probably six weeks. Unfortunately, October 15, 2006, Megan received a puzzling message from Josh saying, "I don't know if I want to be friends with you anymore because I heard that you are not nice to your friends". Strange. It went on and unfortunately escalated to a message being sent by Josh saying: "The world will be a better place without you."

Later, unfortunately, as all classmates always know what is going on with another classmate, it hit multiple media, platforms of social media, and she was now being called—numerous names for being dumped. Her size came into play and all things, mean, that they could have possibly thought of, they posted. This unfortunately led to the suicide of Miss Megan Meier. The day after her suicide, investigations into who is this Josh Evans led to it being a fake account that was immediately deleted after her suicide. Later investigations revealed that this fake account was a parent who created this account to embarrass Megan and to befriend her and put up these things to discredit her. Now, unfortunately, in that State there was no legislation in relation to cyber activity and cybercrimes, and nothing was done and no one was charged.

In the UK, Madam President, this also exists, because at least 16 children kill themselves each year because of being bullied at school—16 children every year. Now, we might think, okay, this only exists in the US or the UK, and I am—unfortunately to say, do not be fooled. This also exists in Trinidad and Tobago. As posted on the *Newsday*, November 20, 2010, headline: "Bullying can lead to suicide". *Trinidad Express*, April 25, 2013, reported by a digital forensic expert, Corporal Joseph at the Police Service Cybercrime Unit: "For the period between 2012 and 2013 there were 30 cases of cyberbullying in Trinidad and Tobago."

Now, we must be aware that bullying did not happen in this decade or this century. It has always existed, just different forms. And even from doing my research I came across quite an interesting research paper that was entitled: "Bullying, mental health, and parental involvement among adolescents in the Caribbean", and it was published in 2012. This article, or this research paper, showed statistical evidence of Trinidad in 2007, and I would like to just share the information that I found.

They looked at a sample size of 2,920 children in Trinidad and Tobago. They looked at different ages, boys and girls. It was found that more girls were bullied, with 23.2 per cent of the sample size, and 19.4 per cent being boys who were bullied. But what was amazing to me, or alarming was, of that sample size, 30 per cent were under 12 years old. Now, under 12 years old? Well, I remember my days, we are very fearless; we are very open to the world out there. We do not want to instil fear into the minds of our under 12-year-old children, and that is what a bully is trying to do, inflict pain and fear to overcome or succumb their victims.

The study even went on to prove the association between bullying, victimization and poor mental health issues, and I mean, poor mental health issues

such as suicidal thoughts, loneliness, insomnia, sadness, hopelessness, were strongly related. Now I do not know—we do not expect to have our under 12-year-olds to be feeling this kind of mental instability. And I have heard the argument about cyber legislation or cyber activity, that, you know, it is an infringement of freedom of your speech or freedom of your rights. I say to those who speak up about freedom of speech, freedom of speech should never be used to hurt another human being. If so much bitterness needs to exist in one individual and you want to spread such behaviours through the freedom of online blogs, chat rooms, social networks, with the sole intention of destroying another individual life, we, the Parliament, are left with no choice but to legislate against such crimes, and to allow the courts the authority to prevent such irresponsibility.

Now, many might think, why we even have the thoughts of bullies in our country? Why would somebody want to be a bully? And it was quite interesting—yes, we know the simple thing. They have power to attain your lunch money. Well, we heard in a recent committee stage where they had taxing and you get little possessions off the student. But there was something more than that. A 2011 journal that was published on Criminal and Civil Confinement, published a study that was done by the University of Virginia and there were 400 middle school students that were part of the research team, or the survey size, and it found that bullies were overwhelmingly more popular than the other children in the class. So if you are a good child and you made "As" and you are obedient to your teachers, you were just not as popular as the bully, who is quite the opposite.

So this problem runs deeper than media usage, due to the anonymous protection persons use to vent their hate with inappropriate and caustic terms via the use of blogs, Facebook posts, Twitter, emails, text messages. We must remember, Madam President, cyberbullies are a respecter of no person. They do as they want and they do as they feel because they feel they are protected by the secrecy of the Internet.

Now, bullies can even be considered similar to our minor offenders or our criminals, as they do the same. They try to inflict fear into the societies living in the community. So no longer you are allowed to walk past a certain house because you have fear that you might get shot, you might get robbed or you might get stabbed; same thing the bullies are trying to do. They are trying to inflict fear into their victims.

So do not think that it is only because you are a young person that you are a victim of cyberbullying or cybercrime. We, parliamentarians, have also been victims of cybercrimes. You may ask, how? Four stories posted online in the hope

of character defamation, disgraceful slandering of public image, rumour spreading, name-calling, I think the most recent case we had publicly known was the case with the hon. Minister of Finance where his Facebook account was allegedly hacked and very intolerable comments were posted online.

So, yes, we are stronger than collapsing under a fake picture or a fake profile account, or maybe a notorious quote. We are stronger. But what are the effects of cyberbullying on teenagers, young adults, our under 12s? Some studies show self-harm, lower self-esteem, suicidal thoughts, increased psychological, emotional and physical stress. Being a teenager is never an easy time. It is a transition period in your life. It could be good, it could be bad, it could be both. Now to add such psychological trauma to a child's life or to a young mind, what are we trying to create in Trinidad and Tobago? Are we trying to create criminal minds?

I heard in this very same Senate where Sen. Hadeed raised, or highlighted some graffiti he saw posted on a wall while driving by: "Join a gang, it's better than a family". The mind is a powerful tool. What is the message we are trying to share with the public? What do we want to be remembered by and for? I find Romans 7:19 puts it quite nicely:

> For I do not do the good I want, but the evil I do not want is what I keep on doing.

We keep repeating things that we do not want for ourselves.

So, Madam President, we are not alone in this piece of cybercrimes and cyber activities in this world. The US actually has 49 States that has a piece of legislation for cyber activity, and of that 49, 35 of the States have legislation directly related with cyberbullying. Now, Trinidad and Tobago has not been able to step up. We—our past leaders and politicians have attempted to solve cybercrimes. I ask you to reflect on the 2011 Commonwealth Cybercrime Initiative which was intended to assist developing Commonwealth countries such as ours to build their institutional, human and technical capabilities with respect to policy, legislation, regulation, investigation and law enforcement, with the aim of making their jurisdictions more secure from cybercriminals.

Now, this is very "applaudable" because it would be nice to have a listing of all the cybercrimes, all the cybercriminals out there in the Commonwealth and share this information throughout so we could have a list to know who to be mindful for or system, or what virus to look out for, or what is going to be coming to Trinidad and Tobago. So this is very commendable and I hope we continue in that initiative.

Now, Madam President, we need to care for the youth, the children, as they follow us, and we have to protect their minds and the environment in which they live. We should not neglect them, disrespect their decisions, because their decisions are a clear reflection of us.

**2.30 p.m.**

When we hear of a teenager who has committed a murder, that is a reflection of his community. Now I say that with reservation, because if you look at the 2009 National School Code of Conduct, which is online for all to access and read, it speaks about the community's responsibility and it says that it is:

> "1. Maintaining a standard of conduct…that…foster appropriate behaviour.
>
> 2. Cooperating with"—Minister or—"the Ministry of Education and the school personnel in the enforcement of school expectations, guidelines, rules and regulations.
>
> 3. Providing educational and recreational opportunities to allow for the development of appropriate student behaviour."

And all of this is in our regulations for schools.

Now, I would like to share an African proverb with you that says: it takes a whole village to raise a child. Now unfortunately, this saying no longer is applicable, unfortunately, because the same community no longer shares a common view; we no longer go to the same community school; we no longer go to the same community bazaar. We do not have all have the same view on religion, politics or even we do not have the same educational views, and that is because we no longer live in that era. So here is the National School Code of Conduct speaking about community responsibilities and yet we do not have this core responsibility of the community anymore. So we need to know who is now responsible for the children. So the parents now have the onus to be responsible for their children. So when they say that we have a good child, they have a good boy, a good girl, it is a clear reflection of his or her environment. So the television programmes, the social media, even the media forecast, all of those influence the child, even the public figures in public office that they hold and their behaviour, it is also reflected there.

So when we say no to the corporal punishment because parents are doing the discipline, I have to ask and wonder why do we have students committing crimes? So this is my recommendation: parents need to be held responsible for their child

and they should be heavily fined or detained until their child is reduced in the indiscipline demonstrated in schools or in society. They need to be held responsible.

I now go back again to the National School Code of Conduct. There are many different consequences for your crime. If you breach the National School Code of Conduct, your maximum offence is law enforcement so you can go to jail. So I find it very strange that we are not enforcing the present regulations that we have in place because here I am asking for an amendment or a new legislation, but we are not even enforcing what we have presently.

So to the days where schools were a place of education or children were dreamers or a place where you could believe you are an astronaut, an engineer, a lawyer, now we have in our school system, which is hard for me to even come to terms with, drug addicts, drug traffickers, prostitutes, teenage mothers. I find this so difficult. So I have to now ask. We have counselling systems in place in schools that are being offered by the State or the Ministry of Education to deal with these different or errant children. So I have to ask: is it that we are counselling them by day and allowing gang warfare by night? Because if we are not holding their parents responsible, when they go home, it is the same story, there will be no resolution. So the law needs to hold parents equally responsible for their children's crimes, and this also extends to teachers, health care providers, community servers, principals.

Now, Madam President, it is difficult for any child to pay attention when you believe you will be assaulted or attacked. So I need to find out, if the Ministry of Education is not enforcing National School Code of Conduct or is it the principals who are not reporting these scenarios or these cases to the Ministry out of fear for losing funding of their school or out of fear that nobody will just attend their school because parents will no longer want to send their child where there is a high prevalence of gang warfare or drug abuse.

So I do not support suspension or expulsion but I do support community service or servicing of your school as in janitorial services, removing graffiti from walls, painting a desk that you may have been vandalising, painting a wall. These are things that will ensure that students understand what they have done and what is the work to rectify what they have done. So I would like to recommend to the Parliament, legislation be put in place where community service will be a penalty and the policy can be specific where service is done between the victim and the bully to ensure that they both develop skills through supervised sessions.

Madam President, in the remaining time I have, I need to speak about cyberterrorism and that is the new language of war. Cyberterrorism is defined as

terrorist activities intended to corrupt vital computer systems. So yes, it is the new language of war. Just like how you would protect your country from war, you will have walls in place, you might have a navy system, you will have your forts, same way you need to have infrastructure in place to protect your country from cyberterrorism.

Let me share with you, cyber terrorists pose an enormous threat as computer viruses are being unleashed against banks, energy companies and businesses worldwide. We need to protect ourselves just as we would protect ourselves from a physically attack. Digital technology has definitely changed the playing field and in this case, it has changed the battlefield.

Let me share with you, Madam President, the *Global Politics and Strategy* publication which was April—May 2013 and it had an interesting article dated August 15, 2012 and it stated:

> "…the computer network of Saudi Aramco was struck by a self-replicating virus that infected as many as 30,000 of its Windows-based machines. Despite its vast resources as Saudi Arabia's national oil and gas firm…"

Documents, spreadsheets, emails, files were replaced with an image of a burning American flag.

> "…Aramco…took almost two weeks to recover from the damage."

The *New York Times* published October 23, 2012:

"In Cyberattack on Saudi Firm, U.S. Sees Iran Firing Back"

Again, the cyberterrorism between countries just from that. So we might say okay, what is happening in Trinidad and Tobago. In 2015, December 28th, the *Guardian* published.

"Savers lose thousands in bank scam"

During the Christmas season, almost 200 RBC customers reported to have rampant cybercrimes. Widespread panic was reported and a number of clients were impacted by the debit cards skimming and thousands of dollars was lost by these individuals. Later on, January 03, 2016:

"Cybercriminals target local ATMs"

And that is published in the *Guardian*. And the article even had an interesting take on it where it had a security expert at a local commercial bank saying:

> "…skimming attacks like the one that occurred on December 28 will happen

again because ATMs are increasingly being targeted by cybercriminals who are using increasingly sophisticated high-tech methods to empty the…" bank accounts of customers.

Madam President, one of our greatest challenges is the brilliant minds that exist in our country. I believe earlier this year, there was a publication where Trinidadians were known to be the top paid by Facebook to come up with loopholes in the system or gaps in their present very high-tech secure system, so imagine that exist here. So it is going to be challenging for national security and for our legislation to keep up to date with these very brilliant minds, young people who are just keeping up to date with the technology that is existing out there.

At this point, I would like to urge all Members to keep the debate healthy and to highlight concerns or issues to prevent the hindrance of formulating a strong Bill that can be laid before Parliament. This is a critical issue for Trinidad and Tobago and it is of high importance, not only today but to the future generations. So I look forward to hearing from all Members on how cybercrime has affected you, a loved one and how we, a Parliament, can protect all. Investing in children and young adults starting from childhood and at all stages throughout their lives is an effective way to reduce violence, vicious intergenerational cycles of poverty, misconduct and lawlessness. It is also wise to tackle the root cause of every problem.

**Madam President:** Sen. Ramkissoon, you have five more minutes.

**Sen. M. Ramkissoon:** Thank you. Madam President, to prevent persons from achieving their maximum potential and fully participating in society, we need to safeguard their environment and what we cannot see. Just because we cannot see it, we cannot be ignorant to the fact that it exists. In this particular Motion, it is important that people who are often seen as beneficiaries of development are engaged as active partners participating in all aspects of development. Through you, I invite each parliamentarian to understand and show their commitment to this cause by not failing to put forward proactive measures that will not fail our society today. Let us be proactive. How many more innocent persons need to suffer for our negligence? We have not had a Megan in Trinidad and Tobago and I do not want to read of a Megan while I sit in this Parliament. So I plead today that this Motion or this piece of legislation be placed on the Government's agenda as a high priority because I saw it as part of the legislative agenda and I do plead that it is given the attention that it is needed.

So before I close, I want to end like how I started and I want to say special thank you to Ms. Gomatee Lakhram and her staff for assisting me with my

research data today. Also, I would like to thank the parliamentary staff for assisting me and ensuring that everything went as smooth as it could today. So, Madam President, let us leave no one behind, stop the abuse of cybercrimes or stop the abuse of digital technology, and ensure that we have a better tomorrow. So I beg to move. [*Desk thumping*]

**Sen. Dr. Dhanayshar Mahabir:** Madam President, I am honoured and I rise to second the Motion of my colleague, Sen. Ramkissoon. At this time, I waive my right to speak as per the Bench agreement. Thank you, Madam President.

*Question proposed*.

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam President. It is very refreshing to be back in the Senate again having spent several years amongst colleagues in the Tenth Republican Parliament. May I begin by complimenting very wholeheartedly and warmly the Mover of the Motion, Sen. Melissa Ramkissoon. [*Desk thumping*] It is a great initiative to not only bring matters of national importance to the fore but to also agitate them in as high a forum as the Parliament of Trinidad and Tobago, so I wish to compliment her.

I wish to say, Madam President, this Motion, when I first read it, was such a wide and limitless Motion itself, that I was hard-pressed to try and find which way I wished to address the issue. However, the hon. Senator has given some interesting marker points and if I could in summary crystalize what I understood the call to be. One, take cognizance of the fact that this is a burning issue in society. Two, act with alacrity as a Government in treating with necessary solutions to be provided. Three, do not be in search of a perfect product in one piece of legislation, rather focus on that which you can achieve and provide in particular attention to two sub but equally important issues: one being cyberbullying and the second one being cyberterrorism. That is as I understood the parameters of today's Motion and what the call for justice is and so I have to start where the hon. Senator ended.

She ended by saying, please Government, take heed of the importance of this issue and put it in priority, and I was very happy to hear the hon. Senator acknowledge that she noticed that, first of all, there was a legislative agenda of a Government, dare I say for the first time in five years, we have seen a legislative agenda.

**Sen. Hadeed:** Where it is?

**Hon. F. Al-Rawi:** Sen. Hadeed, sorry?

**Sen. Hadeed:** Where are they? Where is your agenda?

**Hon. F. Al-Rawi:** The hon. Sen. Hadeed has just asked: where is your agenda? Clearly he is not that familiar with the technology available on the Parliament's website because it is published on the Parliament's website for all to see. [*Desk thumping*] In any event by way of assisting my learned colleague, Sen. Hadeed, who says it is not here, I anticipated that so I have brought a copy with me which is right here to assist those [*Desk thumping*] more anchored to paper than technology. And so I would just say in answer to my learned colleague, Sen. Ramkissoon, that Cybercrime Bill features at number three on the list for this year and it was not by mistake that it features at number three. So it is here in paper, it is here virtually for those who are incapable of accessing it that way.

But the fact is, cybercrime does not exist in a vacuum. The Government, on coming into office, saw it important to return the Parliament to some measure of discipline by publishing a legislative agenda, specifically so that persons who have interest in various areas of the law could have an insight into what the Office of the Attorney General is doing, what is on deck, what the priorities may or may not be, and then to allow for an interplay and interaction so that we can move things as society demands. So it is a priority item for this Government, it is published. We intend to come to Parliament very shortly to continue work that successive Governments began and let me explain what I mean by that.

One must be very careful not to throw away good product purchased by the people of Trinidad and Tobago through expenditure of taxpaying dollars. In 2008, the Ninth Republican Parliament saw, under a PNM administration, a very sharp and dedicated focus against cybercrime. In fact, the inter-ministerial committees created by Cabinet Note and Minute happened under that Government and in 2008, there was an introduction into a sharp focus in this area by the Trinidad and Tobago Police Service creating a Cyber Crime Unit. That saw a coincidental birth come out of the very hard work put together by the Ministry of National Security, the Trinidad and Tobago Police Service, the Defence Act, international partners in an arrangement which is referred to as the Special Anti-Crime Unit of Trinidad and Tobago.

I wish to put on record as well coming after the Ninth Republican Parliament that the work in relation to cybercrime was continued by the last Government, and specifically Sen. Gary Griffith as Minister of National Security pioneered quite a bit of work in relation to that which he inherited from a previous Government. So too do we, as an incoming Government, intend to carry out the work that the people of Trinidad and Tobago need to have, and specifically to bring to life

solutions which occupy the national attention in relation to the Cybercrime Bill of 2014 which regrettably lapsed under the last Government and also the Cybercrime Bill of 2015 which was halted when the media association expressed concerns in relation to what appeared to them to be an intrusion on the freedom of the press, insofar as they thought that there would be a filter against the media or a stymieing of the media in expressing views for information which they "received" but did not necessarily want to say how they had received it, and there is legitimacy in that purpose.

Suffice it to say, Sen. Ramkissoon's submissions in relation to cybercrime in its two subsets that she focused on, cyberterrorism and cyberbullying, require indeed a reflection on what the current state of the law actually is because Senator, I would like to, through the hon. President, put it this way. We actually have robust laws in place right now to treat with both cybercrime as expressed in cyberterrorism and cyberbullying and that is a fact. Because we have a range of remedies—not that I say that we must hang our hats on what exists only, as you have heard the Government intends to prosecute the passage of a Cybercrime Bill, but the submission that I make right now is that we not only have laws but the real problem is in fact how one operationalizes laws and gets the effect, and I wish to put my point forward this way.

Let us look to the fact of cybercrime in this context. What are the laws in Trinidad and Tobago that articulate that could lend some assistance to cybercrime in general? I did a cursory passage through the laws last night, having been told only very recently that I would be required to respond to this Motion, but I put it out this way. I came across number one: the Computer Misuse Act, 2000; the Telecommunications Act, 2001; the Interception of Communications Act, 2010; the Offences Against the Person Act, Chap. 11:08; the Anti-Terrorism Act, 2005 as amended four times, most recently in 2014; the Children Act, 2012; the Dangerous Drugs Act, Chap. 11:25; the Electronic Transfer of Funds Crime Act, 2000; the Evidence Act; the Extradition (Commonwealth and Foreign Territories) Act, 1985; the Mutual Assistance in Criminal Matters Act; the Financial Intelligence Unit of Trinidad and Tobago Act, 2009 as amended several times; the Proceeds of Crime Act, 2000, again, amended several times; the Trafficking in Persons Act, 2011; the Data Protection Act, 2011; the Electronic Transactions Act, 2011; the Copyright Act; the Trade Marks Act, but importantly as well, the SSA Act which is a 1995 Act, which I would not get into in detail because I would be guilty of the prescription against anticipation of a Bill, it having been now laid in this House today.

But it was that Act which has the operationalization for a lot of things because I wish to prove my point that we have laws in existence that can treat with this by reference to two particular of pieces of law first and then an overarching piece of law after. I wish to point Members to the Offences Against the Person (Amdt.) (Harassment) Act, 2005, in particular section 30A(1)(a):

"For the purpose of this section—

(a) 'harassment' of a person includes alarming the person or causing the person distress by engaging in a course of conduct such as—

(iv) making contact with the person, whether by gesture, directly verbally, by telephone, computer, post or in any other way;"

I pause there. Let us look at the Anti-Terrorism Act and let us look specifically to what that says. The Anti-Terrorism Act, Chap 12:07, is a very interesting piece of legislation. In section 3 of the Act defines a "terrorist", a "terrorist act" and other aspects and then in the next sections of the Act, it goes on to criminalise terrorism.

But I wish Members to reflect upon in section 2 the definition of a terrorist.

"terrorist"—includes—"a person who—

(a) commits a terrorist act by any means directly or indirectly, unlawful or wilfully;

(b) participates as an accomplice…

(c) organizes…directs…

(d) contributes…" et cetera.

A "'terrorist act' means—

(a) an act whether committed in or outside of Trinidad and Tobago which causes or is likely to cause—

(i) loss of human life or serious bodily harm;

(ii) damage to property; or

(iii) prejudice to national security…"—in its multidimensional forms.

"(iv) compel a government…"—et cetera, et cetera.

So by any means and anywhere. By any means includes "by any means". So

there we have two stand-alone pieces of law: one which deals with harassment which includes bullying specifically and one which deals with terrorism which includes terrorism by any form in any capacity.

But there is merit in a revision and in encompassing a holistic experience because cybercrime relates to two forms and categories. One, cybercrime refers to new offences for new technology which our laws do not currently have in the best form possible, the progression of the type of attack that one could have in phishing or in emails or in that form of inundation of unwanted material or offensive material or unlawful material. But secondly, it also includes the concept of old or well-known crimes like harassment or new crimes like terrorism which are features of the law whether by statute, by criminal law and even under the civil law, insofar as a breach of confidence has now morphed itself under equitable jurisdiction for inclusion. So it has two features: new aspects of the law and aspects of the law which are well known to us but are committed on computer networks or computer systems locally or otherwise.

But we also have available to us the Computer Misuse Act and the Computer Misuse Act No. 86 of 2000 is a very interesting piece of law. The Computer Misuse Act has as a broad definition, which I commend to all Members, a very useful definition of what a computer is, what a computer service is, what damage is, what interception is, as is the term "intercept" used there; and then it criminalises any form of access, any form of unlawful receipt, any form of distribution where no consent is provided. But it is pegged to the concept of damage on one side of that piece of architecture.

But wide open is the concept of use of unlawful information and it does not matter whether you had permission to access it. If you gave it without consent, you are caught by an offence. If you received it and did not know that consent was required, you are caught by an offence. If you are caught in-between, you are caught by an offence. So harassment under existing law is a fact including use by a computer. Anti-terrorism legislation penalises the offence of terrorism by a terrorist, any means, any manner. Computer Misuse Act provides for a robust methodology.

**3.00 p.m.**

So are we in Trinidad and Tobago talking more so about what we do to create new law, or must the call also include, and this is a call that I now make of my own Government and I am the chief agitator for the solutions on this hand, must the call not also include improving the detection, conviction, via prosecution under due process in the laws of Trinidad and Tobago being applied so that

people realize that there is a consequence to criminality? Because, believe you me, you can achieve any consequence if you apply the methodology through intelligence-driven policing investigation.

The hon. Senator, [*Cell phone rings*] if would you allow me as we hear "umpteen" phones going off in the Senate.

**Madam President:** May I remind everyone that all cell phones should be either turned off or on silent. [*Cell phone rings*] Oh dear. Let me rephrase. All digital devices should be turned off or on silent.

**Hon. F. Al-Rawi:** I am sure that was not an act of cyberterrorism. But suffice it to say, Madam President, I would like to just stick a pin in the argument for a moment, having made a call to myself as the Attorney General to enable the laws, to get them moving, bearing in mind, politicians, the Executive, can only create enabling environments. It is for the prosecutorial and investigative arms to do their work but they must be operationalized by proper enabling structures, which a Government, no doubt, promotes and provides.

But you said something, hon. Senator, which I wish to assist you and the country with. You cried out quite legitimately for the need for statistical information and I was very pleased to receive answer to a request that I made of the cybercrime unit and I would like to put on record statistics, so that we can further stimulate these arguments.

So, the Trinidad and Tobago Police Service Cyber Crime Unit, for 2015 only, dealt with the following types of cases and number of cases: online identity theft, 15; online business email fraud, 25; website compromise, 10; network intrusion, 7; social media investigation 60; digital forensics, 231; online open source investigations, 80; SEA laptop recoveries, 12; child pornography, child exploitation investigations, 8; online open source investigations, 21; malware analysis, 8; cellular triangulation, 450. That is for one year only, 2015.

I want to drill further down to that and to say that Interpol itself has asked for assistance of our agency in the years 2013, 2014, 2015, 2016; jurisdictions including the USA, Germany, Poland, Canada, Malta and France, and those enquiries related to online child pornography for 2013, 4; online child pornography from Germany 2013, 3; Poland online child pornography, 1; USA online child pornography, 154 for 2014; 2015 the UK and Germany again for child pornography 3 and 1; Canada for 2016, online child pornography, 3; Malta online fraud, 1; France online child pornography, 1; and the TTPS Cyber Crime Unit has been able to assist significantly there.

Where I found very important statistical information and you will note that the Office of the Attorney General has taken a very different course to the past, we are now putting into the public domain what we uncover by way of statistics because we genuinely want to invite the population in to participation on the basis of not anecdotal information but factual information, be it in the prison service where we disaggregate numbers or now in this cybercrime and cyberbullying aspect.

Cybercrime statistics, as it relates to bullying conducted again by the TTPS in the period 2011 to 2015, there was a total of 142 cases; 14 for 2011; 27 for 2012; 33 for 2013; 36 for 2014; 25 for 2015; 7 for 2016 up to now. The number of cases solved over that period was 90, leading to a 63.3 per cent conviction or solution rate, which is an incredibly high number. The number of prosecutions arising, which is different from solution, was 30, and the numbers for cases solved against the numbers just given: 2011, 9 of 14; 2012, 17 of 27; 2013, 24 of 33; 2014, 20 of 36; 2015, 17 of 25; 2016, 3 out of 7. Prosecutions: 5, 5, 7, 9, 4, nil across the years 2011, 2012, 2013, 2014, 2015, and 2016. So these are some of the facts. It shows, therefore, that what we have going on is a police service that is clearly doing some serious work, clearly with a 63 per cent solution rate, has some material outcome, clearly with number of prosecutions in tow, what has to happen now is not only prosecution but conviction. But we seem to be headed in the right direction.

What seems to be absent from the matrix is the connectivity right now. Because cyberbullying is one aspect of bullying only. What I asked for was what was going on in the schools. And Sen. Ramkissoon raised it. She raised the fact of what is going on as actual physical activity. I was astounded to learn that in 2014 alone, some of the statistics looked like this for students who were suspended in 2014 alone, across the following reasons or categories: assault with weapons and assault without weapons, bullying, disrespectful to authority, extortion taxing, fighting with weapons, fighting without weapons, gangs, possession of weapons, robbery or theft, sexual misconduct, obscene language, vandalism to schools, disruptive behaviour. The total for 2014 alone, suspensions, was 2,531 students; disruptive behaviour, 101; vandalism to school, 112; obscene language, 87; sexual misconduct, 106; robbery or theft, 98; possession of weapons, 84; fighting, 389; fighting with weapons, 48; extortion, 60; disrespectful to authority, 414; bullying, 84; assault without weapons, 281; assault with weapons, 65. That is male alone.

I have not told you about female. Now, the total number is 2,531 but it is disaggregated as to male and female and I just gave you the male disaggregation figures. The female figures are equally frightening: fighting without weapons,

165; sexual misconduct, 59; vandalism to schools, 25; disruptive behaviour, 34. So we clearly have an issue, if I put it this way, where we have laws, as I have just identified in the cyber context. We no doubt have laws in the physical context as well but clearly we have a problem. So, do we throw our arms up in the air? Do we say all is bad? So we adopt a Hobbesian point of view that life is short, poor, nasty and brutish? Do we adopt a Russo perspective of rose-tinted lenses and that things can be fixed? Or do we come together and recognize, as Sen. Ramkissoon has implored this Parliament and which I approve of wholeheartedly, that we have to take the best chances that we can to do the best effects that we can to get the right results?

Because hon. Senator, you mentioned something which was very important. You mentioned the fact that we have to deal with the solutions for our children. You said we must legislate against bullying. It is legislated already, the Offences Against the Person Act. Section 30 can be applied. Cyberbullying can be applied. The problem is in evidence, and everybody in Trinidad and Tobago knows who do it, "how much dey tief", who did what. Time to turn up in court to give evidence, "zip, no man jack" coming forward for fear of victimization, for fear of abuse; legitimate fears.

So, therefore, is it not a progressive step, as your first order of business, to make sure you deal with whistle-blowing protection as a Government? Needless to say we are in Joint Select Committee right now, dealing with that law. Is it not also useful when you are making a cry in relation to the need to protect children? As the hon. Senator has implored us, she said to us, the hon. Senator, that there is a national school code of conduct. Parents need to be held responsible for breach of the code of conduct. I wish to remind that we have a Children Act, 2012 and we have defined the concept of persons with responsibility for the child and negligence is one of those responsibilities for which you can be made to pay the consequences.

But is efficiency not best demonstrated by enabling a court with specialist skill and specialist ability, properly constructed, where that can happen, where peer resolution as a technique can be applied? And, therefore, should we not take conscious reflection of a Government that has brought a Children and Family Division Bill, which is currently in this Parliament right now and which will be brought back for completion, hopefully, by next week, where we took the opportunity as a Government to amend 18 pieces of law in one shot? When we could have done it staccato, we decided to bring it together so that we could operationalize the Children Act, 2012, appropriately.

You see the theory of my submission, most respectfully, enough talk about new laws, how about operationalizing the existing laws we have more efficiently? It is for that reason that one must have centricity of focus on intelligence-provision to be a supplement to investigative and prosecutorial arms of Government and, therefore, conscious reflection of putting a priority to improve your Strategic Services Agency's ability to deal with, and I hope not to intrude here, specifically cybercrime is of material note, because that is what the new SSA Bill focuses on in the definition clause of "serious crime", cybercrime. [*Desk thumping*]

But, Madam President, one must also have conscious reflection of the need for an official Secrets Act because you cannot create whistle-blowing legislation and have a backdoor where people who are obliged to keep national secrets, secret disclose them. So, conscious reflection of that kind of law has to be had as well.

And what I am hoping to lay as persuasive effort demonstration is that we are not a Government bungling from one piece of law to the next, but rather we are a Government that has the courage to produce and publish a legislative agenda and to connect the dots on how the laws intertwine and deal with each other. Because that is the only way that we are going to get this to work, Madam President.

Madam President, I know that the speaking time in this House is a little bit different from the House of Representatives, unfortunately. But I wish to turn to another very important tool. May I ask how many more minutes I have left, Madam President?

**Madam President:** Eleven.

**Hon. F. Al-Rawi:** Thank you very much. So, in 11 minutes and I hope you are right. I am getting expressions of "What?" from my colleagues on my own Bench in disbelief that there is that much time left. Yes, much obliged. So, may I say that there is a very interesting tool to wrap much of this up and I wish to tell you how we are actually dealing with that. The supreme law of the land in Trinidad and Tobago is, as we all know, the Constitution of the Republic of Trinidad and Tobago, the Republican Constitution.

In the Republican Constitution we have rights enshrined in Part I of the Constitution and section 4 enshrines the rights to the citizens of Trinidad and Tobago who, without any discrimination of race, origin, colour, religion or sex, have the following fundamental rights and freedoms: the right to life, liberty, security of the person, enjoyment of property and the right not to be deprived thereof except by due process of law. The right of an individual to equality before

the law and protection of the law. This one is where I wish to focus: the right of the individual to respect for his private and family life and then, of course, we go on, equal treatment, the right to join political parties, the right of a parent or guardian to provide a school of his own choice for education, freedom of movement, freedom of conscience, freedom of belief, observance, freedom of thoughts and expression, freedom of association and assembly, freedom of the press. Now I focused upon these particular rights because these rights intrude upon some of the laws that we have in operation.

And so it is interesting to note that there are basically three categories of things involved in cybercrime and that is where you have cybercrime that relates to the person, cybercrime that relates to property and cybercrime that relates to your nation or state. Needless to say, cybercrime relative to nation or state can be viewed as terrorism, as our Anti-terrorism Act deals with that, hence cyberterrorism. Against the person and property, Computer Misuse Act can deal with property, so too can common law offences, et cetera. Also we have against the person.

But there is a very important right, and I say this now to the younger people of Trinidad and Tobago. The right of privacy does not, per se, exist in our jurisdiction. There is no right of privacy in Trinidad and Tobago. You have the right, under the Constitution, for respect of your private life. But, I want to commend publicly that there is great enterprise in Trinidad and Tobago to finding protection for privacy, in particular the issue of confidentiality as it relates to, how should I say, images of explicit content, where those images are created and disclosed in the context of a personal relationship between consenting adults. Those matters of news have come into the public domain.

I want to commend for reading to everyone the High Court Action Judgment by Mr. Justice Frank Seepersad in CV 2014-01949, the case of *Therese Ho v Lendl Simmons* and in that particular judgment the learned judge goes through, very usefully, the law as it relates to confidence. Now there is a common law right of confidence where there is a respect for confidentiality, where the material has the nature of confidence, it is disclosed in a confidential setting and it is understood that way. Protection comes into the common law that way.

We have a statutory right of protection that one could argue exists under the Copyright Act, because it criminalizes and treats with civil liability, disclosures of things which are copyrighted and anything that you create in your mind is in fact copyrighted when it is expressed. There is no need for that circle and C. There are no registration requirements for copyrights and we have it in trademark laws as well.

But the learned judge goes through a very useful analysis of the law of equity and where the law of equity can step in to fill the void in circumstances where there is no contractual relationship of pure confidence. I want to commend in particular the novelty of the courts of Trinidad and Tobago in applying age-old equitable principles to give compensation by way of aggravated damages and general damages in circumstances of what is now referred to as revenge porn, because that applies to a number of circumstances where there is a relationship between people but it does not go right and somebody accepts, quite inappropriately, the wrong course of action. Hence—[*Interruption*]

**Madam President:** Attorney General, you have five more minutes.

**Hon. F. Al-Rawi:** Thank you, Madam President. I would have to speed it up. The point is that there is great merit in the novelty of the common law, in the novelty of the equitable jurisdiction of the High Court and that even though we do not have one standalone piece of law right now, which deals with the new offences of cybercrime, where arguably we have a suite of laws that deal with the old types of crime committed via computers but not in the best manner of expression where it is conclusively dealt with, where you can find one compendium of laws, I dare to say that it is imperative for us to adopt an holistic approach to finding the solution.

I want to say, by way of concluding remarks, that the Government of the Republic of Trinidad and Tobago is very conscious of the need for the law to be harmonized and modernized. It is for that reason that we have put it at number three on the legislative agenda. I again apply the caveat that things may cause a little reshuffling now and then where there are exigencies of emergency to be applied in respect of other laws, but suffice it to say it is top priority. And we have made it top priority by operationalizing the law at the same time while we apply it and it is for that reason that we have given significant budgetary assistance to the manpower in the Judiciary and to the manpower in the Trinidad and Tobago Police Service and to the investigative arms at the SSA, which are an aid to investigative and prosecutorial services.

So, hon. Senator, final statement, the Government is fully committed to supporting and prosecuting an enabling environment to bring to life that desire expressed in your Motion, which we are not only promising to do but which is already published and in the gear to be performed. I thank you, hon. President. [*Desk thumping*]

**Sen. Rodger Samuel:** Madam President, I too want to join, through you, with the Senate in welcoming the students of Naparima College.

I want to thank you for the opportunity to speak on this Motion by Sen. Melissa Ramkissoon and to share with this honourable Senate some views, after hearing both the Senator and the hon. Attorney General, who has always expressed and exhibited not only what I always tease him with, his sartorial elegance but his oratorical elegance as he always attempts, in many instances, Madam President, to "explashiate" on the legal aspect on the laws in many instances.

I must say though that after hearing the Attorney General speak, there is something that came to mind; that it is one thing to have all of these things enacted, it is another thing to act upon it, in many instances and we have not been a society, over the many years of independence, to tremendously act upon those things that have been enacted and that is where we have suffered in so many instances.

But, Madam President, one of the things that we must consider is the fact that there is a basis for all of the things that are happening in our lives. Some things have been happening that trigger off a lot of things that we are experiencing today.

So cybercrime and bullying and cyberbullying and stuff like that did not just happen or just come to the forefront overnight. It is something that has evolved, that started at a lower level, that began in a lower phase, that happened at another time in our society. And as life evolved and as things began to expand and as technology increased and would develop even more, what happened is that the bullying mechanisms took a new form and in taking a new form, the Attorney General is 100 per cent correct when he said legislation did not take the new forms, as these things were taking new forms in our lives.

But it started and it starts with the status of a society and how a society evolved, how it moved forward, how it developed itself, how discipline and indiscipline affected our lives and how it affected our lives in the past and how it grew into different dimensions. So it is not a now thing. It all started with some aspect and some form of indiscipline; indiscipline as adults, as exhibited by adults across the sphere; indiscipline as we see it in our young adults, as it has a domino effect upon society. So it starts with adults and it triggers itself down to young adults and then to our teenagers and our children in our schools. So it has a domino effect. All the time that is what we see happening, Madam President.

And now we have to deal with what we now term cybercrime and cyberbullying. But it is just bullying of a different nature, bullying in a different form, bullying at a different level, bullying with different technology. Many,

many years ago it might not have been termed cyberbullying because there was no technology then at that time but it is the same bullying that has been taking place. It is just of a different nature, Madam President.

And when we think about it, we recognize that there could not be cyberbullying if there was not bullying in the first phase. At a natural level, a relation level, one-to-one bullying, bullying in the schools, bullying as adults, bullying in the Parliament.

And maybe we have to start to think about parliamentary bullying. We may have to think about how we speak to each other and how we respect each other and how we sit on sides and talk about I am not listening to you, you are "dotish" and you are stupid; those kinds of bullying mechanisms. Probably we have to look at all these kinds of things to see if it is those things our children are looking at and they in turn are now adopting the same bullying mentality that we are facing today. Front page in the *Express* "you dotish and we not listening to you. You are an idiot. I doh listen tuh all yuh". It may be those kinds of things that our children are looking at and listening to, that when they hear it "dey say: well if de priest could play, who is we?"

Madam President, it is important for us to look at it because if we go to the relational issues, and I am not talking about the personal relation, face-to-face bullying, that first triggered off the bullying mechanisms and now we reach to a mechanism that is not a face-to-face mechanism, it is kind of antisocial. As a matter of fact, we are in a society that is very antisocial. I mean, it is something that is happening in our homes. The children are in one room texting children in the next room. The family is driving down the road and the children in the backseat texting the mother in the front seat. So it is antisocial. Cyberbullying is an antisocial kind of bullying because many persons can no longer talk face-to-face, family life has been destroyed and now we find that hey, if I cannot bully you personally, I can text you.

**3.30 p.m.**

So it is a reflection, Madam President, of what is taking place in reality in our society. Relationships are gone, interpersonal relationships are over, and now the crime situation has ended up in an antisocial, an impersonal kind of relationship. As a matter of fact, we encourage that. You know, years ago when you took up the phone and you called, there was a human being on the other side of the line saying, hello, you know. Now what you find is a recording. So, really, everything has become antisocial, impersonal, there is no personal human contact anymore. So cyberbullying has just taken over and taken the thing to another level, and we

have to admit that. That is the way we live. That is how we live. That is the conditions under which we operate, and some people just take it to the extreme levels, and to the extreme limits.

So, Madam President, we have got to understand that, and so that we are faced with this kind of impersonal interaction on a 24/7 basis. I mean, it is difficult, and I go back to the issue of making a phone call, it is difficult to ask a question because the thing that you are getting on the line cannot respond to a question. Okay? So it is important for us to see where all this antisocial behaviour stems from. It is important for us to know that. So our children, because adults have set those mechanisms in place, are now the recipients of those kinds of things. So we have created an atmosphere for them and they are now growing up in an atmosphere, what do you expect? The same antisocial, impersonal kind of relationships, and we now call it—they use it to the extent now where it is cybercrime and cyberbullying.

Now, Madam President, but as a society if you walk down the streets and ask 50 persons if they are aware that there is a Cyber Crime Unit in Trinidad and Tobago's Police Service they would say, what? So the learned Attorney General talks about, you know, laws, and the TTPS has a Cyber Crime Unit, and all kind—the citizens are not aware of those things, because, really, we come in Parliament and we talk all kinds of laws and "explashiate" and debate, and all kinds of stuff, and at the end of the day the average citizen on the street is none the wiser of a lot of stuff that goes on, a lot of stuff that is said, the quotation of this law Lord and that law Lord, and the man on the street does not know that. So we sound good, we sound intelligent, but we do not make sense to the average man on the street, and that now we are facing reality where the bullying situation has shown its ugly face in another dimension.

Years ago in school, I mean, "you ran and yuh hit yuh partner a lil tap, yuh run dong de road, yuh tie the lil grass in de savannah, and you know where yuh running. Yuh partner yuh tap run yuh dong". I mean, the hon. Minister, you remember that? Am I right?

**Sen. Khan:** Yes.

**Sen. R. Samuel:** I mean, "yuh know what yuh tie in de ground, de grass," and you running through there and you are skipping through, and he is trying to catch you, and he is hooking up in the grass and falling; that is the kind of relationships we had, you know. We had fun, and nobody was trying to brutalize nobody and terrorize nobody, but it has changed. It has changed from the moment adults could no longer relate, and then we find that now the children are unable to relate. At

the end of the day the psychological trauma that our citizens—and I am not looking at cybercrime and cyber-bullying only from a teenage or a pre-teenage, from that standpoint, I am looking at it across the board, because there is bullying in the workplace.

There is cyber-bullying across the board, and if we are to seriously look at it then we must look at the cause of the situation in order to find solutions for the situation. What we want in this country are solutions. We want to be able to change the mindset of people so that people will now begin to have the kind of respect for each other, and that if we have respect for each other we really would not do the kind of stuff that some people are doing. It is said, Madam President, that children who are at the end of the chain, and I say the end of the chain not degrading the child but they are at the lowest end of the chain from the standpoint of intellect, experience, and that kind of stuff, they tend to suffer the most from bullying and cyberbullying, and all of these things. They tend to suffer the most because they are yet not matured enough to be able to decipher things for themselves and they personalize it, but even teenagers and adults will suffer and they also go through psychological trauma.

So a lot of the things that we are probably seeing in schools today, and the violence, and the indiscipline, and all these kinds of stuff, it could be termed by the psychologists as some kind of psychological situation that is taking place, together with all of the madness that is going on otherwise. But it is said by some people who have studied the thing that people who go through cyber-bullying, and bullying as a whole, are more susceptible and likely to become alcoholics and, you know, skip school, and they work less, and they perform less, and stuff like that. They go to work and they go to school but they do not want to. It is a psychological thing. They perform terribly at school. They perform terribly on the job. Their self-esteem is tremendously low.

It is time for us, Madam President, to begin—because when the Attorney General began to rattle out figures and data, it is reported data, a lot of times in this country, Madam President, we hype up certain aspects of a particular crime, but there are certain aspects of it people do not take on. Let me give you a good example of that. If a woman goes to the police station and reports that she has been molested, raped, or anything, "police looking for de man"; if a man goes to the police station and reports that he has been raped by a woman, or abused, police officers watching at him and saying, "What kind of man you are boy?", you know, because they take one aspect far more serious than the other, and we have to agree to that, it is a fact. Okay?

So you find that when it comes to cybercrime, police might get serious when there is some corruption, or something like that, but when it comes to somebody hacking your mail, or cyber-bullying, somebody said something online to you and you report it, they might not take it as serious as they will take on other aspects of it. As a result of that, a lot of people do not go to the police station and report anything. I have had my mails hacked on numerous occasions, you know, and I did not go to the police because they will say, "Okay, change your password". I mean, that is how they treat you. That is like, they will actually tell you that, "You are wasting our time, we have more serious crime to investigate. You are wasting our time."

So the time has come for us to start at the level of children who have felt the domino effect in the nation and begin to now collect data in a more clinical way. The Minister of Rural Development and Local Government will probably need to ask his colleague, the Minister of Education, that they need to now begin to do clinical surveys at our education institutions, and begin to now gather data as to the level of bullying there is at our schools. How many people are being bullied? Do a survey. Do surveys at schools and see what the level is. How many children feel that they are constantly being called names and stigmatized in certain ways? And children will tell you in surveys; they will do that.

How many of them are subject to rumours? How many children feel that they have been spat upon and tripped wilfully, you know, because they are being bullied? How many of them are excluded from activities and they cannot get involved because of the bullying situation? We have to do clinical surveys. How many of them are threatened with harm? You see, they may not go to an adult, they may not go to the police station, but that does not mean it is not happening, and you have to find a mechanism to get the kind of data so that you would have a realistic view as to what is taking place in our society.

How many of them are forced to do things that they do not want to do? Those are the kinds of surveys we are talking about, and do surveys at different levels. Do surveys between 12 and 15, do different aspects of surveys in different categories to see where it is and how bad it is in some age groups to ensure that we are able to deal with the issues and deal with the situation at the levels it ought to be dealt with, because we cannot feel that one cap fits all—we do an overall survey and then we can find solutions for it, Madam President—that is an impossibility. It may be that we have to target age groups and begin to survey those age groups, and get realistic figures and determine how we are going to approach the issue of bullying and cyberbullying, and all of these kinds of things.

How many of them in schools have had their schoolbags destroyed and their books destroyed because of bullies? We have to do those clinical surveys to make sure. The question that we must ask is whether in our schools, and whether in our society it is more prevalent based upon where you come from, which geographic location you live, whether it is a rural or suburban, or an urban district you are living in. You have to figure out where is it prevalent. If people are bullying you because you are living in, what we call the country, or because you are living in town, we have to know all of those data in order to come up with solutions, Madam President, and if we do not then we are just spinning top in mud.

We are going to have laws and we are going to have things enacted, but we will have no action to support it, Madam President. Then we have to figure out where is it taking place? It is on the Internet, on the phones, where is it taking place?—in the classroom? Is it taking place in the football field? It is taking place on the corridors? Is it taking place in the cafeterias; in the lunchroom? Where is all this taking place if we are going to look at this thing?—because, remember, the children are able to—they are the recipients of it, you know. It is something that has started at a high level that is filtering down in a different form to them and they might be able to do it face to face, but now that they have phones they are learning from adults how to do it online. They are learning how to do it online.

Maybe it is on the bus, you never know. You never know where it is taking place, and we have to find out. If we do not find out we are in trouble. Okay? Then we can do the surveys from the children, because many of them are being affected on the Internet and through phone calls, and through text messages, and all kinds of stuff, and the surveys will give you that kind of information. It is based on that kind of information you would have an overall view of what is taking place nationally, and then you can find solutions for the problem.

Madam President, what serious mechanisms have been put in place to report cyber-bullying? What serious mechanisms? How does the citizen feel about whatever is there? How does it draw the citizen to want to report it?—to want to find a way out of it, to find solutions for it that they will be excited to put a stop to this thing? What serious mechanism? I am not just talking about laws, and enactments, and Parliament sitting and debating those kinds of stuff. How do we get the society involved in curbing it and in dealing with it when it becomes every citizen's responsibility? [*Desk thumping*] It becomes every citizen's responsibility to deal with it, and the legal fraternities, and all of the laws and the police service give support. Now many a time they ask for the society to give support, but we are asking for them to give support. They must now give support to the society. They must now give support to the citizens, and when the citizen goes to report,

and goes to the police station, and goes to the unit, the citizen must be made to feel as if, "ay", you are important and you are an integral part of finding solutions for the society. It must not be that you are walking to make a report and you feel as if you are wasting people's time. They treat you as if you are the cause of the cybercrime. It must not be.

So in other words, we are now saying that it has to be a reversed order. It must not be that the police is asking the citizens for support, it must be that the citizens are demanding that the police give support, that the police give the kind of support to the society. [*Desk thumping*] That is all we are demanding. That is how we have to approach this thing, because they are there to protect and serve, and they are supposed to serve all of us, not just serve you tickets and warrants, which they feel is their main duty, you understand. But they have to serve you, and they have to understand the mechanism of service, Madam President, and how important it is to change our society.

Madam President, because if that does not happen then the citizenry will be afraid to report it, far more for children. It is far easier for a child not to report something and keep it in, and keep it among their personal friends than to go to the law or go to an adult and report. Why? Because, I mean, if it is happening among adults, where an adult goes to the relevant authority to report something and he is treated as if he is wasting time, could you imagine how a child will feel when he feels that he is wasting time. Nothing will come out of that, and there is an old saying in our society that, really, nothing comes out of anything in the society. So the child feels, if I go and tell Miss or I go and tell Sir, nothing will come out of it. There must be a mechanism that makes the child, or the citizen feels that ease, that says, "ay", I can go and I can feel comfortable that this is going to be taken seriously. There must be a mechanism, Madam President.

So if we really examine the issues of bullying and cyber-bullying we would probably need, Madam President, to do an entire parliamentary course on how we must talk with each other and relate to each other, because the children look at the parliamentary channel. I had a kind of shocking experience today when someone was asked a question and then they attack, "rah-rah, rah-rah," you know, and I am saying, "Look it have children out dey"—in my mind, "It have children outside there", and the attitude, and I wonder if that was not a form of bullying. [*Desk thumping*] We say it is Parliament, and it is under parliamentary privileges, but, you know something, we might be kind of terming it wrong.

We might be using it under parliamentary privilege and, really, it might just be a form of bullying. In other words, Madam President, if we could bully each

other here, I could imagine what could happen when we go back to our Ministries and our homes, and what we are doing on the job, and stuff like that. We have to be very careful, you know, because our children are watching us and saying, "Woo, if he could answer so, I could tell Miss, if you continue like dat I go put ah slap on yuh, yuh know", because a little girl said to Miss, you know, "Miss, I feel like just slapping you up". I wonder where she learned that from. I wonder if she is watching us and hearing how we respond to each other. I wonder if she is saying, "Woo, well if he could answer Sen. Mark so, wow, Miss cyah tell me nothing". You understand? "This child cyah tell me nothing, we are peers, and if dem could deal with their peers at dat level dat way, then I could deal with my peer at dis level dat way". I want you to listen to me carefully.

I am serious about this, Madam President, when our children watch us, if we can deal with our peers the way we deal with each other, could you imagine the child sitting at home viewing that? They realize, but it is all perfect and right to deal with each other that way, "So when I get to school, and I guess that my peer in school, I can rough him up, and there is no problem with that because it is acceptable at the highest level so why it cannot be accepted." But at school if the child treats the peer like that, Miss steps in and say, apologize, but at the higher levels, no way. We have got to look at what we are sending down to ensure that we are changing it across the board.

Madam President, so in order for us to deal with this we have got to realize that—sometime ago, I think it was Simon Tech, that is the people who have been dealing with virus protection, Norton virus protection, they were asked to do surveys internationally about cybercrimes and stuff like that, and, "wow", when I was able to just view a little bit of the information it is said that when it comes to cybercrime, cybercrime totals to about $120billion annually. That is a lot, and when you think about it, it is said by some of the reports that some 80 million hacking attacks are conducted daily. On a daily basis you have 80 million accounts being hacked. That tells you a great deal.

So in a little country like ours where we see a little bit of reporting, and stuff like that, it is far more serious than we think it is, because a lot of times the citizens do not have the confidence in the agencies to investigate so they decide they will not report. And not only that, but, Madam President, I want to suggest, you know, that we seriously sit, and not just look at legislation and this Bill and that Bill, but let us begin to look at the social culture of our society, and why is it what it is today, and how can we alter that, what mechanisms can be put in place, because legislation and laws seem not to be helping that, because the more laws we create is the less effective it is in the society.

So probably we need to start to think, to see what is the social issue—what are the social issues that are affecting our society that we need to work on? What is causing a child—or what is causing the adult to be the way they are that has caused the children to be the way they are? Cause and effect, Madam President. And if we do not do that we will find ourselves in tremendous difficulties. We will have much legislation on the books, much laws enacted, but much more trouble, because to every level, from a religious standpoint, there is another devil, and it is important for us to know that. So while you are looking to enact more laws, the person is intending to break more laws, because if you cannot deal with the base law, skyrocketing it and adding more stuff to it does not make sense because you are yet to understand the base law and have it effective. Those are the problems that we have in this society.

That is why, Madam President, it is important for us to realize that if we understand where it started, and how it has triggered down, we would not have had a lot of the stuff that has taken place, even in Parliament, and the emailgates, and the this gates and the that, we would not have had that. The reason for that is because it all has to do with the way we think. How do we think, and what are we doing at every level to ensure, Madam President, that the next generation, those children that are now at the preschool level would not have to suffer as those that are in the primary school levels? We have to find a mechanism to shield those preschoolers that are existing now, because hear what would happen, if you feel it is bad now let them be affected, Madam President, because to every generation it gets worse. I am not blaming the children. I am not fault-finding them, they are at the most impressionable age in their life. And what is impressing them? You would see that based upon what they are drawn to, what they are involved in, that is what is impressing then, and we have got to now find a mechanism to alter what is impressionable and make sure it impacts upon their lives to change them.

Madam President, this issue of cyber-bullying, bullying, cybercrime, is not a now thing, it is not a new thing, but we have to work together, not just Government and Opposition and Independent, the whole society. [*Desk thumping*] Every individual must begin to feel that I must be a part of the solution, I must be a part of solving this. It is not a political thing. It is not that we enacted legislation and they did not, that does not solve the problem, because from generation to generation, since 1962, laws were enacted, all kinds of enactment and it has not solved the problem. So we have got to stop boasting about legislation, we have got to start looking at relations, how are we encouraging relationships among adults, teenagers.

Madam President, I was privy to information, a survey that was done on race relations in Trinidad and Tobago, and a private enterprise was commissioned to do the study on race relations in Trinidad and Tobago, and they chose not to do it among adults. So what they did, they had a pre-teen survey, a teenage survey, and a young adults survey. Madam President, at pre-teens there is no problem with race, children relate to each other based on behaviour, "I doh like her because she taps me or she takes my pencil, my pen, or she, yuh know, she push me dong". That is how they do it. Madam President, the moment they hit secondary school, "She black. She is a nigger. She is a coolie. She is a chinee. She is a this. She is a that." The moment they get to the secondary school level—I have five more minutes, Ma'am?

**Madam President:** You have five more minutes, Sen. Samuel. Could you desist from using those expressions in the Chamber?

**Sen. R. Samuel:** I will desist.

**Madam President:** It is unparliamentary, and, really, let us modify the language. Okay?

**Sen. R. Samuel:** Okay, Ma'am. She is not of the same ethnic origin, so she is of a clearer ethnic origin, he is of a darker ethnic origin; she is from a straight-haired origin, and she is from a kinky-haired origin. Half a dozen or one, the other, and sometimes it is being used across the board but we are afraid to face it.

So at teenage levels, Madam President, "wow", it shows its ugly face, at young adults, "wow", it is bad. Where are they getting it from? It has to be coming from above, and I believe it is important for all of us to start to look at what the adults in our society are doing, what we are giving off, what is the learning curve for the society as the adults. If we do not do that before long, Sen. Ramkissoon, there will be another name, it will not be cyber-bullying, it will get so bad they will have to find a new definition for it, because cyber-bullying is because of the technological age, it is going to reach a point it is beyond technology if we are not careful.

**4.00 p.m.**

Madam President, we have got to sit back and look carefully at the reality that it did not start just so, it started somewhere. Now it has hit the children, it is now going to reach another dimension in our society, and if we are not careful we will not be able to deal with it in generations to come.

I want to say I commend the Senator for moving this Motion. It is a serious thing; it is more serious than probably you think it is. It is more dangerous than we think it is. Legislation and thing does not literally deal with it, because we have a lot of that. Making of much books there is no end. Much study is a weariness of the flesh one writer said. So really we have to find solutions that will deal with the social issue, and when we deal with the social issue we will solve a great deal of the legal issues.

Madam President, I want to thank you for allowing me to speak. I pray that I did not abuse anything, but I was just speaking based on the report.

I thank you.

**Sen. Sophia Chote SC:** Thank you, Madam President. I would like to commend my fellow sister Senator for bringing this Motion to the Senate's attention. She deserves special commendation because all the attempts thus far to have legislation enacted in our country to deal with cybercrime have failed.

We had the Computer Misuse Act, I believe it was, of 2000. Unfortunately, in all my years of practice I have not heard of one prosecution under that Act, nor have I heard of any way in which it was used.

The Offences against the Person Act which allows someone to go to the police and to say that he or she has been harassed by someone using a computer, carries the fine, the awesome fine of TT $2,000 or six months simple imprisonment. So it stands to reason that when a police station, which is probably understaffed and overworked, gets a complaint like that, it is not going to be at the top of their list. It is going to be at the top of the list for the person who is being harassed. That person may not only be the teenager in the high school, that person may be the woman in the home who is being abused. That person may be two persons going through a divorce and exchanging hostilities over property and children. That person may be someone in the workplace who is being sexually harassed. And, unfortunately, the laws which we have do not address these real human issues which many of our citizens face every day.

I actually had an experience with someone trying to get the Offences Against the Person Act, that section to work. A young lady coming out of a relationship, young man cannot seem to understand that he is no longer needed around. Hundreds of texts, hundreds of emails from servers all over the world. This poor girl took it on for as long as she could and then went to the police. Well, yes, we do have a Cyber Crime Unit in the Trinidad and Tobago Police Service, but you cannot make a report to the Cyber Crime Unit, you have to go and make a report

either to the Fraud Squad or to the Police Station in your district and hope that the person who takes your report then sends it to the Cyber Crime Unit.

We have heard statistics about how many matters this unit has investigated. Well, I do not know what the outcome of that was. Were these matters successfully investigated, brought to the courts? Were persons prosecuted as a result? We simply do not know.

So this young woman tried to get protection under the domestic violence laws and that proved to be difficult, because the courts were a little concerned about how you can use computer information and whether it was admissible and whether she can prove that it came from him and that kind of thing. So we thought why not go for this Offences Against the Person Act. That went absolutely nowhere. After several calls to the police station, the police officers who were helpful—they did go and try to warn the young man and so on—told me, "Well, ma'am, you have to understand there are only so much hours in the day that we have, so we cannot try to track him down from home to work, to his mother's house and so on. So that is all we can do. We have given him a warning, but we are not going to prosecute him for these offences." So nothing came of that.

So I was looking at the institutional memory of this honourable House, and I saw that there were two Bills in 2014 which were brought before the Parliament. I know that the hon. Attorney General has said that there is going to be legislation soon, but we are already in the month of April, almost at the end of April, and the parliamentary term is going to come to a close shortly. So it certainly looks as though, if legislation is to be brought to deal with this situation, it is not going to happen anytime soon. I think what I could suggest in the meantime is perhaps through you, Madam President, to the hon. Attorney General that maybe some amendments could be made to the Domestic Violence Act, perhaps even to the Offences Against the Person Act, to deal with these immediate and pressing problems faced by many members of our society.

When I was doing my research into cybercrime, I started to feel at some point as I imagined Keanu Reeves felt in the movie *The Matrix* when all these bullets came at him, and he had to move very quickly to see where they were coming from, because it is an enormous area. I think we must understand that there is no way that legislation is going to address all of the ills created by the abuse of computers. [*Desk thumping*] So we have to pluck out what is important. We have some already. We have the bullying; we have the domestic violence; we have the harassment in the workplace.

We have another big problem and that is the part of it which causes economic loss. I also know of an instance where a certain bank was changing something in its computer systems, and some criminal gang got wind of it and went around the country and withdrew several hundred thousand dollars of people's money. What became of that was that the police officers called in the bank security. It appears as though that money was never photographed. The notes were never written down anywhere. The money had to be counted by a checking machine from the bank. I think it came up to something like $900,000. By the time four people came before the court, I would say at least one-third of that could not be accounted for. It is not surprising therefore that of the four people charged two got bail, managed to get on a plane to England. They were sent back, managed to escape from the airport, I have to say, in an extremely bizarre incident. And when I go on social media now, I see that these persons are living happily abroad. So nobody was held accountable for the loss of hundreds of thousands of dollars of people's money. That surely has to be wrong.

Initially when I started learning about financial crime, I was looking at cyberfraud, stealing, phishing. I also encountered a situation where an attorney took a client's cheque and tried to create a false cheque, and gave it to the client pretending that this was actually a cheque. This happened. I stand before you and say that it floored me when I realized that people could be so boldfaced, but it happens. So this was created by misuse of a computer and these are the kinds of situation that the average citizen has to confront and deal with every day.

Now there are larger issues. People talk about, generally speaking, why do people turn to crime, and we have loads of studies dealing with that. But I did not find very much in terms of why computers have such a hold on the minds of young people. Because what we are seeing is that gamers are becoming gamblers, and young people feel it is okay to say things online and put up pictures online because it is an object away from them, disconnected with them, so they feel no responsibility. They feel divorced from their activity. They think it is just a machine. So we need to know essentially what is going wrong. How can we teach young people to appreciate that this is a machine just like any other, and you have to understand that there are good things that you can do with it and there are ways in which you can misuse it, and if you misuse it you will suffer consequences.

I realize that when I started in this Senate I had to step up my game a bit. So I started listening to what Sen. Small was reading and trying to read the same things [*Laughter*] In this case it took me to a very interesting article in the *Bloomberg Business Week* of, I think, March 31, 2016. I cannot read the abbreviations; I do not know what the abbreviations mean. But there was an

article by three gentlemen: Robertson, Riley and Wilson, I believe. This part of it was extremely interesting. This is a whole different kind of cybercrime.

It talks about this man, who is now in custody, serving a term for having committed various offences relating to misuse of computers, computer software and computer networks. He had a career which spanned nine countries, one of which is very close to us: Nicaragua, Panama, Honduras, El Salvador, Colombia, Mexico, Costa Rica, Guatemala, and very close to home, Venezuela. He is serving a term because for about 10 years he was part of a high-flying professional firm hired to work for elections, to steal campaign strategies, to manipulate social media, to create false waves of enthusiasm and/or derision, to install and use spyware. I strongly recommend, Senators, that you should have a read of this article. I recommend it through, Madam President, of course, because it shows you how sophisticated election crimes can be. When one looks to what is happening on a certain continent to the north of us, [*Laughter*] it probably gives you some answers for what we see on the media as they approach their election, but it is very interesting.

It just shows us that in this fight against cybercrime, we have to identify, I suppose, the groups of difficulties that we are addressing, and do not wait to try to do it all, you can protect people by making small changes in the law, small amendments. So if hon. Attorney General wishes to have the whistle-blower legislation in first, well, fine, but in the meantime the Domestic Violence Act could be amended, as could the Offences Against the Person Act. So I would respectfully suggest that this is the way perhaps that we can look at it.

I also respectfully suggest that in the schools, counsellors could perhaps collect statistics with respect to how many incidents in the school relate to misuse of a computer or a computer network. Then we would have an idea of how grave the problem is, what the problem is and how it could be addressed.

Madam President, I know that we have a certain number of minutes to speak, but I do not wish to speak for all of my time if I believe I have made all of the points that I am here to make. I commend my sister. I am very proud to sit next to her. [*Desk thumping*] It has been extremely courageous of her to bring this Motion before the Senate.

Thank you, Madam President.

**Sen. Melissa Ramkissoon:** Thank you, Madam President. I must say I thoroughly enjoyed the debate today; it really was what I expected and more. I will try to touch on each speaker that we had today.

I will start with my Bench first. I must say I strongly support Sen. Chote's plea for the amendment of legislation existing, because we do have the Misuse of Computer Act, and I did not even look at section 30(1) which spoke about harassment. I saw a case similar to that where this person was harassing a young lady to the point where he actually registered vehicles in her name and actually got parking tickets. Every minute the police would have to come to her door summoning her to court because of these parking tickets in her name.

So it is real, it exists. Cybercrime is limitless unfortunately to how your mind could think. I spoke about cyberbullying and cyberterrorism. Sen. Chote SC spoke about cat phishing and fraud. It is true that unfortunately we cannot use our 40 minutes to speak about every single type of cybercrime, and it is for us to predict now what would be coming in the future, as Sen. Samuel said, because it is not only existing today or has existed yesterday, it is something that is evolving with time. With time, unfortunately technology is advancing and people are getting smarter by the moment. I did not even know that gamers were addicted to gambling and had gambling issues. I did not even know that. So I do support the amendment of legislation because that is definitely an interim stage that we can do as a Parliament.

I do also cry out for the changing of the system for reporting crime to the cyber unit. It is very unfortunate to have to go to the police station to report a crime, and then they not being physically equipped to take your statement or even refer you to the Cyber Crime Unit, because they may not even know what the credential is. So we need to close that gap. If it does exist, it definitely needs to be closed.

I do support Sen. Samuel's statement it is not a political issue. It is definitely something that is plaguing Trinidad and Tobago, and unfortunately it is here. It is not like something that we need to think of. It exists in Trinidad and Tobago and we need to address it now. How we look at it now would be an issue, because we are coming to the close of our sitting sessions and we do start off with a next session, and we already have legislation to look at and debates already pencilled in. So it really is to see how best we can set our time and really address the needs of our nation.

Cybercrime is an evolved form of violence from what we have been faced with. It is important to note that there will be fake accounts created by persons. How we deal with that is definitely going to be in the regulations. Enforcing that regulation is another challenge the law will have to be placed in, and, as I said before, we need to give the authority to the courts to prevent such irresponsibility and abuse of digital technology.

I heard of the statistics posed by the hon. Attorney General, and it was very helpful to get that information, with offences totalling approximately 927, just in 2015. If that does not say how important cybercrime is to us, I do not know what else will. It was great to see the statistics because it is not available in the public. I tried and I was not able to find all the information.

So it will be noteworthy because we do have the Children's Authority in place. If they are there, and I spoke about the counselling before, if they can record their own statistics to say, "Okay, we dealt with 10 cases and five were resolved" or "We had five repeat offenders". Because unfortunately we have repeat offenders of counselling. I could not even believe that, when I was doing my research. So something is not working; we are at a disconnect and we really need to close the gaps.

It is a challenge and we are here to put our ideas and give forward our thoughts and get a think-tank happening to ensure that we have proper legislation in place, that we can serve the people of Trinidad and Tobago, because they are the ones who are facing the harassment and abuse. We also have that case too but, as I said, we are stronger so we are somehow able to be strong enough to get out of it. But not everybody feels so empowered or feel that they could come out, and they are unfortunately turning to things like suicide and hopelessness, and that is very, very sad. I do not think that we should sit here knowing that that is a real threat to our society.

The Attorney General spoke about operationalizing. I look forward to seeing that Bill and having that debate on Tuesday, and I guess we would deal with that then. He spoke about the property Act with looking at the Computer Misuse Act. I did look at the Computer Misuse Act and it is very broad. Sometimes it might be left to the interpretation of the judge that you may be before. So it may be important to note that when you are writing the legislation what you need to close and narrow down for specifics, to make sure somebody does not get fined $500 versus something like $10,000; so we will have commercial fraud as well. I did not speak about all of that, but all of that exists.

It is true that social media has reformed our thinking. We no longer interact the same way. We no longer use the same paths of communication. It is important to note that because of this cry for social media to fit in and we promote these things like selfies—I actually saw this article which said that if you post 10 pictures a day, you are addicted to "selfieitis" or something like that. They are making names off these things, so Parliament needs to evolve and needs to be

aware of where our country is going. We cannot only be like this is what is happening now; we need to be aware and connected. Sometimes our connection with society is not always there. So I do cry for the specific attention to ensure that there is not a degeneration of our society because of the way we are going forward.

It is a lot to ask about laws, because laws are like rules by which we live, and we are trying to kind of make it a moral and ethical issue, so it is going to be challenging, but we should not have that as an excuse to say where the law is failing us. We should not have that as an excuse as not amending our laws to address the present issues of today.

Madam President, it was great to actually raise my first Private Motion in this honourable House. [*Desk thumping*] I do appreciate all the feedback I got from all Members who were able to debate this Motion. I look forward to it being a real document, a Bill that we could actually use. Thank you.

*Question put and agreed to.*

*Resolved:*

That the Senate call upon the Government to quickly close the gaps in our legislation in relation to penalties for the abuse and negative usage of computers, mobile devices and Internet technology.

**Madam President:** Hon. Senators, at this juncture, we will now take the tea break and we will come back at 5.00 p.m.

**4.28 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**ADJOURNMENT**

**The Minister of Rural Development and Local Government (Sen. The Hon. Franklin Khan):** Madam President, I beg to move that this Senate do now adjourn to Thursday, April 28, 2016 at 1.30 p.m. During that time we will be dealing with the Government Business Motions: the Motion on the Motor Vehicles and Road Traffic Act, Chap. 48:50 and section 7 of the Customs Act, Chap. 78:01.

**Madam President:** Hon. Senators, before I put the question on the adjournment, leave has been granted for a matter to be raised on the Motion for the adjournment of the Senate. Senator Mark.

## Deepening Foreign Exchange Situation (Concern of Possible Food Crisis)

**Sen. Wade Mark:** Thank you very much. Madam President, I rise to bring to the attention of this honourable Senate what appears to be, from the literature emerging, a possible concern as to crisis in food supplies in Trinidad and Tobago as a result of the deepening foreign exchange situation.

Madam President, the inaccessibility of foreign exchange and the continued depletion of the nation's foreign exchange reserves are contributing to the creation of what can be described as a black market or a parallel market for the currency, for the US currency in particular, driving up in the process food prices in Trinidad and Tobago. As you know, Madam President, the base prices of imported items at our supermarkets and groceries are linked to the access to US dollars. Suppliers are not getting or securing the required amount of US currency to purchase goods that they traditionally import to supply to the people through the groceries and supermarkets and other outlets.

Now, we know, Madam President, that the price that is called for on the black market is not what you pay for it when you go to the ordinary commercial banks. We know that the price has been fluctuating from $6.36 in September of last year, to over $6.60 per US dollar. At the Unit Trust it is about $6.85 per US dollar. But on the black market we understand it could be as high as $7.50 or even beyond. And when you have to access moneys at that price, Madam President, the cost of goods, the cost of food will also increase in the process.

Now, we understand that there are supermarket owners who were in the media speaking and predicting that within the coming period if there is not sufficient supply of foreign exchange for them to pay their creditors abroad, there could be an emerging food crisis in the country. I do not know if they are exaggerating, I do not know if they are dramatizing the situation, but it is our responsibility to bring it to the attention of the President of the Senate and to this honourable Senate and to hear from the Government whether this is just histrionics, whether it is just theatre on the part of the Supermarkets Association, or whether there is a real difficulty, Madam President, that this could emerge and occur. Therefore, what steps are being taken by the Government to give priority or put food import that we cannot produce locally as a priority item in terms of foreign exchange allocation?

So this is a matter, Madam President, that we would like to hear the Minister of Agriculture, Land and Fisheries on. We would not like a situation to emerge in

our country, whether it is the next six months or the next year, where we do have a situation of crisis because of the worsening foreign exchange supplies.

I recall, Madam President, in October of last year, some US $500 million would have been pumped into the system to ease what was called the backlog in foreign exchange supplies based on the high demands that were in trade at that time. And, Madam President, even with the supply of US $500 million into the market we still are today experiencing foreign exchange difficulties.

In fact, between September of last year to the present period, our foreign exchange reserves was reduced by close to US $1.3 billion, because it started off at about US $10.3 billion or US $10.4 billion and I think today it is about US $9.3 billion. So there has been a depletion of our foreign exchange reserves in the country. So we know that there is need, Madam President, for us to ramp-up food production in Trinidad and Tobago in whatever categories, and I think the Minister has been trying to explain to the nation that there are certain areas that we will never be able to satisfy in terms of local production.

We will also have to import food into this country because there are certain foodstuff that we do not and we just cannot produce and manufacture in Trinidad and Tobago. And therefore, we want to ensure that we do not have a scarcity of vital food supplies on our grocery shelves when members of the public, citizens of this country have to access on a monthly basis or daily basis or weekly basis, their supplies to deal with their daily needs or weekly needs or fortnightly needs, Madam President.

So we have brought this matter to the Parliament to solicit and to extract from the Government, whether, for instance, there is an emerging food crisis in our country as a result of the worsening and deepening foreign exchange situation that we are faced with. And whether in light of this possible reality emerging, what steps are being taken by the Government through the Central Bank to ensure that there is a proper priority allocation given to the food importers to ensure that there is not a crisis in the coming period.

We would hope, Madam President, that the Government will take the necessary steps to ensure that this situation does not occur. And I am hoping, Madam President, that what we would have brought to the attention of this honourable Senate, based on reports that we have been reading and seeing in the newspapers, is not true, and the Minister of Agriculture, Land and Fisheries could clear the air on this matter once and for all. I thank you very much, Madam President. [*Desk thumping*]

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** [*Desk thumping*] Madam President, thank you very much for the opportunity to respond. Let me commend Sen. Mark on the use of very responsible language in dealing with his Motion. The Motion as I have read it talks about an emerging food crisis in view of the deepening foreign exchange crisis. But in discussing the Motion he has talked about the possible concern as to a crisis in view of the deepening foreign issues with the foreign exchange supply. So in one hand he has talked about, in his Motion, an emerging food crisis.

The Government is confident that at this time we do not face a food crisis in this country and we are also confident that, given the measures the Minister of Finance has outlined in this Senate on several occasions in dealing with the issue of foreign exchange management, that the management of the foreign exchange supplied by this Government would ensure that all the needs of the country will be met in terms of the requirements for foreign exchange.

But in the context of food, the food supply and the food prices, let me just remind the Senate, the import dependency of this country on food, for food, is significant and if it is any crisis that we are facing in this country is the crisis of over reliance on imported food. The WTO has reported, based on 2015 figures, that this country is importing 85 per cent of its food and agriculture supply. And that is the real crisis.

The real crisis is over the years, because of the very supply of foreign exchange, we have allowed ourselves to become overly dependent and it puts this country's food security at risk but, as I have said before, it also put our nutrition security at risk. Importing food from sources that are questionable or a quality that may be questionable, and that is the real crisis. The fact that we have moved to a point now where we are held hostage by the international market, and Sen. Mark in his Motion talks about prices in relation to this crisis.

But it is not just the prices, there are a number of factors we have to take into consideration. Foreign exchange is one, dealing with the cost of imported food. There is also the shipping cost. And while Sen. Mark refers to a discussion on supply two weeks ago—two or three weeks ago—amongst the supermarket owners, there is a current discussion on the failure of importers in this country to lower their prices on account of reductions in the shipping costs.

Madam Speaker, the cost of energy products have gone down, the price of oil has gone down, then there should be a saving that is passed on to the consumers. So shipping cost also influence, the fluctuation of that cost will influence prices.

And that is why the Ministry of Trade and Industry, the Consumer Affairs Division has been so vigilant going around to supermarkets and alerting the country to the need to be very careful when making choices in terms of purchasing and where you purchase and from whom you purchase. So that is one factor.

As Sen. Mark has indicated—had previously talked about the things that this country currently imports in relation to food and agriculture that we will have to continue to import. And I have set out the list. At the top of the list, of course, are things like, maize, wheat and beef. At the bottom of the top 10 is pastry, of course, which is something we could do without. There is no need to import that into this country. But the fact is that it is not just the foreign exchange but the price of these commodities. For example, as wheat prices, international wheat prices and international maize price, price of oil for cooking purposes go up on the world market, our prices will go up without regard to the state of the foreign exchange availability.

So there are a number of factors, and the point in response to this Motion is that the Government and this Ministry, in particular, have taken the approach to food security and nation security, that in the first instance requires an examination of what we import for consumption, that 85 per cent that we import.

And secondly, to identify those things that this country should not be importing, like cassava, sweet peppers, cabbage, lettuce, a proliferation of fresh fruits and vegetables that we produce here that should not be imported into the country. And that is the approach of the Government: to identify those areas in which we can produce alternatives for local consumption and put this in the hands of the consumer. But there are other factors unrelated to foreign exchange when we talk about prices, and the Government is concerned, in particular, the impact of rising food, imported and local food, on the vulnerable in the society. That has to do with the middlemen and the proliferation of middlemen, especially in agriculture. The proliferation of middlemen that makes it expensive as food moves from the farm to the table, passing through several middle hands and the rising cost. And what has the Government done?

Apart from encouraging food production—and I have already talked about the link between dealing with the issue of land tenure, the vexing issue of land tenure, making it possible for farmers to make an investment in farming and making more supply available, bringing down food prices—another issue is this issue of bringing food closer to the consumers, reducing the number of hands it must pass through and making it more affordable.

So in response to the Motion, the Government is confident, Madam President. The Government is confident that this country is not in a food crisis. And, again, as I have said, Sen. Mark has been very careful to talk about the possibility, the potential and there is always a potential if we remain as dependent on imports as we are. The Government is also very confident that at this time we do not have an issue with the management of the foreign exchange. We understand there are issues because of our lowered revenue on energy, there are issues with the inflow of foreign exchange. The Government is confident that its strategies in relation to managing foreign exchange will not lead us into the crisis that Sen. Mark has also responsibly flagged as a potential. Thank you very much.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 5.19 p.m.*