

A follow-up inquiry into the Implementation of the Recommendations of the 18th Report, 11th Parliament, on an Inquiry into the Treatment of Migrants with specific focus on the Rights to Education, Employment and Protection from Sexual Exploitation.

Report Ref.	JSC's Comment/ Recommendation	MNS' Response
<u>Sexual Exploitation of Migrants in State Custody</u>		
Page 48	a. As part of its oversight role, the MNS should ensure that, similar to their TTPS counterparts, TTCG officers receive training in the basic elements of international human rights law including refugee rights and civil and political rights as well as the provisions of the UNHCR's Practical Manual on Monitoring Immigration Detention. This is all the more important given that the Heliport was designated an immigration detention centre two (2) weeks after the Committee's site visit;	The Trinidad and Tobago Coast Guard (TTCG) notes that, several of its members have received international training, inclusive of training in the areas suggested by the Committee. These include: • UNODC Track for Tip Trafficking Persons; • IOM's Training of Trainers/ Instructors Development Course; • Understanding the Intersection between International Human Law and Refugee Protection Law; • IOM's Shelter Management Training; and • IOM's Training on Trafficking in Persons. The TTCG anticipates that as more training opportunities arises, its members will continue to benefit from such training through scheduled rotations, to ensure maximum participation.
Page 48	b. The MNS should provide Parliament with an update on the status of the TTCG's disciplinary proceedings further to the complaint of sexual misconduct against its officer(s); and	The Ministry of National Security (MNS) wishes to note that, given the serious allegations of sexual misconduct that were made against TTCG personnel, investigations were conducted by both the Trinidad and Tobago Police Service (TTPS) and the TTCG to respectively determine, if any criminal and/or organizational infractions were committed by the accused persons, in relation to their duties at the Immigration Station at the Heliport. Accordingly, the TTPS conducted its investigation into the matter, but was unable to substantiate the claims or proffer criminal charges, due to a lack of evidence. In respect of the TTCG's investigations, it was determined that several persons were found to be in breach of the organization's rules/ regulations having

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	<u>Sexual Exploitation of Migrants in State Custody</u> c. The MNS and the TTCG should collaborate to develop a whistleblowing mechanism as a means of allowing personnel assigned to supervise detainees at the Heliport to anonymously raise concerns about possible abuse. If such a mechanism is already in place, the MNS and / or the TTCG should provide Parliament with the details of the functioning of the existing mechanism.	compromised their professional duty requirements. As such, disciplinary proceedings were instituted against such persons and the necessary administrative procedures in relation to the breach are ongoing. The mechanism by which members of the Trinidad and Tobago Defence Force, including members of the TTCG, can raise issues or concerns is that of the Office of the Inspector General, which accommodates the reporting of concerns of professional impropriety, abuse or misconduct. In this regard, any serving members of the organization can report any issue or concern to the Inspector General, in accordance with the service law, which are treated with anonymity and alacrity by this office. Given its mandate, the Office of the Inspector General therefore serves as a check and balance within the system. Additionally, the Minister of National Security is empowered by Regulation 2 of the Defence Force (Administrative Inspections) Regulations, to appoint a team of three administrative inspectors for the purpose of inspecting the Trinidad and Tobago Defence Force, regarding its administration. Inspectors are also empowered by the Regulations to conduct snap inspections without prior notice to the Chief of Defence Staff, providing another check and balance in the system.

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		<u>Prosecution of Human Trafficking</u>
Page 49	a. The MNS should continue discussions with the Judiciary on the possible creation of a court specifically for human trafficking-related offences and provide an update on same to Parliament.	A Human Trafficking prosecutorial gap analysis was conducted on behalf of CariSECURE 2.0 entitled; Mapping ang gap analysis of the prosecutorial capabilities and initiatives for trafficking in persons: Trinidad and Tobago. This analysis was conducted by consultant Diana Shaw on behalf of CariSECURE 2.0 and submitted to the UNDP in July 2023 and posited that, "...A very significant gap identified for Trinidad and Tobago is the length of time to get trafficking cases through the criminal justice system. Several stakeholders identified the protracted length of trials as a major deterrent to participation of Victims of Trafficking" (1.4, pg. 12). In this regard, the Chief Justice issued a Practice Direction on January 22, 2023 (contained in Gazette Vol. 63, No. 12 of 2023), declaring that sexual offences and trafficking in persons case types and charges as well as all inchoate offences associated with them will be subject to <i>Sexual Offences and Trafficking in Persons Special Criminal Court Procedure Rules</i>, in order to manage those cases, with a view to expediting them through the criminal justice system. This fast track system resulted in the first trial and conviction of an individual under the Trafficking in Persons Act Chap 12:10 on November 02, 2023. In that case, the jury returned unanimous verdicts of guilty, on five counts of Trafficking of a Child, with the accused being sentenced by Mr Justice Henderson for a term of fifteen (15) years on each count, to run concurrently upon his arrest. Nevertheless, the MNS and in particular its agencies involved in the Criminal Justice System has been and will continue to meet with the Judiciary and other partner agencies inclusive of the Office of the Director of Public Prosecution, Public Defender's Department of the Legal Aid and Advisory Authority and the Law Association of Trinidad and Tobago via the Criminal Justice Committee, which is chaired by the Chief Justice, in an effort to assist in speeding up the hearing of criminal cases.

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	<u>Conditions of Migrant Detention</u>	
Page 52	The MNS should report to Parliament on the following: - The adjustments made at the Heliport since its designation by the Minister as an Immigration Detention Centre; and - The scope for the implementation of independent monitoring of IDCs in Trinidad and Tobago.	While the Chaguaramas Heliport was changed from a 'Quarantine Facility' and officially designated as an Immigration Station with effect from July 25, 2023, the last detainees (81 Venezuelan Nationals) were removed on December 21, 2023. Immediately upon the removal of these detainees on December 21, 2023, renovation works were initiated, which are anticipated to be completed on or around June 30, 2024. These renovation works are intended to outfit and upgrade the location to a full detention facility, including: • Separate accommodation for male and female detainees; and • Separate isolation suite for quarantine (where necessary) In respect of part b. of the Committee's recommendation, the MNS noted that at present, there is no formal independent monitoring system for Immigration Detention Centres in Trinidad and Tobago. However, requests from consular and other representatives for access to its facilities and detainees are considered and facilitated on a case by case basis. In addition, where practicable, attorneys are facilitated to meet with their clients at the facilities, who via the Court's do provide some independent oversight.