

HOUSE OF REPRESENTATIVES

Friday, April 08, 2011

The House met at 1.30 p.m.

PRAYERS

[MR. DEPUTY SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Deputy Speaker: Hon. Members, I received correspondence from the hon. Vernella Alleyne-Toppin MP, Minister of Tobago Development, who has asked to be excused from today's sitting of the House. The leave which the Member seeks is granted.

PAPERS LAID

1. Annual Report of the Integrity Commission for the year ended December 31, 2009. [*The Minister of Housing and the Environment (Hon. Dr. R. Moonilal)*]
2. Annual Audited Financial Statements of the CEPEP Company Limited for the financial year ended September, 30, 2010. [*The Minister of Finance (Hon. Winston Dookeran)*]
To be referred to the Public Accounts Committee
3. Notification of His Excellency, the President, in respect of the nomination of Professor Ramesh Deosaran for appointment as a member of the Police Service Commission. [*Hon. Dr. R. Moonilal*]

ORAL ANSWERS TO QUESTIONS

Recreation Grounds (Details of Upgrade)

- 67. Mr. Fitzgerald Jeffery** (*La Brea*) asked the hon. Minister of Sports and Youth Affairs:

Could the Minister state when the following recreation grounds will be upgraded with pavilion, bathroom facilities and water:

- (a) Brighton Recreation Ground;
- (b) La Brea Community Recreation Ground;
- (c) Lot No. 10 Village Recreation Ground;
- (d) No. 4 Road Recreation Ground, Palo Seco;
- (e) Arena Village Recreation Ground;
- (f) Los Bajos Recreation Ground;
- (g) K.T.O. Recreation Ground?

The Minister of Sport and Youth Affairs (Hon. Anil Roberts): Thank you, Sir. The answer to Question No. 67 is no. [*Crosstalk and interruption*]

Dr. Browne: That is not an answer. Answer the question! These people have to be crazy. Remedial thinking! Question No. 67!

Mr. Jeffery: Question No. 67, Mr. Deputy Speaker. He did not answer the question, I asked when?

Dr. Browne: When? The answer is No?

Hon. A. Roberts: Thank you for the supplemental, Member for La Brea. I was trying to save you the pain of the explanation but since you want it. The question, I would humbly suggest to the Member for La Brea, that I spent as much time answering your question as you probably spent crafting it. In this honourable House, the way to craft a question [*Crosstalk and interruption*]
Okay, well if you do not want the explanation, the answer to your question, the way you have crafted it, no.

Mr. Deputy-Speaker: Member for La Brea, any supplemental question?

Mr. Jeffery: I asked when?

Mr. Deputy Speaker: Supplemental.

Hon. A. Roberts: The answer is no to the question.

Mr. Jeffery: Mr. Deputy Speaker, I do not understand that answer. I asked when?

Mr. Deputy Speaker: Member for La Brea, Members of the House, it is not the job of the Speaker to determine the answer to questions or what answer that is given. If you are not satisfied with the Member's question, you are free to ask a supplemental question. That is how the rules of the House work. I cannot determine, the Chair cannot determine, how a Member answers a question or what he says in a question and answer. What the Chair could do is to allow the questions and the supplemental questions to be asked based on the answer given by the Member and I am so doing that.

Mr. Jeffery: Mr. Deputy Speaker, I simply asked when will the ground be upgraded. That is all I am asking.

Mr. Deputy Speaker: The Member for D'Abadie/O'Meara.

Hon. A. Roberts: The question as proposed by the Member for La Brea is: "Could the Minister state when the following recreation grounds will be upgraded with pavilion, bathroom facilities and water." Could the Minister state? No, the Minister "can't"!

Mr. Jeffery: When will the grounds be available?

Hon. A. Roberts: Unfortunately, that is not a supplemental question but when you formulate a proper question, I will be more than glad to answer, so file another question.

Mr. Deputy Speaker: Supplemental question?

National Energy Skills Centres Upgrade

68. Mr. Fitzgerald Jeffery (*La Brea*) asked the hon. Minister of Science, Technology and Tertiary Education:

Could the Minister state:

- (a) When will the National Energy Skills Centres (NESC) at Vessigny, La Brea and Palo Seco be upgraded?
- (b) What is the nature of the upgrade at both centres?
- (c) The cost of the upgrade at both centres?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Deputy Speaker, on behalf of the hon. Minister of Science, Technology and Tertiary Education:

The response. Before answering the question directly, it would be useful if the Minister also indicated to the honourable House that the National Energy Skills Centre (NESC) is a non-profit organization established in 1997 under the former UNC Administration and in partnership with the industry to address the skill needs of the energy and energy service sector.

To date, the NESC has trained and certified over 12,000 nationals at the Advanced Craft Level and almost 120,000 persons in ICT. The upgrade of the facilities at Vessigny, La Brea and Palo Seco Centres are to be completed in this fiscal year 2010—2011 as funding was approved for these projects in the last budget presented by this Government.

In response to part two: NESC Skills and Technology Centres, Vessigny and La Brea, the Technology Centre at Vessigny, La Brea which commenced operations in November 20, 2006, currently offer the following courses:

- Shielded metal arc welding;
- Pipe fitting and fabrication,
- Industrial electrification installation;
- Industrial mechanical maintenance;

- Construction trades;
- Information on communication technology;
- Core courses;
- Health, safety and environment;
- Life skill training; and
- Entrepreneurial skills.

The Trainee Enrollment increased from 57 in 2007 and now caters to 140 trainees on a full-time basis. The growth in trainee enrollment at this centre had made it necessary to use the existing cafeteria and assembly hall as classrooms. The centre currently functions without these necessary spaces. Hence, there was a need to construct a new building to accommodate an auditorium and cafeteria for trainees and staff. This building is a single floor steel and concrete structure comprising 6400 square feet of floor space.

Mr. Deputy Speaker, the Government is pleased to advise that this expansion at Vessigny, La Brea commenced in March 2011 and is expected to be completed by August 2011. The estimated cost is \$3 million which is being financed through the Public Sector Investment Programme.

Mr. Deputy Speaker, the NESC Skills and Technology Centre, Palo Seco: in response to that, over the past six years there has been no training at this facility, therefore all works planned for 2011 include a new building to accommodate classroom and workshops for training in welding, electrical installation; construction trades, information and communication technology, core courses, health, safety and the environment; life skill training and entrepreneurial skills.

The trainee enrollment of 110 trainees is expected on a full-time basis.

The expansion of the NESC Palo Seco centre is scheduled to commence in May 2011 upon the completion of the tendering process which is currently taking place and is expected to be completed by September 2011. The estimated cost is \$2 million which is being financed through the Public Sector Investment Programme.

Mr. Deputy Speaker: Any supplementals? Okay.

1.40 p.m.

**Advisors to the Prime Minister
(Full Details of)**

71. Dr. Amery Browne (*Diego Martin Central*) asked the hon. Prime Minister:

Could the Prime Minister provide:

- (a) The names of the advisors and special advisors who have worked for the Prime Minister and/or the Office of the Prime Minister for any period between May 25, 2010 and February 28, 2011?
- (b) The description of duties of each of these advisors and special advisors?
- (c) The full details of the compensation packages of each advisor and special advisor, inclusive of total salary, allowance and perks?
- (d) The proposed date for the assumption of duty of Ms. Verna St. Rose in a position as Special Advisor to the Prime Minister?

The Minister of Housing and the Environment (Hon. Dr. Roodal

Moonilal): In response to part (a), the following persons are employed as advisors and/or special advisors in the Office of the Prime Minister between the period May 25, 2010 to February 28, 2011.

- Mr. Devindranath Tancoo, advisor on financial matters, responsible for

advising the Prime Minister on economic and financial policy matters and for providing support in related areas, salary \$24,000, transport allowance \$3,200, telephone allowance \$500;

- Mr. Gary Griffith, advisor on security, responsible for the development, implementation and coordination of policy decisions on security issues, salary \$24,150, transport allowance \$3,250, telephone allowance \$500;
- Mr. Shem Baldeosingh, special advisor on Commonwealth and parliamentary affairs, responsible for advising the Prime Minister on Commonwealth matters, while coordinating and monitoring programmes activities and projects with a view to consensus building and developing government-to-government relationships within the Commonwealth, salary—\$37,500, transport allowance—\$2500;
- Miss Sasha Mohammed, advisor of public engagement responsible for planning, directing and overseeing the implementation of communications and the public engagement agenda of the Prime Minister, salary—\$24,000, duty allowance—\$3,600, telephone allowance—\$500, transport allowance \$3,000;
- Mr. Barry Paradath, Advisor to the Prime Minister, responsible for assisting the Prime Minister with the planning, organizing and implementation of policy as well as other related duties, salary—\$18,500, transport allowance—\$2,500.

Mr. Deputy Speaker, the advisors/special advisors to the current Prime Minister—I am sure my friends opposite would like to look at this in the context of the advisors/special advisors who were in office prior to May 2010:

- Mr. Overand Padmore, national security advisor to the Prime Minister,

salary—\$24,150, transport allowance—\$3,250, telephone allowance—\$500;

- Mr. Garvin Chilling, advisor to the Prime Minister, salary—\$18,500, transport allowance—\$25,000;
- Miss Monique McSween advisor on public engagement, salary—\$20,000, transport allowance—\$3,000, telephone allowance—\$500, duty allowance—\$3,600;
- Mr. Herbert Atwell, director of public affairs, salary—\$24,150, transport allowance—\$3,250, telephone allowance—\$500; and
- Miss Micha Boyd, advisor to the Minister in the Office of the Prime Minister, salary—\$18,500, transport allowance—\$2,500.

The current Prime Minister uses five advisors/special advisors and the former Prime Minister also had on his staff five advisors/special advisors.

Dr. Browne: Supplemental. Could the hon. Prime Minister or Minister indicate if the list provided under part (a) includes advisors to the Ministers of State or Parliamentary Secretaries who might be in the Office of the Prime Minister?

Hon. Dr. R. Moonilal: Member for Diego Martin Central, advisors are responsible to the Prime Minister and, at the discretion of the Prime Minister, the Office of the Prime Minister, which includes Ministers of State.

Government's Media Expenditure

72. Dr. Amery Browne (*Diego Martin Central*) asked the hon. Prime Minister:

Could the Prime Minister indicate:

- (a) The total expenditure incurred for advertising, public relations and media by the Government from May 25, 2010 to February 28, 2011?
- (b) The specific firms, agencies and organizations to whom such expenditure was incurred?
- (c) Whether the owners or directors or staff of Ross Advertising conducted any services for or on behalf of the Government between May 25, 2010 and February 28, 2011?
- (d) The total expenditure incurred with respect to part (c) of this question?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): In response to part (a), the total expenditure incurred for advertising, public relations and media by the Government from May 25, 2010 to February 28, 2011, was \$15,672,013.64. One would also note that in the one-year period before May 25, 2010, the Government of the Republic of Trinidad and Tobago's estimated expenditure of \$125,988,800 on promotions, publicity and hosting. The actual figure for promotions, publicity and hosting for 2008 was \$128,092,848.

Mr. Warner: "Your question come back to haunt you."

Hon. Dr. R. Moonilal: Somebody did not hear. The actual figure for promotions, publicity and hosting for the period May 2009—May 2010 was \$128, 092,848. For 2009, revised \$107,286,122. The actual figure for 2007 by the Government for promotions, publicity and hosting, is \$131,146,090.

Let me proceed with part (b). The firms, agencies and organizations to whom such expenditure was incurred include: Government Information Services Limited; *Trinidad Guardian*; *Trinidad Express*; *Trinidad Newsday*; Willo Works; Photoads; Central Statistical Office; JCD and Associates;

Studio Works; Upstream Publications Limited; Elite Planners; Valdez and Tory; Hyatt Regency Trinidad; H. Williams Bookstore; DocuCentre; Media 21; Savi Packaging Services; Caribbean News Media Group; Galt and Littlepage Limited; i95 FM; 106.1 Sangeet FM; 105 FM; 91.9 FM; Heritage Radio; 90.5 FM; Heritage Communications; Radio Vision; Caribbean News Group; AuPair Productions; Business Boosters; DoubleX Workshop; Office Authority; ScriptJ; Sure Signs; Zenith Printing Services; A&C Marketing; Ample Marketing. This is for the entire Government, not any one ministry, but the question asked for the entire Government.

It continues: Award Centre; Branded; Citadel 95.5 FM; DS Graphics; Eniath's; Kayam's Advertising; Lonsdale; Mikal Marketing; Sign Work; TABR Supplies. Support for advertisement was also with the Blind Welfare Association; Entertainment Networks Limited; Trinidad Broadcasting; K&P Music Group; Win Communications; Synergy Entertainment; Pepper Advertising; All Media Projects Limited; 96.7 FM; 102 FM; Advantage Advertising Services; Image Studio; East Caribbean Industry; Screen Savers Limited; CNC Traders; Printstar Limited; Brunch Production; CCN Television Limited; Telemedia Limited; Heartbeat Radio for Women; Shimbco Company Enterprises; 101.1 FM; Gem Radio 5 Limited; the Cube Corporation; Inner City Broadcasting; Tobago News; Mirror Group Publications; Bomb Newspaper.

In response to part (c), it asks about a specific firm, Ross Advertising. Ross Advertising conducted services for and on behalf of the Government between May 25, 2010 to February 28, 2011. That was the question.

With respect to (d), the total expenditure incurred for all those agencies of the Government and Ministries with respect to Ross Advertising was \$620,128.92.

Mr. Deputy Speaker, my friend opposite may also all want to note that while, for the entire Government, Ross Advertising was \$620,000, for one company between May 2009 to May 2010, Lonsdale Advertising, in three ministries: National Security, \$445,000; Tourism, \$418,437.51. The Ministry of Trade and Industry spent \$248,000 with Lonsdale Advertising. For three ministries alone, one advertising company collected \$1 million in that period, while for the entire government, one company that they are interested in, collected \$620,000.

Mr. Deputy Speaker, I thank you.

STATEMENT BY MINISTER
First Hemispheric Forum on Women's Leadership
for a Citizen's Democracy
(Official Visit)

The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan):

Mr. Deputy Speaker, I have been authorized by the Cabinet of the hon. Kamla Persad-Bissessar to make the following statement. One of the pledges of the People's Partnership Government is accountability to the people. Additionally, the Government of Prime Minister Kamla Persad-Bissessar and the People's Partnership is wholly committed to transparency. Representation, while it is duty-bound to serve the interest of constituents, must of necessity also meet the needs of citizens to know and to be informed about the activities of ministers and representatives of the Government as a whole. It is with this in mind that I make to this honourable House the following statement regarding the visit of the Prime Minister and her delegation to Washington during the period April 02—April 08, 2011.

As you are aware, the main concern of the People's Partnership Government continues to be crime and security. Our investment climate can be affected by the perception, both local and foreign, of our ability to combat

crime. The Prime Minister, during this initiative, was able to present Trinidad and Tobago as a preferred destination, where investors can not only feel secure but also that their investment would yield the returns that they can obtain in other localities.

She spoke to two major think tank institutions, one of which was the Brookings Institute whose work impacts upon policymaking, not only in the United States of America, but globally. The other was Woodrow Wilson Centre for Scholars.

In addition to describing Trinidad and Tobago's approach to economic development and transformation, as well as the stability of our democracy, the facilitative environment for investment, the Prime Minister focused on how Trinidad and Tobago is dealing with the suppression of crime, since this is of major concern not only to the safety and security of our people, but, as I have said, also to both local and foreign investors.

The Brookings Institute, may I note, is an institution which also advises governments and organizations on matters of public policy, including investments in other countries. It was therefore critical that institutions like this understand what Trinidad and Tobago is doing with respect to creating a security investment environment.

The necessity for Trinidad and Tobago to deepen its ties with Latin America, as well as to market itself to this new frontier, is extremely important for our manufacturers and producers of goods and services. We are compelled to go beyond the boundaries of the Caribbean, to develop new trade relationships, new markets and to affirm our status as partners in the development of the Caribbean and Latin America.

Successful trading relationships are very often the outcome of well-developed diplomatic relations, as well as personal relationships at the

highest level. Very often, the trigger for such deep ties emanates from a shared platform on issues common to all. It is also very important that we, as a small island developing state, make use of opportunities to introduce ourselves to the wider neighbourhood of Latin America, by participating in important conferences, by sharing our philosophy and vision as a country with the people who influence regional and global policy formulation of a kind which can impact upon our island.

In this regard, the attendance of Trinidad and Tobago and the leadership role taken by the hon. Prime Minister at the First Hemispheric Forum on Women's Leadership for a Citizens' Democracy, which took place at the OAS in Washington DC, from April 04 to 06, brought about significant gains and opportunities for Trinidad and Tobago.

As a country committed to equality for all, regardless of race, religion, ethnicity and gender, and in stating unequivocally at the OAS's Hall of the Americas our commitment to the fullest participation and integration of women in all areas of decision making, Trinidad and Tobago, through our Prime Minister, placed our country in the forefront as one committed to a full participatory and citizen's democracy.

1.55 p.m.

The hon. Prime Minister has been advocating the cause of women and girls for equal opportunity and respect. Having already had the support of the Commonwealth Secretariat in advancing her objective of a colloquium of women leaders on the margins of the next UNGA at the UN, the Prime Minister also secured the support of the Secretary General of the OAS, firstly for a regional gathering in Trinidad and Tobago in June, and secondly for the September 2011 colloquium in New York from which will be derived several benefits.

Mr. Deputy Speaker, here in Trinidad and Tobago we have made strides in terms of the percentage of women in Parliament and local government. In fact, ours exceeds the world average. We have also made strides in terms of the presence of women in senior offices of the public service. It is much less so in the private sector, despite the educational and professional advancement of our women.

This colloquium, therefore, will inspire a further shattering of the proverbial glass ceiling and give to our women and girls the confidence to claim their space in the global community. The Prime Minister's leadership to create the reality of our women and girls achieving their fullest potential will further inspire excellence on their part. We want our women and girls to set their sights beyond Trinidad and Tobago and to become leaders in the most influential international organizations, and in private sector companies—a number of which in Trinidad and Tobago are global.

Mr. Deputy Speaker, in the same way that Guyana's Sir Shridath Ramphal moved to become Secretary General of the Commonwealth and Tobago's Dr. Edwin Carrington the Secretary General of the Association of Caribbean and Pacific Countries, and Suriname's Albert Ramdhin, Assistant General Secretary of the OAS, such a colloquium of women initiated by our Prime Minister is intended to propel our qualified, aspiring women onto the world's stage.

Mr. Deputy Speaker, every country must have some noble cause or causes. The cause of realizing the aspirations of our women is uppermost on the agenda of the Prime Minister and the world would remember her for it. Given that the Commonwealth Secretariat with its membership of 54 countries is supportive of the colloquium, and now the support of the Secretary General of the OAS which has a membership of 34 countries, the

colloquium is certain to attract further endorsement of members of the international community.

Mr. Deputy Speaker, in that regard Catherine Ashton, the Vice-President of the European Commission, has written to the Prime Minister following her meeting in London, telling the Prime Minister that she wishes to confirm that she will be pleased to take part in the Women's Colloquium at the UN general assembly in September. Mr. Deputy Speaker, this has its own advantages of enhancing the profile of Trinidad and Tobago, Trinidad and Tobago's peoples, cultures, its potential as a development partner and in particular its women. Quite naturally, this enhanced profiling of Trinidad and Tobago will have positive implications for us both as an investment and a tourism destination.

Mr. Deputy Speaker, that the Secretary General of the OAS has pledged financial assistance and support as well as logistical support, speaks volumes for the hon. Prime Minister's initiative. He has also committed to canvassing the members of the OAS to participate fully in the Regional Conference of Women Leaders planned for Trinidad and Tobago in June of this year.

The regional forum, as well as the colloquium in September, will also provide an important opportunity to accelerate global commitment in attaining the millennium development goals by the 2015 target. Mr. Deputy Speaker, while there has been progress, poverty remains—even in this country—at unacceptable levels, with women being particularly vulnerable. Reducing child mortality and improving maternal health are also MDGs that are lagging behind. The colloquium proposed by the hon. Prime Minister is likely to benefit Trinidad and Tobago and all countries seeking support from the international community, and the multilateral system in shoring up of

national initiatives to address such issues.

Mr. Deputy Speaker, as is well known by now, Trinidad and Tobago is promoting the Caribbean Investment Forum in association with the Commonwealth Business Council to be held here on June 13 and 14. The Secretary General of the OAS not only gave his support to the forum, but has committed to contacting relevant departments and individuals in the OAS member countries to participate in the forum, which has been dubbed: “Trinidad and Tobago Gateway to the Americas and Commonwealth”. Indeed, former President of Brazil, Luis Ignacio Lula da Silva, with whom the hon. Prime Minister met in Washington DC, also willingly agreed to promote the forum amongst businessmen in Brazil. Following that meeting the Prime Minister also had the opportunity to interact with and address public sector leaders from Latin America.

Mr. Deputy Speaker, in view of the rising crime and violence and its impact on human development, the United Nation’s Development Programme is sponsoring the preparation of the Caribbean Human Development report on citizen’s security in collaboration with the participating countries of Barbados, Guyana, Jamaica, Suriname, Trinidad and Tobago and the Organization of East Caribbean States.

It is anticipated that the report will provide evidence based recommendations for the development of public policies and programmes to address citizen security issues. Recommendations will develop through analysis of the root causes of crime and violence in the region and the resultant negative impact on human development. Issues to be addressed in the report which were discussed in the presence of our Minister of National Security, Brig. John Sandy and in the presence of Mrs. Helen Clarke, the head of UNDP, issues include victimization of vulnerable groups, youth

violence, organized crime, the response of state and non-governmental institutions, national and regional and how they interact policy directions, good practices and lessons learned.

The overall expected outcomes include but are not limited to the following:

- “(a) evidence-based recommendations for the development of public policies to improve citizen security;
- (a) identification of good practices and lessons learned from the Caribbean and other regions;
- (b) commitment from the participant countries to address the issue of citizen security; and
- (c) tools support for the implementation of the recommendations.”

The date of publication of this report is expected to be the third quarter of 2011.

Mr. Deputy Speaker, it was very important also for the Prime Minister to discuss the United Nations Development Programme draft for Trinidad and Tobago, the Country Programme 2012—2015 which of course aligns itself to four of the pillars in the development framework of Trinidad and Tobago. These are poverty eradication and social justice, national and personal security, a more diversified knowledge intensive economy and good governance.

Mr. Deputy Speaker, the country programme outcome with respect to poverty eradication and social justice in association with the UNDP reads as follows: 2015 the country will have made progress in the formulation and application of targeted policies to reduce poverty. Mr. Deputy Speaker, the aim is to reduce poverty from a baseline of 16.7 per cent to 13 per cent or less by 2015. The expected benefits of this association with the UNDP are:

- “(1) the designing of public policies and strategies for poverty

reduction, small and medium enterprises development and corporate social responsibility to target the poor; and

- (2) the designing of tools and methodologies to measure socio-economic statistics including poverty.”

Mr. Deputy Speaker, the country programme outcome with respect to national and personal security by 2015, working with UNDP: improved human security through the implementation of evidence based policies, strategies and practical initiative. For Trinidad and Tobago the benefits—or expected benefits:

- (a) strengthened coordination capacity in Government ministries, to design effective measures to reduce crime and
- (b) improved coordination and disaster risk management capacity of the Office of Disaster Preparedness and Management.

Country programme outcome with respect to a more diversified knowledge intensive economy; increased environmental sustainability to achieve sustainable development through environmental management compliance with international treaties, adaptation to climate change and improvement in the capacity for policy and strategy development.

2.05 p.m.

This association, with respect to the country development programme with the UNDP, also has expected benefits for Trinidad and Tobago. These are:

- Development of sustainable, strategic and policy framework for sustainable land management and carbon dioxide and persistent organic pollutants reduction;
- Development of a strategy for the phasing out of hydrochlorofluorocarbons;

- Approval and implementation of the Small Grants Programme and development of a national corporate responsibility policy.

Finally, with respect to good governance, the country programme outcome by 2015, mechanism, will be enhanced for government institutions and processes to improve responsiveness and accountability to the general population through effective participation and dialogue involving all sectors of society.

The expected benefits of good governance, working with the UNDP and strengthening will mean strengthening results-based management in the Ministry of Local Government and the Ministry of the People and Social Development, enhancing implementation capacity in the Ministry of National Security and institutional strengthening of the Trinidad and Tobago Parliament. There were many benefits gained from building relationships with the powerful organization Microsoft at the Public Sector Leaders Forum.

Finally, the multicultural nature of Trinidad and Tobago's culture has fascinated the Secretary General of the OAS and he has generously invited Trinidad and Tobago to present its culture and cuisine at the OAS, which the OAS will host in what will be a broader programme of showcasing Trinidad and Tobago in Washington and in the United States.

I thank you.

Finalization of Talks (CPO and PSA)

The Prime Minister (Hon. Kamla Persad-Bissessar): Thank you very much, Mr. Deputy Speaker. I am very happy to report that members of the Government held a meeting with the Public Services Association a short while ago at the Office of the Prime Minister; and to apprise this honourable

House and also members of the public that agreement has been reached by the CPO and the PSA. This has come after protracted negotiations.

I thank the CPO and the Minister of Finance and all who worked on their teams. I also thank Mr. Watson Duke and his executive team. It seems to me that this is a red-letter day that will bring some level of industrial peace in Trinidad and Tobago, which is very vital for us as we all work together to grow the economy for sustainable development.

The agreement remains within the 5 per cent, 2-1-2, and the PSA was able to negotiate with the CPO arrangements dealing with allowances which, for the first time, will see members of the PSA getting a medical benefit for their families, death benefits, as well as plans for negotiating with them areas within the HDC housing and lands, so that they could have a better quality of life. We wish we could give more, but the economy cannot permit that at this time. Therefore, when we have more, we will consider more to be given.

May I remind you, Mr. Deputy Speaker, that today is a historic day. One year ago, the then Prime Minister dissolved Parliament.

I thank you.

TRAFFICKING IN PERSONS BILL

Order for second reading read.

The Minister of National Security (Sen. The Hon. Brig. John Sandy):

Mr. Deputy Speaker, I beg to move,

That a Bill to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime and for matters connected therewith or incidental thereto; be now read a second time.

This Bill seeks to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime and for matters connected therewith or incidental thereto.

Mr. Deputy Speaker and Members of this honourable House, trafficking in persons or human trafficking, which is one aspect of transnational organized crime, is a rapidly growing global phenomenon. In the past 10 years, the trade in human cargo has been growing exponentially and is currently the second most profitable criminal activity worldwide, along with arms trafficking, surpassed only by narcotics trafficking.

Hon. Members are asked to note that, in 2007, the Government of Trinidad and Tobago had ratified the United Nations Protocol against Transnational Organized Crime and two supplementary Protocols of the Convention, one of which is a protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. However, no legislation was drafted to give effect to this Protocol.

Statistical and anecdotal data indicate that the offence in trafficking in persons is evolving in Trinidad and Tobago. The International Organization for Migration (IOM) and the United States Department of State both report that Trinidad and Tobago is a country of transit and destination and may well be a country of origin.

Due to its transnational nature and the involvement of a network of cross-border facilitators, human trafficking is difficult to detect both internationally and locally. However, initial in-house research appears to corroborate the findings of the IOM and the US Department of State with respect to Trinidad and Tobago as a transit and destination country for the

purposes of sexual and labour exploitation of domestic servitude.

IOM reports that in the last year there were six cases of human trafficking and, in 2009, 11 such incidents. There have also been reports circulating throughout the foreign media concerning the alleged trafficking of their nationals to Trinidad and Tobago. If these reports are accurate, this will reflect a disturbing and disheartening reality.

However, statistics regarding the number of cases cannot be substantiated as there is currently no official central repository for such information. Further, due to the fact that there is no such offence as human trafficking within the legislative framework of Trinidad and Tobago, no prosecutions for this specific crime are conducted. The lack of requisite legislation places this country under international scrutiny.

In 2009, for the first time, Trinidad and Tobago was placed on Tier 2 of the United States Department of State annual Trafficking in Persons report. Members of this honourable House may recall that this country was relegated to the Tier 2 Watch List in the 2010 report.

According to the US State Department, countries placed on the Tier 2 watch list are defined as, I quote:

“Countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant effort to bring themselves into compliance with those standards, and:

- (a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing or
- (b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year;”—including increased investigations, prosecutions and convictions of trafficking crimes, increased assistance to

victims and decreasing evidence of complicity in severe forms of trafficking by government officials—“ or,

- (c) the determination that the country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.”

A policy framework to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000, was prepared by a multisectorial task force to counter human trafficking in Trinidad and Tobago. This task force was established under the authority of Cabinet Minute No. 2048 of July 30, 2009. The task force was chaired by the Minister of National Security and comprised representatives from various Ministries, non-governmental organizations and obtained expert assistance from the International Organization for Migration at the office of Washington DC.

On September 22, 2010, Cabinet agreed:

- (a) To approve this policy framework to give effect to United Nations protocol to prevent, suppress and punish trafficking in persons, especially women and children, 2000; and.
- (b) That the Attorney General cause to be prepared the necessary legislation to give effect to this protocol.

The trafficking in Persons Bill now before this honourable House would indicate that this country is making significant efforts to bring itself into compliance with minimum international standards pertaining to the crime of human trafficking and that this Government is seeking to address the issue in its embryonic stages before it becomes a widespread criminal activity.

This Bill was drafted using a RAM's Caribbean Counter Trafficking Model legislation and explanatory guidelines published in December 2008. This model legislation is a product of collaborative discussions among distinguished legal experts from 10 Caribbean countries, including Trinidad and Tobago, Caricom agencies and the United Nations International Childre's Fund (UNICEF).

The model represents the efforts of the framers to correct the weaknesses inherent in the domestic legislation of respective Caribbean territories in relation to this offence through the creation of a specific and comprehensive counter-trafficking legislation. It was developed as a generic document which could be modified for use in the respective countries which form the Caribbean Community.

Please note, Mr. Deputy Speaker, that trafficking in persons legislation from a number of Caribbean and Commonwealth countries was also reviewed by the multisectorial task force, as well as our legal drafters, in order to formulate the most comprehensive counter-trafficking legislation for the Republic of Trinidad and Tobago, which is what we have before us today.

Hon. Members, it is internationally recognized that any national strategy to combat the offence of trafficking in persons must be multi-disciplinary in nature in that, at a minimum, it should seek to prevent trafficking, protect the human rights of victims and prosecute traffickers. The Bill currently before us not only addresses these three concerns, it also provides for partnership amongst the public and non-governmental organizations in combating the crime of trafficking and in providing support to victims.

2.20 p.m.

Mr. Deputy Speaker, please permit me to embark on a review of the Bill before us. Hon. Members, there are seven parts of this Bill the provisions of which aim to prevent trafficking, protect the human rights of victims, prosecute traffickers and partner with other countries and civil society to render assistance to victims. This Bill therefore demonstrates that our country will be adopting a sustainable approach through targeted programmes of work to combating trafficking and preventing persons from becoming victims.

Part I: this part is preliminary in nature and consists of four provisions. Clause 1 is the short title. Clause 2 reflects that this legislation will commence upon proclamation. This is necessary, hon. Members, as you would appreciate that there are administrative and technical mechanisms to be established in order for us to implement the provisions of this Bill. This clause therefore allows us to put our house in order, and I wish to assure this honourable House and Members that the period would not be inordinate.

Clause 4 identifies the object of this legislation which is to prescribe measures to prevent and combat trafficking in persons and trafficking in children. We shall achieve this through strategies that serve to:

1. Protect and assist victims.
2. Facilitate efficient investigation.
3. Facilitate prosecution of individuals and organizations involved in trafficking.
4. Promote cooperation between Trinidad and Tobago and other states.

It is not typical to include a clause such as this in legislation but it helps to keep us focused on what the legislation aims to accomplish.

We can now proceed to Part II of this Bill which contains six clauses. Part II, the National Task Force. There will be two key entities established to spearhead policy development and operations. The policy arm is described as a National Task Force and the operational arm is a Counter Trafficking Unit.

Clause 5 establishes a task force which could be described as a national task force against trafficking in persons.

Clause 6 identifies the functions of this task force which include;

- Monitoring and giving directions to the Counter Trafficking Unit;
- Developing plans in partnership with representatives of civil society to provide assistance needed;
- Coordinating the effective implementation of the national counter trafficking plan;
- Coordinating the collection and sharing of trafficking data among Government agencies;
- Coordinating the sharing of information between agencies in order to identify perpetrators and to detect organized criminal groups;
- Identifying and engaging in efforts to facilitate cooperation with foreign countries;
- Strengthening local, regional, bilateral and multi-lateral capacities to assist victims, prevent trafficking, and to enhance cooperative efforts between designation countries and countries of origin;
- Establish policies to enable our national to work with NGOs

and other elements of civil society;

- Measure and evaluate the progress of Trinidad and Tobago in terms of achieving the objective identified earlier;
- Evaluate public awareness programmes for effectiveness and finally;
- To prepare quarterly and annual reports.

Mr. Deputy Speaker, this Government is committed, at its highest level, to addressing trafficking issues by actively participating in an integrated plan of action to prevent and combat human trafficking. Accordingly, clause 7, which identifies the composition of the task force, attests to this commitment.

By virtue of clause 7, the task force will comprise the Ministers responsible for foreign affairs, labour, social development, national security and justice. These Ministers have key roles to play in suppressing trafficking and assisting persons identified as victims. In addition to Ministers, the task force shall comprise appropriate senior government officials, non-governmental organization, and other persons with relevant expertise. These persons will be appointed by the President and shall hold office for two years in the first instance.

Hon. Members, countries with established task forces against trafficking in persons do not typically have such high level representation, but we intend to make it known to the world at large—traffickers and victims—that the Government is committed to preventing all forms of slavery and providing protection to identified victims.

Clause 8 provides for selection of a chairman by the President from among the ministerial Members.

Clause 9 mandates that a task force will meet at least once every

quarter and at such other times as would be necessary. The task force, of course, will be empowered by this clause to regulate its own procedures for the convening of meetings. A secretary will be selected from amongst the membership, and this secretary will prepare minutes which effectively serve to ensure the proper recording of discussions and decisions which will auger for the transparency.

Clause 10 reflects the administration's endorsement of good governance in that persons who have the power to inform decisions must declare whether they hold any interest in a decision of the task force. In such instances they must excuse themselves from deliberations on the particular subject. Mr. Deputy Speaker, that brings me to the end of Part II and I shall now address Part III of this Bill.

Part III: Counter Trafficking Unit. Clause 11 establishes the Counter Trafficking Unit which will be the operational arm of our plan of action. This unit, Mr. Deputy Speaker, will be operating from within the Ministry of National Security and shall comprise suitably qualified persons. The required competencies for some of these positions are also outlined in the schedule and include, but are not limited to, investigative skills, interviewing skills, understand and recognizing posttraumatic stress disorder and fluency in a foreign language other than English.

Clause 11(7) directs that Minister of National Security can, by order, amend the schedule subject to negative resolution of the Parliament.

Clauses 12 list the functions of the Counter Trafficking Unit which include several operational factors. Resources have to be provided, however, for maximum benefits to be derived, and the intent is that there would be clear strategies developed, recognition of trends based on sound research and analysis, data bases, trained officials who formulate protocols

for identifying and protecting victims, targeted outreach and efficient investigation and evidence gathering.

Mr. Deputy Speaker, the combined operations of both the CTU and task force will be phenomenal and will serve to cater for the four PPPP's, earlier identified and the added dimension of three Rs which are: rescue, rehabilitation and reintegration.

Part IV; Entry Search and Seizure. There are only two provisions in this part, Mr. Deputy Speaker. Clause 13 provides for a police officer to obtain a warrant from a judge, magistrate, Clerk of the Peace, or Justice of the Peace, to enter and search premises as well as seize items that are deemed evidence or relating to offences under this Act. Of course, warrants are not automatically issued—and officials must be satisfied by the information provided on oath.

2.30 p.m.

As there may be persons who may be accompanying the police officers on operations to tend to victims, clause 14 makes it an offence to assault or obstruct a police officer or other workers involved in victim assistance and protection. The penalty for obstruction is a fine of “fifteen thousand dollars and to imprisonment for three years.”

Part V—Criminal offences and related matters: there are 17 clauses in this part which serve to treat with the prosecution and prevention obligations of a nation. Hon. Members, section 68(2) on the Interpretation Act states that where a minimum penalty is stipulated for an offence, the court is to instead treat that minimum penalty as a maximum penalty. We are of the view, however, that persons who engage in modern-day slavery should be punished to the maximum extent permissible by law. As such, we are stating at clause 15 that this stipulation of the Interpretation Act shall not

apply to specified penalties within clauses 16—19. This means that where there is a reference to a minimum penalty, it would operate as a minimum penalty.

Prior to reviewing the other clauses of this Part, I would like to focus on some salient aspects of trafficking in persons and children, a despicable crime against humanity. Mr. Deputy Speaker, you would recognize that this is similar to kidnapping, and it leads to other areas of criminal activities including rape and other elements of crime.

The elements of trafficking: with respect to adults, there are three primary elements to the offence of trafficking in persons these are: the act, the means and the purpose. All elements must be present. There are times a person may go missing, but that is not sufficient to prove that the person was trafficked. The person may be exploited by his employer, but that alone is not trafficking, rather, we must be able to determine these three elements existed where we are speaking of adults. When we speak of trafficking in children, only the act and the purpose must be determined. There is no need to establish the means used to traffic children. The act relates to what is done, that is the recruitment, transportation, transfer, harbouring or receipt of persons. This is self-explanatory.

The means is specific to how the act is done and would include threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability or giving payments or benefits to a person in control of the victim. Many prey on vulnerabilities by creating usage that involve promises of marriage, employment, educational opportunities or a better life. We know of instances where women are brought from the South American mainland to Trinidad and Tobago and they are offered jobs, and when they get on board the vessel or the aircraft their passports are taken away from

them, and you never see them again and they are brought into other areas of employment, not dignified for their own qualifications.

As indicated earlier, where children are concerned, there is no need to prove the means or methods. The act and purpose would be the focus of investigations and prosecution. I respectfully submit that all parents must be alert whether children are under 18 or, perhaps, even 40 years of age. We must play a more active part in our children's life or our siblings' life and be privy to invitations and advertisements especially those on the Internet, Facebook and other social media to which people are drawn.

The purpose refers to why the act is done. There is one resounding answer, exploitation. As stated previously, trafficking in persons is a form of modern-day slavery where persons are lured for purposes including sexual exploitation, forced labour, slavery or similar practices or even the removal of organs. We have heard of the removal of kidneys, eyes and other organs for private use.

Of course, the support structure for the trafficking industry must be noted, as there are many common facilitators including institutions which appear to be legitimate on which traffickers frequently rely and which, of course, benefit handsomely such as hotels and motels, massage parlours, landlords, recruitment agencies, taxi services and transportation companies, banks and other financial services and companies.

Hon. Members, we cannot ignore that conditions exist that may make persons vulnerable to be trafficked in Trinidad and Tobago. Some core factors are: lack of awareness, poverty, material expectations such as employment opportunities, cultural factors, inclusive of gender inequality, lack of a birth registry, lack of education and aggressive recruitment by partner agencies. Our social programmes must, therefore, be geared toward

addressing the underlying causes of human trafficking and other exploitative labour practices. That would be one key component as it relates to preventing people from becoming victims.

For the purposes of prosecution, we should act in unison here today to criminalize human trafficking for the safety of mankind. At present, we can prosecute for breaches of legislation such as the Immigration Act, the Summary Offences Act, the Children Act, the Kidnapping Act, the Offences Against the Person Act and the Sexual Offences Act. This Government prefers, however, to adopt an integrated comprehensive approach to this scourge, and this is why we are here as a nation to reassure vulnerable victims that they would be protected and the perpetrators will be brought to justice.

The cost of trafficking: Mr. Deputy Speaker, victims are often abused, isolated, dominated, starved and stripped of their rights. They are forced to work as prostitutes, strippers, drug mules, smugglers, child soldiers, child camel jockeys, in domestic work or in gruelling jobs. Many are used for the purpose of creating pornography. What happens after a victim is released or found? Mental health problems, physical scars, stunted growth, broken bones, injuries, drug addiction, sexually transmitted diseases, permanent damage to reproductive systems, tuberculosis and HIV to name a few consequences.

Indeed, the human public health and social cost of trafficking are astronomical. Penalties must, therefore, be proportionate to the severity of the offences and reflect that we have to stop human trafficking because of the personal, financial, physical and psychological toll on the individual, their families and our society. Additionally, penalties must serve to eliminate transnational crime by acting as a deterrent to the illegal

movement of persons across borders, illegal transnational activity and trafficking of persons.

Against this backdrop, please permit me now to review the offences and corresponding penalties which are being proposed. Clause 16 mandates that the person who performs the act of trafficking, that is the recruitment, transportation, transferring, harbouring or receiving persons into or within Trinidad and Tobago utilizing the means prescribed and for the purpose of exploitation would be charged with the offence of trafficking in persons; the penalty, no less than “five hundred thousand dollars and imprisonment of not less than fifteen years”. Mr. Deputy Speaker, this is the same penalty where a person traffics another from Trinidad and Tobago to another jurisdiction for the purpose of exploitation using the means prescribed.

Mr. Deputy Speaker and hon. Members, trafficking is an organized activity and it is sometimes connected with other illegal activities of organized criminal groups. It is not a one-off enterprise. It requires a measure of strategizing and includes involvement by co-conspirators, facilitators and sometimes the unsuspecting. Accordingly, we would find that there are persons who incite, organize or direct other persons to traffic using the means for the purpose already described. Clause 17 targets these individuals and they will be penalized in the same way as those who actually conduct the trafficking.

Hon, Members, we have a responsibility to protect our children, defined as anyone under the age of 18, for they are the most vulnerable and their exploitation must be eradicated. Too often, children are exploited, not just for trafficking purposes, and this administration is tirelessly and resolutely working to ensure that protection of children remains paramount on our agenda. Our hon. Prime Minister’s Children’s Life Fund is ample

evidence of that thrust. We now speak out against child exploitation by saying that penalties must be almost doubled as you would observe at clauses 18 and 19.

So, when an adult is trafficked, the trafficker and those complicit in the trafficking will attract a minimum fine of “five hundred thousand dollars and imprisonment for fifteen years”. Where a child is trafficked, the fine will stand at a minimum of “one million dollars and imprisonment of not less than twenty years”. This will also apply for those who incite, organize or direct another person to traffic in persons.

Mr. Deputy Speaker, too often perpetrators rely on a defence that the victim consented. We say no, consent will not be a defence, because even though there may have been some measure of consent in the initial stages of recruitment, the consent becomes void on account of the means employed by the trafficker. Some also seek to rely on the fact that the victim attained the legal age of consent to sex or marriage. We say no, this will not be a defence. Some also wish to impugn the character of a victim by referring to the victim’s sexual predisposition or past sexual behaviour. This is not relevant and, in fact, under our Sexual Offence Act, this is already prohibited.

Clause 20 is, therefore, indicative of the fact, that we are not giving lip service to our obligation to safeguard human rights, especially of those who have been exploited. Indeed, we maintain that the perpetrators of a trafficking offence must be brought to justice for their crimes and not rely on matters we deemed irrelevant.

Mr. Deputy Speaker, I cannot say enough about our moral and legal obligation to stifle all forms of modern, day slavery and exploitation. Most Members of this honourable House may not have been directly affected by a

trafficking incident, but we have all either read reports, researched the issue for today's sitting or viewed movies and documentation. The conditions under which adults and children are trafficked are deplorable, incomprehensible, inconceivable and heart wrenching. To compound the trafficking, persons sometimes abuse their power and the costs associated with rehabilitating survivors are usually high.

What must be our response to these occurrences? We say at clause 21 that these are aggravating circumstances that should attract an additional term of imprisonment of up to 15 years [*Desk thumping*] but where a person is convicted of trafficking in children, had sexual intercourse with a child under the age of 12 years, the court can impose a term of imprisonment for the remainder of his natural life.

2.45 p.m.

Mr. Deputy Speaker, traffickers are ruthless and devious in their planning. As part of their plot to deceive, control, entrap, scare and exploit, they procure, destroy, conceal, remove, confiscate and possess the victim's travel and identification documents. This will not be condoned and is made an offence which attracts a fine of \$350,000 and imprisonment for 12 years, as reflected at clause 22.

Clause 23, Mr. Deputy Speaker, focuses on the transportation of persons for the purpose of exploiting that person's prostitution. This term is defined, as you would note, that the court can order that the conveyance used for transporting the victim be forfeited by the State. As trafficking is a beneficial activity under clause 24, the State would be empowered to forfeit property and benefits gained from the proceeds of the crime and human trafficking. And same will accrue to the seized assets fund established under the Proceeds of Crime Act. Overseas assets are also subject to forfeiture and

forfeiture will be effected in accordance with the Proceeds of Crime Act. Of course, we recognize that we must amend the Proceeds of Crime Act, so that offences of this Act will fall within the ambit of The Proceeds of Crime Act.

Mr. Deputy Speaker, clauses 25 and 26 speak to knowingly receiving benefits from trafficking in persons and children respectively. Where the benefit is by virtue of a trafficked adult, the penalty is \$400,000 and 15 years, imprisonment. Where the benefit is gained from trafficking in a child, the penalty is \$500,000 and 20 years, imprisonment. Hon. Members, we are not going to turn a blind eye to the corporations that are involved in trafficking, some, perhaps under the guise of recruitment agencies.

Clauses 27 and 28 provide for a penalty of \$5,000,000, where the company commits an offence under this legislation. Individuals of the company would also be liable on conviction to the punishment, that is, fine and imprisonment provided for in relation to the specific offence. The court would also be empowered to impose additional penalties, such as forfeiture of assets and properties, revocation of licences, winding up and prohibition against performing any further activities.

The trafficking protocol which informs this legislation mandates that each state party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damages suffered. Accordingly, a compensation scheme is developed with clauses 29 and 30.

- (1) (a) The court may order that compensation be paid to the victim by the person convicted or out of the proceeds of any property forfeited;
- (b) Compensation shall be adequate and shall compensate for prescribed matters such as housing, medical and

psychological treatment, lost income, attorney's fees, emotional distress, pain and suffering, and, of course, this includes loss of body parts;

(c) Compensation is to be paid as soon as practicable after the making of an order and will be in addition to any other remedy or penalty in relation to the respective offence; and

(d) The rules committee will be empowered to make rules to treat with any order of restitution made, and, in the absence of such rules, the judge may give appropriate directions.

- (2) The victim can also apply to the court for compensation.
- (3) The victim can also apply for relief under section 29 of the Criminal Injuries Compensation Act. In this regard, this Bill will amend the schedule of offences in the Criminal Injuries Compensation Act to ensure that an application can be made where an offence has been committed in breach of human trafficking legislation.

Mr. Deputy Speaker, we recognize that the perpetrator exploits a trafficked person with a view of committing illegal activities, resulting in contravention of immigration laws, sexual offences laws, firearms laws and dangerous drugs, to name a few. Many victims are coerced into a life of crime, but as some offences are strict liability offences in the normal course of proceedings, these victims may very well be prosecuted and convicted for their forced acts, resulting in them being victimized, yet again. Clause 31 offers the victim a defence to those unlawful activities, where there is evidence of his or her having being compelled as a victim of trafficking to engage in such unlawful activities.

Part VI—Assistance and Protection of Victims of Trafficking. Under

the UN protocol, a State is required to assist and protect victims of trafficking. Further, by providing a nurturing environment, victims will feel encouraged to give evidence in court to ensure the prosecution of the perpetrators. A victim-centred approach is therefore desirable when treating with victims of trafficking, and this Bill endorses that concept. Trinidad and Tobago will fulfil the assistance mandate and this part of the Bill serves to establish parameters of our undertaking.

Clause 38 outlines the guiding principles in the investigation and prosecution of offences to ensure that the appropriate level of sensitivity is displayed in dealing with and protecting traumatized and exploited victims, as well as any family members in Trinidad and Tobago.

Clause 33 provides for witness protection for victims of trafficking who are witnesses or potential witnesses. Perpetrators are most times brutal and we know that they will be ruthless in avoiding detection and prosecution. However, we, through this legislation and the implementation of it, will put all mechanisms in place to detect and prosecute these insidious persons. As a component of the protection, a state must do all in its power to prevent any further persecution of victims who were deprived and stripped of their freedom, as well as dignity.

Clause 34, serves to protect the privacy of victims by mandating that in the prosecution for trafficking, the identity of the victim and his family, must be kept confidential. This way, no names and identifying information must be released to any member of the public or published in the press or media. Proceedings will, of course, have to be held in camera. Any breach of confidentiality will attract a fine of \$100,000.

Trafficked victims are usually bereft of information concerning their whereabouts and rights while under the control of traffickers. They are

groomed to simply perform required tasks and nothing else. They are not allowed to integrate into society for fear that their illegal activity will be discovered. The Ministry of National Security, as indicted in clause 35, will provide information to identified victim in a language that the victim can understand with regard to legal rights and the progress of court and administrative proceedings.

Clause 36 allows for victim impacts statements at the sentencing stage of proceedings, which is the opportunity for the presentation in court of the victim's perspective and the concerns in a manner not prejudicial to the rights of the convicted person. As part of the assistance to be rendered, this Government is cognizant that our resources do not flow abundantly on our own citizens requiring assistance. Notwithstanding our limitations, hon. Members, we must treat all victims the way we would wish to be treated ourselves, should we be found in such a desperate and unfortunate situation.

According to international standards, all trafficked persons have the right to respect for their dignity, physical safety and protection—protection of privacy and identity, safe and adequate shelter, physical and psychological health care and support, legal assistance, temporary regularization of immigration status, access to diplomatic and consular representatives, as well as education, training and employment. With these obligations and constraints in mind, assistance will be provided to victims and the measure of assistance will be determined by the relevant authorities.

2.55 p.m.

Clause 37 identifies the assistance that may be provided, including, but not restricted to, social benefits and communication with friends and family. We shall encourage victims of trafficking to give evidence at the

prosecution of offenders, and where they do agree to assist, the Minister of National Security may, in accordance with the provisions of the Immigration Act and immigration policies, provide victims and accompanying dependent children with appropriate permits to allow them to remain and work in Trinidad and Tobago for the duration of the criminal prosecution. This form of assistance is catered for in clause 38 of the Bill.

Of course, a victim cannot be forced to give testimony, so should a victim opt to return to the country of citizenship or lawful residence, the ministers responsible for national security and foreign affairs will collaborate to ensure the safe return of the victim and any accompanying dependents. If deemed necessary, the ministers have the discretion to consult with non-governmental organizations and international organizations with regard to repatriation.

The minister responsible for foreign affairs will always have a major role to play in relation to our nationals and residents who were trafficked and are discovered abroad. Clause 40 speaks to the consular assistance to be provided, as well as the requirement of disseminated information to nationals and residents of Trinidad and Tobago who are abroad and have been identified as victims of trafficking.

Mr. Deputy Speaker, dealing with trafficking survivors is a global responsibility and requires collaboration among States. Pursuant to clause 41, our country will render the required assistance, without undue or unreasonable delay, should the competent authority or another State request verification of immigration status, nationality and age of victims who claim to be citizens of Trinidad and Tobago.

As travel and identification documents are sometimes destroyed, there would be need to verify the nationality of a victim claiming to be a national

of Trinidad and Tobago. In such an instance, clause 42 outlines the procedure for determining whether an individual is eligible to enter Trinidad and Tobago. Should an adverse decision be rendered, the victim may apply to the High Court for a review.

According to clause 44, upon the return of our nationals and residents who were trafficked, there shall be no differentiation between them and other persons in terms of access to educational and training programmes in Trinidad and Tobago. Special consideration will be provided by the Counter Traffic Unit to child victims, as provided for in clause 44.

Mr. Deputy Speaker, Part V should not require much debate as it represents miscellaneous provisions of the Bill totalling four clauses. Clause 45 stipulates that an annual report must be laid in Parliament by the Minister of National Security. The contents of that report are also prescribed in that clause. Clause 46 empowers the Minister to make regulations, subject to negative resolution of Parliament, for giving effect for the purposes of the legislation.

As I mentioned earlier in my contribution, a victim should be afforded the opportunity to apply for relief under the Criminal Injuries Compensation Act, and clause 47 serves to amend that Act to make such an application possible.

Finally, clause 48 identifies the jurisdiction of the court in Trinidad and Tobago.

Mr. Deputy Speaker, I have already treated with the Schedule during my comments on the composition of the Counter Trafficking Unit. Transnational organized crime is a reality and it debilitates all nations, so we can no longer hide and say that this is not a local issue.

The People's Partnership has yet again taken a proactive approach to

dealing with criminal activity. We are to surely aim to deplete the demand for goods and services that foster human trafficking, and we intend to ensure that the risk of getting caught will now be high for those persons who wish to traffic from this country, those who wish to make this a destination country or those who wish to use Trinidad and Tobago for transit purposes.

Our forefathers sought to end all forms of slavery and exploitation, as well as to enshrine within our Constitution and laws the protection of human rights. Every human being should be able to live in freedom and with dignity, but human trafficking serves to destroy those entitlements. It affects human security and we have no recourse but to commit this nation to ending the practice and combating the crime. We are not going to be one of those nations where persons to be exploited are listed on a menu with photographs for others' consideration and purchase.

Mr. Deputy Speaker, hon. Members, after you leave this honourable House today, I urge you to vividly remember our discussions on what we have learnt. Let today be a watershed in our history with regard to how we approach the issue, because there is now a call to action. We must empower our nationals, our children, our families, our friends, colleagues, associates and those who we mentor, by sharing information, as some non-governmental organizations have already begun to do. Lest we forget, we came to this Parliament and we leave here with the aim of responding to the challenge by establishing a legislative framework for the four Ps associated with defeating human trafficking, these being: prevention, protection, prosecution and partnership.

With these few words, I beg to move.

Question proposed.

Mrs. Paula Gopee-Scoon (*Point Fortin*): Mr. Deputy Speaker, I am indeed

very pleased to join in this very significant debate. It would be remiss of me if I did not start by highlighting the work done by the PNM administration bringing us to where we are today in dealing with this very despicable crime.

[Desk thumping]

It has not really been a long time since the international community has developed a formal approach towards dealing with human trafficking. It only started in 2000. In November 2000 the UN Convention on Transnational Organized Crime was adopted by the General Assembly Resolution of November 15, 2000. This main Convention is an international instrument in the fight against transnational organized crime. It was open for signature at a very high-level political conference in Palermo, Italy, held in December 2000, but it only entered into force in September 2003 when, in fact, enough signatures were had.

The Convention was supported by three protocols; one of them the protocol which we are giving effect to today, and that is the protocol to prevent, suppress and punish trafficking in persons, especially women and children. The other two protocols, very significant as well, that were done at that time, was the smuggling of migrants by land, air and sea, which this Government is also obliged to deal with, as it is closely related to human trafficking, and also the protocol against the illicit manufacturing trafficking in firearms and ammunition.

The protocol itself only entered into force on Christmas Day 2003 and, really, it was a landmark treaty because it was the first global legally binding instrument with an agreed definition on what is trafficking in persons. As I said, it has not been a long fight, but Trinidad and Tobago is proud that, under the PNM administration, we signed on to this instrument and we, in fact, ratified both the Convention and the Protocol.

Mr. Deputy Speaker, shortly thereafter in 2004, the International Organization of Migration based in Washington launched what is a Caribbean Counter Trafficking Initiative, short named CCTI. This was a partnership arrangement with the IOM and also non-governmental organizations in Antigua and Barbuda, Bahamas, Barbados, Guyana, Jamaica, St. Lucia, St. Kitts and Nevis, Suriname and Trinidad and Tobago. Through the IOM a number of partnerships have, in fact, been conducted in the areas of research, training and awareness raising activities, to build the capacity of the Caribbean community to identify, assist and protect victims of trafficking.

The IOM visited Trinidad and Tobago in 2005 and they did a migration assessment. A migration assessment is where you start, because the human trafficking is but a component of that. When the IOM came to Trinidad and Tobago in 2005 they did a very comprehensive onsite review of migration in Trinidad and Tobago. Then following from that in 2006, and at the request of the government of Trinidad and Tobago, under a PNM administration, the IOM set up an office here to begin a project called Strengthening Technical Capacity in Trinidad and Tobago, (STEC in Trinidad and Tobago), working to bolster the capabilities of the Immigration Division and other law enforcement agencies of the Republic of Trinidad and Tobago.

This was funded by the US State Department, but it was an initiative of the Trinidad and Tobago government. [*Desk thumping*] That went from 2006 until 2008. The focus of that CCTI was really the irregular transit migration by Third Country nationals, as well as it significantly contributed to the required national and bilateral efforts to enhance regional security.

There were four main areas of focus with this STEC plant. They were

the upgrading of migration security technology to ensure that immigration, the foreign ministry of security officials all possessed the adequate border and migration technology to properly and expeditiously manage incoming and outgoing passenger flows at points of entry. It also dealt with strengthening institutional and human resources capacity, with updating the legal and regulatory framework, also enhancing regional elements and cooperation for contingency planning for mass migratory flows.

Under this strengthening technical capacity, I must let you know that there were 710 participants from Trinidad and Tobago trained during that period in dealing with countering human trafficking. Several one-day training modules were held and conducted in May 2006 on capacity building. There were 25 participants in June 2008; another 40 participants on capacity building in December 2009 and training for the task force members, another 20 participants. In February 2010, cooperation and network, another 25 participants, and this was repeated. In June 2010, there was the training of trainers, another 24 participants.

3.10 p.m.

In October 26-28, Trinidad and Tobago took part in an IOM convened Conference in Miami as well, the Caribbean Counter-trafficking Conference. And this brought together stakeholders from across the region to simulate again national and regional cooperation and to exchange information and best practices.

In December 2008, the Cabinet again, a PNM administration, agreed to retain the IOM office in Trinidad and Tobago at Temple Court, the Ministry of National Security for a period of one year in the first instance.

Mr. Deputy Speaker, at this time that period has expired, the office is still open and I am asking that the Government give serious consideration to

the continuation of the presence of the IOM office in Trinidad and Tobago, it needs to be formalized. [*Desk thumping*] It provides a myriad of training opportunities, and if you are to continue at all in the very serious vein that we took off in, you would need to formalized these arrangements and build on the good foundation by the PNM government. [*Desk thumping*]

Mr. Deputy Speaker, then in January 2009, Cabinet agreed—again under the PNM administration—to Trinidad and Tobago being used as a pilot country for the establishment of a migration data sharing mechanism, advancing again the national and regional dialogue on data sharing.

On April 1, 2009, Mr. Deputy Speaker, again under PNM administration, and I was the Minister of Foreign Affairs then [*Crosstalk*]—I would let them have a little time of their life, Mr. Deputy Speaker—April 1, 2009, a letter went from the Minister of Foreign Affairs, and we applied—Cabinet had agreed for an application to go forward for Trinidad and Tobago’s membership in the International Organization of Migration, and that letter was forwarded to the Director General of the IOM.

In that letter, Mr. Deputy Speaker, I spoke of the technical cooperation plan which had facilitated all of the training programmes as well. I spoke of their presence and all of the advantages of having them in Trinidad and Tobago and, of course, the close relationship which had been established with the Ministry of National Security and so on, and of course crediting the organization with their contributions to the enhancement of national migration management systems within Trinidad and Tobago. In that letter as well, our Government accepted the Constitution of the IOM, said that we were willing to accept the Constitution of the IOM, all of the obligations resulting from membership within the organization, and also the financial contribution that was required of us.

A letter on May 19, 2009 followed from the Director General of the International Organization for Migration, agreeing to take this forward to Geneva on our behalf. Mr. Deputy Speaker, on the June 29, 2009, at the 97th Special Session of the IOM Council, our request for admission was accepted and Trinidad and Tobago became a member of the International Organization of Migration.

Mr. Deputy Speaker, following from that, in January 2009 as well, we actually began the data sharing programme, and also, in July 2009 Cabinet approved a proposal from the IOM office for a nine-month plan to counter any emergence of human trafficking in Trinidad and Tobago a very, very proactive stance taken by our government. That plan was to address the issue of trafficking in persons from two bases, that of prevention and protection which is victims-centred, and that of prosecution which is crime focused. And the two fundamental objectives of that plan were assisting victims of trafficking through prevention and protection efforts and criminalizing human trafficking through prosecution efforts.

The plan called for a multi-agency task force to develop and oversee a medium-to long-term plan of action, and that task force would have included various government ministries, non-governmental organizations, civil societies, faith-based organizations and of course the IOM. So, again that nine-month trafficking plan was agreed to under our government as well, working in tandem with the International Organization of Migration. Very proactive and attempting to tackle this issue of human trafficking in what the hon. Minister spoke of, in very embryonic stages to avoid it becoming a wide spread criminal activity in Trinidad and Tobago.

Following from that, Mr. Deputy Speaker, in November 2009, the task force which was appointed by Cabinet actually began its work and coming

out that, was a trafficking in persons policy framework, which I have, a framework which came out of that task force which was set up by the PNM administration. And also, the draft Counter-Trafficking Bill, you are seeing the final Bill today, that draft Counter-Trafficking Bill, actually came out from that task force as well, under a policy by the PNM. [*Desk thumping*]

I would like to know, Mr. Deputy Speaker, through you, whether or not this Government intends to follow the very same policy which was established by this task force, and which I believe is wholesale in this document which was taken to Cabinet—Minister spoke about it—but I would really like to know if they have added to it, if they are truly following 100 per cent the policy which was laid by us.

Following from that, Mr. Deputy Speaker, I am just taking you through the chronology of events which we had contributed to, and I think basically that is where we are that has brought us up to the legislation which is before us now.

The Bill before us, the short form is actually called the Trafficking in Person Act, 2011, I believe it was based largely on the Caribbean Counter-Trafficking Model Legislation and Explanatory Guidelines booklet, which was prepared also in conjunction with all of the Caribbean territories and of course taking into consideration the Palermo Protocol as well and the original Transnational Convention, Mr. Deputy Speaker. Again, it was formulated by 10 Caribbean countries and also Caricom agencies, the Caricom Secretariat and also IMPACS the Caribbean Implementation Agency for Crime and Security.

Now, this model legislation is supposed to be the standard that is set by the protocol, and what is good about it and what is so distinctive, is that it will provide some level of harmonization. And although that may be so, still

a very serious analysis is required as adjustments must be made to suit the particular jurisdictions and I am not sure that that was considered enough.

As I have said, there are hard obligations within the protocol to which we are giving effect today, and hard obligations followed through in the model legislation, but there are also soft obligations which they have asked us to consider and it may not necessarily be that it is the best thing for our jurisdiction and, therefore, I think in some cases we still have to do some further analysis.

3.20 p.m.

Again, I just want to highlight that the draft legislation was almost completed when we left office and that the task force had studied the legislation in the various territories as well, the UN Convention and the Protocol. Now, the UN convention against transnational organized crime is a very, very serious piece of legislation, very critical, which emphasizes the need for international cooperation to tackle the problems that the Treaty was designed to deal with. The Protocol which we are giving effect to today, in fact, supplements this Convention and takes on board an international approach to prevent human trafficking, to punish traffickers, to protect the victims of such trafficking, including their internationally recognized human rights, because that is what it is. It is a breach of human rights, and again, this protocol remains the only universal instrument that addresses all aspects of trafficking in persons.

Mr. Deputy Speaker, it is very important that we stay dear to the Palermo Protocol as it deals with criminalization, it deals with assistance to and protection of victims of trafficking in persons, it covers status of victims in receiving states, the repatriation of victims, prevention of trafficking in persons, information exchange and training, border measures which was not

dealt with in the local legislation—border measures was completely left out—and it also deals with the security and control of documents and the legitimacy and validity of the same.

Mr. Deputy Speaker, I would like to go straight into the actual legislation which is before us. I would like first to look at, under Article III, the definition of “traffic” and “trafficking in children”. The definition starts off, “trafficking in relation to persons”, where the jargon used, the language used, is trafficking in persons. The short name of the legislation is trafficking in persons and if it is to stay there at all, that is how it should be stated, “trafficking in persons” instead of the sloppiness of “trafficking in relation to persons.” Let us be consistent. And throughout the Bill as well the reference is to trafficking in persons.

Now, what the Government has done is that they have separated the two definitions, that for “children” and that for “persons”. Right through the legislation we speak only of trafficking in persons because they have already said that it includes women and children, so we do not see the need to separate the two definitions. If one goes to the protocol which we are giving effect to, there is, in fact, one definition of trafficking in persons known to include women and children, so I think the tidy arrangement is that we stick with one definition for the sake of consistency and clarity. I really find no merit in—there is no advantage to the split, so I am suggesting that we stick with one definition.

I know, again, that within the model legislation there are two definitions but, again, we do not necessarily have to take on board the model legislation and even so, if you look at the model legislation and you wish to stick with it, the words used, the definition used in the model legislation would be more appropriate as it refers to the well established and longer

definition of trafficking in persons. So I know the draftspersons would need to look and decide and do the suitable adjustments.

I then want to look at Part II, the national task force. Now, Mr. Deputy Speaker, this is quite a lengthy section on the national task force, and indeed, we acknowledge the need for the task force. However, I do not believe that this should be subject to legislation. The subject matter of the task force, yes, has to be part of the legislation and, indeed, the Minister of National Security ought to be caused to establish a national task force. He is under obligation to insist on that. What we have here is a long list of the functions of a task force, and really, it complicates matters because when one has to make an addition or a subtraction to this, it means that you have to come back to the Parliament to do an amendment, if you want to just change anything in the functions of the task force.

As I say, yes it has to be there in terms of an obligation to create a task force but, certainly, there is no need to have all of the functions there at all. Generally, in our jurisdiction it is not a practice that we legislate task forces. It is not a customary thing in Trinidad and Tobago, and, of course, I still want to acknowledge that this is a serious piece of legislation. But human trafficking is not that huge a problem that you need to detail and ensure that this spirit is there and so on.

That detail is unnecessary and, even so, you go to 6(c) and 6(c) speaks to “to co-ordinate the effective implementation of the national counter-trafficking plan”. That is the effective implementation, but nowhere in the preceding sections is there the developing of a plan. So you cannot implement a plan that you have not developed, so that is missing in the legislation, if you want to leave that in the legislation. Well, it says “to develop plans in consultation” under (b), but this is a national

countertrafficking plan and that is what you have to cause the Minister to create, a national plan and that is not said there.

It just speaks of plans in consultation but this is a national counterplan for human trafficking. So if you are going to include that in the legislation you have to put the suitable jargon there. It is actually in the model legislation, “to develop and implement”. I think those are the words they should use if they are going to put it there.

Mr. Deputy Speaker, this talks about appointing a chairman of this task force and I really do not believe that a chairman is necessary. You know the kinds of problems you would be just running into with the appointment of chairmen and so on, and I am asking who are they going to put at this time. I am going to be very concerned about us going down that road of appointing a chairman unnecessarily; absolutely not necessary. This could be done under the purview of the Minister of National Security with an inter-ministerial, not necessarily to go down the road of a chairman, et cetera. We do not do that for task forces in Trinidad and Tobago. It has not been the practice.

I want us to look at 7(2) where it is said that the President will be doing the appointments. Since when does the President of the Republic of Trinidad and Tobago do appointments to these task forces? That has just not been the practice in our jurisdiction to the best of my knowledge; so again, I think that needs to be looked at. If you have a president making these serious appointments and appointing Ministers and that kind of thing, and chairpersons and so on, then what about the questions as to these Ministers receiving additional remuneration and what are the terms and conditions and those kinds of things that apply to these appointments? Because you are making very serious appointments here.

You are legislating it and yet still what about all of those aspects of it? Are you going to deal with that? On the whole, I do not think it is necessary that the President get involved in this at all and it is just not the practice here in the Republic of Trinidad and Tobago. [*Interruption*] It is the job of Ministers to attend to these matters under their normal portfolio, so there is just no way that we need to go there. This has the effect of creating a statutory body and there is no need to have a body corporate to deal with this at all.

Another concern, you have six Ministers here, six Ministers tied up in this. All Ministers' appointments are serious, but six Ministers—I do not know how this Government wastes its resources, but the job of a Minister is a very, very difficult one and you are stretched far and wide, and you are saying now that six Ministers have to be—you are legislating—committed to attending these meetings, et cetera, and that too needs to be looked at. As I said, the simpler thing is an inter-ministerial committee, this falling under the guidance of the Minister of National Security as well.

Again, when you legislative on this, let us say you have another government into power, and we all know that is going to happen soon—

Hon. Member: “Aaah”! [*Desk thumping*]

Mrs. P. Gopee-Scoon:—and we wanted to change the composition of this team and so on, or the Cabinet names have been changed and so on; you may have a foreign affairs and a foreign trade coming together as one, et cetera. You have to come to the Parliament to legislate again to change the configurations, formations and so on.

Again, there is just no way that this should be in here, Mr. Deputy Speaker. Even so, again, you go to 7(2) and you talk about “The Task Force shall also comprise other appropriate senior government officials”—and you

name them again—“immigration, social development” and so on, and you do not put anybody from the Ministry of Foreign Affairs, when in 7(1) you said that it was necessary for the Minister of Foreign Affairs to be part of this task force. So you would involve the Minister but you would not involve any of his senior Government officials? Again, not enough serious thought put into it, Mr. Deputy Speaker.

Then, when you go to 9(1), it really is a little sloppy and it reads: “The Task Force shall regulate its own procedures”. Then you go down to 9(5) you are then dictating all the procedures. You just said the task force would regulate, you are going now to dictate and you are saying, “The Secretary shall keep minutes of each meeting.” Imagine this is what we are legislating on, a secretary keeping meetings and so on; absolutely unnecessary. All of this is unnecessary and should be expunged. Definitely it should not be in the main part. In fact, it should not be there at all. So I think you need to do a serious review of that. Again, what it comes down to is simply causing the Minister of National Security to establish this task force and to develop a plan and implement and you have an inter-ministerial committee, full stop, end of story; that is it.

We go to Part III now: “The Counter Trafficking Unit”, again, I am almost sure that we do not legislate for such units. I mean, we have an anti-kidnapping unit and I do not think that has been legislated upon in Parliament. Or if we wanted to develop some kind of narcotics interdiction unit or so, or some firearms control unit or something; I do not think we have to come to the Parliament to do that. I am not sure that this is absolutely necessary, but let us say we are doing it. Again, I know you are guided by the model legislation, but, yes, so we are legislating, we are doing it. Again, you look at it, all of the functions listed here, again, I am not sure

that this is absolutely necessary at all, that the Parliament should legislate on all of these administrative matters.

I would be concerned about 11(3), about the director and the deputy directors. I would really like to know the precise qualifications and avoid any fallout later on and so on. I would be concerned about the academic and other qualifications as well, having regard to some of the things which have come before us. But really, I do not agree that all of these details should be in the legislation at all. And clause 12 for the most part—I mean you are talking about operating a hotline and so on, all of that should be completely excised. I do not believe that this should be in the Bill at all.

3.35 p.m.

Part V Criminal offences and related provisions: clause 17(b), I believe it should read—I think it is an error. It really should read:

“recruit, transport or transfer...persons from Trinidad and Tobago...” certainly not “receive”. You are transferring from, so you cannot receive and transfer from. You understand? If you take pattern from 16(b), it is “recruits, transports or transfers persons from Trinidad and Tobago”. You cannot have receive and transport. You have to amend that as well.

Clause 21(g) I think it was there we were speaking—21(g), the last line. Again I think it would read better and there would be greater clarity, and you can correct me if I am wrong, that we say:

“the court may impose a longer sentence up to an additional fifteen years”.

I believe this is additional to the penalties imposed in 16, 17, 18 and 19. When you look at the penalties for 16, 17, 18 and 19, you are talking about one million dollars and not less than 20 years and so on. In this one you are

talking about the court imposing a longer sentence of up to 15 years. I mean it is meant to be an additional 15 years. For the sake of clarity let us put in the word “additional” as well.

Clause 27(1) refers to a body corporate. Now to my knowledge a body corporate includes other organizations, like international organizations, et cetera. But when you go to clause 27(2), it specifies “company”. I believe what is intended, by this particular subclause is to deal with the officers and directors and agents of the company, but you have not said how you are going to deal with an officer or agent of an organization. And to my mind, you can correct me, you should have left a body corporate. That seems to me to be a bit of a lacuna. So again, I would like you to look and let us discuss that one, but I believe 27(2) should be “body corporate” as well so that you can capture all of the agents and officers of all the organizations as well.

Clause 31, a victim of trafficking is not criminally liable for any immigration related offence or any other criminal offence that is a direct result of being trafficked. What you are saying is that this victim is to be totally immune from prosecution, from anything at all. So you are talking about murder, rape, anything. And of course this Government knows the kind of environment that we are existing in here, rampant crime, and you are saying that this person is going to be exempted from any crime whatsoever, completely. This whole business of immunity, to my mind, should not be taken lightly. We really have to examine our situation here and I strongly believe the Palermo treaty or Protocol does not insist that a country fully exempts a victim.

We have a written Constitution and I honestly believe, but I stand corrected, that the granting of such an immunity, such a full-scale immunity,

involves a special majority and the Minister has not spoken of that, if that is going to be a requirement. If you are granting immunity, I believe that is what is required. Then of course, there is the policy side—there is a constitutional side, there is also the policy side as well of this, and really, should we be giving immunity to crimes like murder and rape as I had mentioned? You want to be very careful of this victim using a defence of the Stockholm syndrome and so on. I am sure that most of you will know about the Stockholm syndrome.

A fine example will be of Patty Hearst, who, after two months in captivity, sought to actively take part in a robbery with her captors—a robbery that they had, in fact, orchestrated. And even though she tried to use the defence of the Stockholm syndrome, she was still convicted and imprisoned. Despite the fact that she was a victim, she was still imprisoned for acts done along with her captors. She may have been released some time—I think she got a pardon from President Carter, or so eventually, but that does not step aside from the fact that she was still convicted and imprisoned.

I think we need to look at this. This could be potentially very, very dangerous and therefore, the better thing is that it is removed. This whole question of immunity should be excised from the legislation and having regard to the fact of the nature of crime in Trinidad and Tobago.

Generally, I just also would want—I am almost finished when it comes to this part, Part V, but generally I want to make the comment to support the hon. Minister about the very excessive fines which have been imposed. I know that they are, in fact, punitive and it seems excessive, but I want to agree with you 100 per cent on the level of the penalties, that is, because of the serious nature of the crime and the fact that this is organized

crime. The perpetrators involved are normally involved in other organized crimes as well, so this is lucrative business for them and therefore, if it is lucrative business, then it really should attract very, very harsh and excessive penalties, and to act as a deterrent of some sort. So, hon. Minister, I want to support you with those heavy fines.

So we go now to Part VI, Assistance to and Protection of Victims of Trafficking. Clause 33(1) speaks to witness protection. I just want to say to you that we are all aware that the witness protection programme is not at its best and some of the safe houses are not truly secure. The witnesses sometimes do not get proper police protection so that we are looking—if you really want to give effect to the protection for victims, we have to see some improvements in this area and I expect the Government to say that it is committed to improving this programme as well. I expect someone will address that.

Clause 36, third line:

“if the victim desires it”...

It is not necessary to have those words, “if the victim desires it”, because that is already implied. It can only happen if the victim wants it. Then the line above says:

“the court may provide an opportunity”...

So that the option is already there, the opportunity is there, so there is no sense in including the words, “if the victim desires it”.

3.45 p.m.

So that, too, has to be excised. Those are unnecessary words which must be deleted.

Clause 37(2):

“Victims may decline residence in shelters provided for their

accommodation and protection.”

What I would have preferred to see is that—and in keeping with the model legislation and also the protocol, what we should instead say is: “Victims should be provided with safe and adequate shelter.” I want to agree with you that the shelter will not always be appropriate to the victim and their particular circumstances, so that I prefer that instead of saying that, “Victims may decline residence”, we should be a little bit more specific.

If you look at the legislation, it, in fact, says—and these are the words: “including appropriate housing taking into account the person’s status as a victim of crime and including safe conditions for sleeping, food and personal hygiene.” That is the kind of language that we expect to see; specifics, instead of just, “the victim may refuse”. The victims may refuse, but what is the Government committed to providing? So I am saying, you take the words from the model legislation or you can simply say, “To provide safe and adequate shelter” as well.

In addition, we are speaking here of assistance to victims and nowhere here—or maybe I missed it—is there a commitment to psychological counselling in a language that the victim can understand. You know, many of these victims come from Venezuela, Colombia, South American countries, and the language assistance is important and also the psychological counselling. I may have missed it, but I believe it is not there and you should put that in as well.

Also in clause 37(5), I am concerned about that. You have:

“Child victims of trafficking, once identified...shall not be housed in prisons or other detention facilities...”

We all know the status of some of the orphanages, and so on. What we want you to look at—in the Ministry of Social Development, there is a foster

home programme as well that should really be considered. Therefore, I think the appropriate wording should be there. A child is not going to be placed in prison. Say what are you committed to doing for a child who is a victim of a crime like this?

Then in clause 39(1), I think you have just missed something there, where victims of trafficking do not wish or do not want or do not desire. You have to fix that as well in clause 39(1).

Mr. Deputy Chairman: Hon. Members, the speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Miss M. McDonald*]

Question put and agreed to.

Mrs. P. Gopee-Scoon: [*Desk thumping*] Thank you, Mr. Deputy Speaker, and, of course, thank you to my colleagues on this side as well. We were speaking of clause 39(1) to fix the word in the first line. But in that clause, it says:

“Where victims of trafficking do not remain in Trinidad and Tobago, the Minister”—referring to the Minister of National Security, I believe—“and the Minister to whom responsibility for foreign affairs has been assigned shall facilitate the safe return of the victims of trafficking”— et cetera.

I really believe the responsibility should fall to the Minister of National Security. The Minister of National Security is the one who has been tasked with the responsibility for persons entering and leaving Trinidad and Tobago. It is his responsibility and should remain his responsibility. He may consult with the Minister of Foreign Affairs, but the business of immigration and borders and who enters and who leaves is really the

business of the Minister of National Security and it should fall to one line Minister.

I am just coming down to the Schedule now. There is a list. I do not necessarily believe that all that should have been here, but there is a list of persons who should be part of this Counter Trafficking Unit, and I have looked at the list, and that list should also include a social scientist who would analyze data and all of the social factors and look at performance indicators; analyze changes and so on, as well. Then there is no research officer. You cannot have a business involving the social sciences and social development and not have a research officer as well.

Just in closing, in terms of dealing with the legislation, I just want to look at the actual protocol, which is the document which we are giving effect to today, to look at Article 9, (4) and (5), which you obviously could not legislate on, but it is very important that the Government takes note of that:

“States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.”

Subsection (5) says:

“States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures,...to discourage the demand that fosters all forms of exploitation of persons, especially women and children...”

What it means is that it falls to the Government to do all that is necessary to ensure that women and children, men included, do not fall prey to the very despicable crime of human trafficking. That is difficult to legislate, but it is

really incumbent on you all and I expect a heavy level of commitment to ensure that people do not have to fall to these means for survival—really incumbent on the Government.

In addition to the Protocol which we are giving effect to today and also the umbrella Convention on trans-organization crime and so on, there is also another piece of legislation which involves Trinidad and Tobago as well. So alongside the UN-adopted Protocol which has been in force from 2003, there is another US-enacted piece of legislation called, “The Trafficking Victims Protection Act,” (TVPA), which we also follow in Trinidad and Tobago. And under that particular Act there are descriptions as to who is a victim and so on; similar-type legislation and definitions: A person is a victim regardless of whether he gave consent, et cetera; participated in a crime as a direct result of being trafficked; were transported into an exploitative situation or simply born into it and so on. It speaks to the whole business of enslavement and oppression, living in bondage, living with a yoke tied around your neck, certainly not in keeping with the 21st Century.

So it has virtually the same intent as the Convention. In fact, I looked at the document which I downloaded from the US State Department website and it really gives you all the major forms of human trafficking which you did not get from the UN-based legislation, but it talks about forced labour, sex trafficking, bonded labour, debt bondage. It goes into all of it; involuntary domestic servitude.

The Minister spoke about how very difficult it was to, in fact, gather the data and the specifics, because there are many cases of, again, domestic servitude and so on that are difficult to record, but exist. You have many housekeepers and so on coming in from territories outside of Trinidad and

Tobago probably not speaking the language or so, but coming in from other territories, working with a family in a home, not being able to move out of the home at all and usually for less than acceptable salary standards as well, and, again, subject to sexual exploitation. So there is, in fact, quite some involuntary domestic servitude, statistics for which it is difficult for us to get as well.

Then, of course, there is forced child labour, child soldiers, child sex trafficking and so on. But I believe why we are truly here today is because of this Trafficking in Persons Report, 2011 which is about to be released by the US in June of 2011. I am almost sure that the US authorities have already come to Trinidad and Tobago to assess what progress we have made with regard to trafficking in persons. I am almost sure that in June 2010 when the 2010 Report was released, this Government would have made heavy weather of the fact that Trinidad and Tobago was listed on the Tier 2 Watch List. The Minister spoke to that.

I believe the real concern and why the legislation is here today is that if it is not brought, Trinidad and Tobago would, in fact, be downgraded to Tier 3 and that has very, very serious consequences to us as a nation and I honestly believe that is why we are here today. It is a last-minute approach by the Government—last ditch effort—to get this legislated upon before the results are released.

Hon. Member: You have to get upset for that?

Mrs. P. Gopee-Scoon: No, I am not upset, but the fact is, you had the draft legislation with you when you came into office. The policy was there as well, and, as usual, nothing was done with this Government in the first nine to 10 months. The task force was in place. Everything was there, and what you have now is that another report is about to be released and you are now

coming with this legislation for which you want our approval.

I am fine with it. I am saying our approval—because I spoke about the whole question of immunity, whether or not you are leaving immunity in or out. That will have repercussions as to whether or not you require a special majority or so. I mean, I stand corrected on it, but it is something to be considered. But you want our approval and we want to give our approval to this matter of trafficking in persons. We want to see the legislation passed. My friend behind is saying, we have no choice.

The fact of the matter is, we had done all of the work—[*Desk thumping*]*]*—and this is the end result. You came into office; you had it with you. Bring the legislation immediately to Parliament. It had been there, but make it a priority. The real reason here is to avoid us being downgraded to Tier 3, and Tier 3 has some serious problems in terms of the US where we are going to have probably reduced assistance grants and postponement of technical assistance and so on.

As I said, we are committing ourselves to—we are joining with you in agreeing to the legislation with the consideration for the amendments which we wish considered and made by you, but at the same time we are not pleased that you sat on it for so long and put this country at risk of being downgraded to Tier 3, which is countries that do not fully comply with the minimum standards and are not making significant efforts to do so. I am appalled that there is a chance that that could even happened but, as I said, we want to agree with you with the legislation which was brought here today.

I mean, even when we were placed on that Tier 2 Watch List, I would say to you that in the report, it was highlighted that Trinidad and Tobago was, in fact, making significant efforts to comply with trafficking in persons

as well.

4.00 p.m.

It was recognized that we had done the working group as well, and had put the anti-trafficking task force in place. We had, in fact, provided logistical human resources and financial support to the IOM, anti-trafficking training programmes to police and immigration officers and so on. We were commended, and the US authorities had, in fact, recognized our very positive steps. The law enforcement officers need help. It is one thing to ask them to look after this aspect of criminal activity, but they do need help and we were doing just that, in ensuring that the training and so on had been done. The task force was put in place.

There was a subcommittee to deal with the victim hotline, the information campaign and so on, but I have seen nothing of the information campaign. All of the arrangements were in place and I have seen nothing of the information campaign since this Government has come into office. But as I have said, we are supporting—it is a shame that the Government ignored all of the developments that we have made, and for the first 10 months of their life in office they did not seek to deal with it. We are concerned and our support is there.

Mr. Deputy Speaker, in winding up, I want to say that we must keep in mind all of the security challenges which Trinidad and Tobago has—no OPVs, et cetera. We have some challenges with border security as well, and the Government needs to think seriously about this. I want to acknowledge that we are on an active transit point for irregular migration between North America, Europe and, of course, South America. We know it and, of course, those who are involved in large-scale organized crime are aware and have taken advantage of our very porous borders. Our borders, security systems,

therefore, must be put in place and our migration management must be upgraded as well.

We want the IOM office to remain in Trinidad and Tobago, as well, to continue to strengthen our migration officials' capacity, to have all the tools that are necessary to be able to identify all of these potential victims and so on. We want to encourage the NGOs, the lawmakers, the police officials and the concerned citizens out there to commit themselves to ending modern-day slavery. We want persons to devote their lives and their purpose to fighting against human trafficking, to protect victims, to punish offenders, to raise the awareness of these criminal practices here in Trinidad and Tobago and all over the world and, really, there must be a global effort and we must join in it.

Mr. Deputy Speaker, I would like to ask the Minister of Foreign Affairs to note that whilst we have, in fact, committed ourselves to several of the Conventions that deal with children and child labour and so on, we have signed on and ratified to the Elimination of Worst Forms of Child Labour, the Convention on Forced Labour, as well as the Abolition of Forced Labour, the ILO Convention 105, but there are one or two Conventions that we still must look at as well which deal directly with the rights of the child and the sale of children, child prostitution and child pornography. We need to deal with those as a matter of urgency and also the rights of the child in conflict as well.

Mr. Deputy Speaker, through you, to the hon. Minister of National Security, the whole question of migrant smuggling is very, very closely related. The task force had, in fact, done some draft regulations as well. It is there in the document and, therefore, there should be no difficulty. We have instances of smuggling of persons in Trinidad and Tobago as well. So,

I would want you to bring that legislation very, very quickly to Parliament.

Mr. Deputy Speaker—[*Interruption*]

Mr. Warner: I thank you.

Mrs. P. Gopee-Scoon: What is wrong with the Member for Chaguanas West? You are not satisfied with the quality of hug that you got? You want an Obama hug? Is that it? [*Desk thumping*]—I really look forward to us cleaning up even here, at home, Murray Street, Sweet Briar Road—I think everybody knows what we are talking about. That is all part of this—and paying attention to the brothels and so on.

Mr. Deputy Speaker, I thank you. [*Desk thumping*]

The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan):

Thank you very much, Mr. Deputy Speaker. I was enthused to hear the Member for Point Fortin say that being a Minister is very serious business, and I then listened to the very Member for Point Fortin, former Minister of Foreign Affairs, admit that her government signed the Protocol on September 26, 2001, but took six years to ratify it. Six years you took to ratify it.

Mrs. Gopee-Scoon: May I? You know that Protocol only came into force in 2003. So do not say six years. That is an untruth.

Hon. Dr. S. Rambachan: So you took four years to ratify it, 2010 came and you were voted out of office. [*Interruption*]

Mrs. Gopee-Scoon: May I?

Hon. Dr. S. Rambachan: You did not even bring the very Bill you were talking about before the Parliament. [*Desk thumping*] So what are you boasting about? What are you boasting about?

Mrs. Gopee-Scoon: May I? May I?

Hon. Dr. S. Rambachan: Mr. Deputy Speaker, I seem to be listening to the

Member for Point Fortin as she grasped at straws for a drowning party, one that is barely able to keep its head above water. [*Interruption*]

Mrs. Gopee-Scoon: You wait and see.

Hon. Dr. S. Rambachan: Worse than that, doing it on the very day that the Member for San Fernando East had shut down the Parliament, shut down his party, and sent them into oblivion. What a very distasteful bit of affairs. [*Desk thumping*]

Hon. Member: Part of the process.

Hon. Dr. S. Rambachan: Mr. Deputy Speaker, the Member for Point Fortin spoke and boasted about what they did and what they did not do. She read from a document, “Trinidad and Tobago Tier 2 Watch List”, but did not read everything from that document. She selected what she wanted to read, but she should have read the section that says:

“The Government of Trinidad and Tobago does not fully comply with the minimum standards for the elimination of trafficking;...”

That is what happened during your time and you should have read that. Although it says that you are making significant efforts, but let us relate to the truth of what it said:

“The Government of Trinidad and Tobago does not fully comply with the minimum standards for the elimination of trafficking;...”

Dr. Moonilal: Minimum?

Hon. Dr. S. Rambachan: Minimum! Minimum standards and you are boasting here about how much you did and how much this Government has not done. This Government has been bringing legislation after legislation—and has brought serious legislation—and has debated the legislation, some with your support, to deal with the important problems that face the citizens and citizens’ security in Trinidad and Tobago. [*Desk thumping*] It is

unfortunate that one of the most important pieces of legislation, dealing with hanging, was a Bill that you shut down in this Parliament, and threatened the security of the people in the country by so doing. A progressive piece of legislation that you failed to support.

Dr. Browne: Nonsense!

Hon. Dr. S. Rambachan: Mr. Deputy Speaker, the problem of human trafficking—[*Interruption*] What is the problem, Member for St. Ann's East? What is your problem?

Mrs. McIntosh: What about those we solved?

Hon. Dr. S. Rambachan: The Member for St. Ann's East always has a problem. Do not babble. Get up and speak loud. [*Interruption*]

Hon. Members: Port of Spain North/St. Ann's West.

Hon. Dr. S. Rambachan: St. Ann's West. Sorry. The problem is much bigger, perhaps, than we tend to think when it comes to human trafficking in Trinidad and Tobago.

Mr. Deputy Speaker, from time to time, you hear in this country—up to this day—about people who are virtually slaves in the homes of people in this country; who have been brought from Guyana; who have been brought from other small islands and are working supposedly as maidservants in homes; their passports taken away; they cannot get out of their homes; and they are begging people to get out of the country. Where was the Member for Point Fortin when the headline in the newspaper on December 23, 2008 said: “Human Trafficking in Trinidad: Children being sold for over \$200,000”? Where was the Member for Point Fortin when those things were happening? What were you doing, Member for Point Fortin, in the Azard Ali story of Sunday, May 18: “Dad begs: Bring back my son.” This is the case of six-year-old Mark Prescott—[*Interruption*]

Mrs. Gopee-Scoon: Who is denying?

Hon. Dr. S. Rambachan:—whose:

“...fate”—“remains unknown up to late yesterday. But the pain of his anxious father, Wayne Prescott, 40, at his Cocoyea Village home yesterday was quite evident.”?

Children who were snatched away from the face of this earth have not been seen.

What about the Yvonne Baboolal story of the *Guardian* of Sunday 20 December, 2008, in which she says:

“A Sunday Guardian investigation revealed that the lucrative human trafficking ring was operating in the Cascade/St. Ann’s area, between Sangre Grande and Tunapuna, Diego Martin and South.

Women have mysteriously disappeared from the Cascade area without a trace during the past year, and several...young boys have vanished from the streets of San Fernando.”?

Where were you all?

You said you had the legislation. Why did you not bring the legislation, debate it in Parliament, and let those very strong fines that the Minister has proposed come into effect so that you could have perhaps stemmed some of this? One was too many. One case of a missing person is too many. Do you know what happened? The former administration always had an excuse in these matters, and also sought to make the problem look much less than it appeared to be.

It is in that regard that the legislation that the People’s Partnership Government, my Government, seeks to pilot today, would give effect to this important Protocol to prevent, suppress and punish trafficking in persons, especially women and children. As has been said in the Parliament, one of

the Protocols concluded under the UN Convention against Transnational Organized Crime, Trinidad and Tobago signed on September 26, 2001, but ratified it six years later—or if you want to say four years or what have you—and at the same time, signed the parent Convention and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

Mr. Deputy Speaker, on November 15, 2000, the United Nations Convention against Transnational Organized Crime was adopted by the General Assembly Resolution, and this Convention is the primary vehicle through which the international community seeks to combat transnational organized crime. The word “transnational” denotes beyond the national. The omnipresent nature of transnational organized crime necessitates a robust, comprehensive instrument and, accordingly, the Convention seeks to treat with a class of crimes that is so pervasive, that all but a few States are left unscathed from its deleterious effect.

In fact, I would like to quote from the foreword of the Convention of the former Secretary General of the United Nations, Mr. Kofi Annan, where he says:

“With the signing of the United Nations Convention against Transnational Organized Crime in Palermo, Italy, in December 2000, the international community demonstrated the political will to answer a global challenge with a global response. If crime crosses borders, so must law enforcement. If the rule of law is undermined not only in one country, but in many, then those who defend it cannot limit themselves to purely national means. If the enemies of progress and human rights seek to exploit the openness and opportunities of globalization for their purposes, then we must exploit those very same factors to defend human rights, and defeat the forces of crime,

corruption and trafficking in human beings.”

You have said, Member for Point Fortin, it is a sin, a grievous sin, to have this thing called human trafficking. Can you imagine the pain, the agony that a child who has been snatched would be suffering as a victim of human trafficking? We have to take this off the face of the earth. I am happy to hear that you are in support of this legislation; very, very happy to hear that.

Mr. Deputy Speaker, the Convention against Transnational Organized Crime is buttressed by these three protocols—very important—which address three specific areas of organized crime.

4.15 p.m.

One we are dealing with today, the protocol to prevent, not only to prevent but suppress and punish trafficking in persons especially women and children, secondly, the Protocol against the smuggling of migrants by land, sea and air.

Mr. Deputy Speaker, you know, if you go perhaps throughout Trinidad and Tobago, particularly in companies that are security firms in this country, you will find many foreigners working, and we have read stories, and the police have intervened where people were being smuggled through Moruga, through Carli Bay, through Cedros, into this country, and it will be good of the immigration authorities to go out there and to perhaps intervene in some of those companies on behalf of the people who have been smuggled into this country, so that they could be sent back to their countries, and what have you, because the problem is perhaps much more pervasive and deeper than we think about it here even in this Parliament. And thirdly, the Protocol against the illicit manufacturing of and trafficking in firearms—their parts and components and ammunition.

Mr. Deputy Speaker, in the aforementioned Foreword to the Convention, Mr. Kofi Annan refers to human trafficking as one of the most egregious violations of human rights that the United Nations now confronts. He further states:

“It is rooted in social and economic conditions in the countries from which the victims come, facilitated by practices that discriminate against women, and driven by cruel indifference to human suffering on the part of those who exploit the services that the victims are forced to provide.”

That is the extent, and I could not find better language than that of Mr. Kofi Annan to really describe this matter of human trafficking. And member states of the United Nations were urged to ratify both the Convention and the Protocol. Mr. Annan was very clear when he noted that criminal groups have wasted no time in embracing today’s globalized economy and a sophisticated technology that goes with it, and to quote him:

“With enhanced international cooperation, we can have a real impact on the ability of international criminals to operate successfully, and help citizens everywhere in their often struggle for safety and dignity in their homes and communities.”

Mr. Deputy-Speaker, according to the estimates that are described as “conservative”, the number of victims of human trafficking in the world at any one time approximates 2.5 million, and it is estimated, in addition, that human trafficking generates tens of billions of dollars in profit for criminals every year. This is why in this article here from our local paper, the *Guardian* newspaper, it says:

“children, because they live longer, are sold for over \$200,000. Adults can fetch as much as a \$100,000. They are mostly used as sex

slaves and sometimes for slave labour. ‘Sometimes, they are used to make pay-offs in the drug trade—a well placed source informed the *Sunday Guardian*.’”

Sunday, December 23, 2008.

“The report stated that men owing drug lords are being lured into capturing humans, who will be sold for payment their debts.”

But this problem is intertwined with the drug trade. It is much more complex and deeper, and people are being snatched and used to pay off drug debts according to this report in the *Guardian*. They say, you know, in everything there is an element of truth, and while it might have been difficult to verify these reports, but the fact that they are circulating, and the *Guardian* did their study, would suggest to us that this is a matter that exists—the trafficking in persons. In fact, if I may quote one more line from the newspaper, it says:

“‘fingers are pointing at a popular businessman, who has been described as the big man in the human trade.’” ‘He is popular. He is also linked to other businessmen across the country.’”

And this is the situation.

Mr. Deputy-Speaker, there was therefore the need for legislation. And that is why I said my hon. friend from Point Fortin was boasting: “We had it ready, we would have, we should have, we could have”, but they never did. It is this Government that has done, it is this Government that has brought it, and we brought it within 10 months, whereas you had from 2003 to 2010 and did not bring it. We brought it in 10 months and that is performance, that is achievement, and let us not take away from the People’s Partnership Government in that regard. [*Desk thumping*]

Mr. Deputy-Speaker, in 2003, according to the 2009 UNODC Global

Report on Human Trafficking in Persons, what was called the Global Report, only one-third of the countries covered by the Global Report had legislation against human trafficking; at the end of 2008, four-fifths did. The number of countries having anti-trafficking legislation therefore more than doubled between 2003 and 2008 in response to the passage of the Protocol.

As of November 2008, 80 per cent of the 155 countries and territories covered by the Global Report had legislation comprising a specific offence on trafficking in persons in place; 63 per cent of the 155 countries and territories that had provided information had passed laws against trafficking in persons addressing the major forms of trafficking; and another 16 per cent had passed anti-trafficking laws that covered only certain elements of the protocol definition.

In addition, 54 per cent of the responding countries have established a special anti-human trafficking police unit, and more than half have developed a national plan to deal with this issue; 40 per cent of the 155 countries covered by the Global Report did not record a single conviction for trafficking in persons from 2003 to 2008, whereas the remaining 60 per cent recorded less than ten convictions per year from 2003 to 2008.

An overview, therefore, of national measures and practices for the implementation of the Protocol provisions has shown that the majority of state parties to the Protocol have adopted at least a minimal legislative and institutional framework to ensure such implementation. Thus far, until now, where this Government has brought this Bill before the Parliament, Trinidad and Tobago was not one of those states. The United Nations Office on Drugs and Crime Framework for Action and The Protocol expressly states that:

“...ratification in itself is not sufficient to ensure its effective implementation and impact on the ground.”

and that is what happened. It was ratified, it was ratified but no action was taken, and this is what the report said, ratification is not sufficient to ensure its effective implementation and impact on the ground. Action is what is required and what you are seeing is a People's Partnership Government of action, bringing it here. [*Desk thumping*] It is the same kind of action that you are seeing that is now dealing with matters that have never been dealt with by the previous administration.

Several pieces of legislation that we have brought here, they said: We had it, we drafted it, we did this, we did that, but let us be fair to the People's Partnership Government, we brought it here, we debated it and we passed it—some with their support, some without their support—but we did it, and that is what makes the difference. And in the words of my erstwhile friend, the Member for Diego Martin North East, he would say, “That is why you are there and that is why we are here.” [*Desk thumping*]

Mr. Deputy-Speaker, enactment of the legislation is the first concrete step towards implementation of the protocol and ensuring its goals are achieved. It is important, therefore, for Trinidad and Tobago— [*Interruption*] I write my own speeches, my dear—to demonstrate its commitment to stamping out this problem—Member for Point Fortin, it is sounding really good because it is well researched and it is detailed. That is why you want to know who wrote it. Well, we have very competent people on this side who can write their speeches and who come here—you know why, because you said at the beginning, the business of a Minister is serious business—well, these Ministers and these Members of Parliament take their business very seriously, and do their homework before they come to the

Parliament here to debate.

Dr. Gopeesingh: There is no comparable equivalent on that side.

[*Laughter*]

Hon. Dr. S. Rambachan: Mr. Deputy-Speaker, so not only are we prepared to enact the legislation but the Minister of National Security in his presentation has demonstrated that there will be vigorous enforcement of the legislation to ensure that the offenders are convicted and they are sentenced and they are fined.

Mr. Deputy Speaker, as I said in Trinidad and Tobago, the problem of human trafficking is more insidious than overt, and that led Trinidad and Tobago to be placed on the Tier 2 Watch List in the United States 2010 Trafficking Report. According to that 2010 Report on Trinidad and Tobago:

“Trinidad and Tobago is a destination,”—I am quoting the report—
“source and transit country for women and children subjected to trafficking in persons, specifically forced prostitution, and children and men in conditions of forced labour.”

Mr. Deputy Speaker, it is very serious that in this country, especially in Central Trinidad, from time to time, you hear of raids taking place on several what are really brothels in the country. In fact, in 2007, 71 women and three men were held in a Marabella raid, and they came from known source countries for human trafficking in South America, Africa and Asia. During this exercise, law enforcement officials seized several passports with fraudulent endorsements, and why I am saying this to you, it is total corruption, total corruption. It is not just about the people being brought in, it is also about the passports that are also fraudulent. I am quoting from the *Newsday* of Sunday, August 05, 2007:

“Chief Immigration Officer Herman Browne, who was part of the

joint exercise, said most of the passports had no immigration stamps, so it was difficult to determine how long the detainees had been in the country. He said some of the women had been arrested and deported previously but had re-entered the country illegally.”

Now that tells you something, Member for Diego Martin Central. It tells you that it is a racket, it is people who know these people, so the same people are perhaps involved in doing this thing over and over. So, it is not just about the people being trafficked, we have to deal with the people who are doing the trafficking, and they too have to be dealt with severely by the courts of law., And I said what did you do about that? Could it be that you knew who these people were and were able to do something? But now with the legislation, we are going to be able to prosecute these people.

Dr. Browne: Would the Member give way? Do not call my name if you do not want to give way.

Hon. Dr. S. Rambachan: Mr. Deputy-Speaker—please go ahead, Member for Diego Martin Central.

Dr. Browne: Thank you, Member, for giving way. Mr. Deputy-Speaker, I am listening to the Member for Tabaquite, and he seems to be retracting from the very good note set by the Minister of National Security and the Member for Point Fortin. [*Interruption*] This Bill has not come out of thin air. The People’s Partnership or the UNC cannot claim to have just created this mechanism to treat with human trafficking, and the Minister of National Security himself laid out the pathway from planning to the task force to the policy, and now to the Bill. So, Member, you are calling my name and you are spending a great deal of time trying to create the impression that this is brand new work when I think both sides already demonstrated this is not. Thank you very much. [*Desk thumping*]

Hon. Dr. S. Rambachan: Grasping for straws, grasping for straws! Mr. Deputy-Speaker, the US report notes that the problem is not limited to trafficking victims. It also extends to undocumented economic migrants from the region, as well as Asia, who are susceptible to forced labour and forced prostitution. And sometimes when you look around Trinidad and Tobago and the Caribbean, and see how many people from Asia are beginning to set up businesses in Trinidad and Tobago, you have to ask yourself the question whether some of these people here are under forced labour conditions. You have to ask that question, and somehow the immigration authorities have to look around the country and begin to ask people: “do you really have your papers”, and examine whether some of these papers are real or whether these papers are false, because we are seeing an influx of people in—

4.30 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Sen. The Hon. Dr. S. Rambachan: Thank you, very much, Mr. Deputy Speaker.

Mr. Deputy Speaker: You have 21 minutes before your 45 minutes and then after I would take over.

Sen. The Hon. Dr. S. Rambachan: Thank you very much. When we went for tea, I was saying that ratification in itself is not sufficient to ensure effective implementation and impact on the ground and, therefore, the People’s Partnership Government is committed here today to the enactment of the legislation, as a first concrete step towards implementation of the protocol on ensuring that the goals are achieved.

In Trinidad and Tobago, I was saying that the problem of human trafficking is more insidious than overt, and it is that which led Trinidad and

Tobago to be placed on the Tier 2 Watch List in the United States 2010 Trafficking Report. It was mentioned,

“Trinidad and Tobago, according to the report, is a destination, source and transit country for women and children subjected to trafficking in persons, specifically forced prostitution and children and men in conditions of forced labour.

The report also states that women and girls from Colombia, Dominican Republic, Venezuela and Suriname who had been in prostitution in Trinidadian brothels and clubs have been identified as trafficking victims. The United States also notes that the problem is not limited to trafficking victims, it extends to undocumented economic migrants from the region, as well as Asia, who are susceptible to forced labour and forced prostitution.

Further, because Trinidad and Tobago is a hub for regional travel, Trinidad and Tobago is cited as a potential transit point for trafficking victims travelling to Caribbean and South American destinations. Although the report takes note of the efforts made by Trinidad and Tobago to comply with the minimum standards for the elimination of trafficking, the report states unequivocally—this is the point I was making to the Member for Point Fortin—that the Government of Trinidad and Tobago does not and did not comply fully with the minimum standards for the elimination.

The 2010 US report, therefore, made specific recommendations for Trinidad and Tobago; one of which we are doing here today, enacting legislation that prohibits all forms of human trafficking and formalizes victim protection measures. Secondly, encouraging victims’ assistance in the investigation and prosecution of trafficking offences, including through provisions for legal alternatives to victims’ removal to countries where they would face retribution or hardship and provisions ensuring that identified

victims are not inappropriately incarcerated, fined or otherwise penalized solely for unlawful acts as a direct result of being trafficked.

That US 2010 report also, in terms of its recommendations, suggested developing formal procedures to guide officials in identifying trafficking victims and referring them to appropriate services. Also, investigating and prosecuting trafficking offences and convicting and sentencing trafficking offenders; intensifying efforts to ensuring that all trafficking victims receive access to appropriate victim services; and implementing a national awareness campaign that addresses all forms of trafficking. I make these points, in order to show the gap that existed in the country that forced this report—that forced us to be in this Tier 2 position, which is not a good position to be.

In 2009, in an article entitled: Trinidad and Tobago, Colombia in Human Trafficking Symposium in the *Trinidad Express*:

“Speaking at... post-Cabinet news conference at the Prime Minister’s office in St. Clair,”—the then Minister of National Security—“gave a breakdown of the figures which illustrated that only a small portion of the persons missing, remain unaccounted for.” I do not think that the issue is about the small amount missing. They are missing.

For example, in 2007, 457 persons were reported missing; 322 were accounted for, leaving 130 still missing, but that is 130. In 2008, it went up; 608 persons were reported missing, 573 were accounted for, leaving 35 persons outstanding. At January 18, 2009, 48 were reported missing, 40 were accounted for and eight remained missing. The point I am making is that it is not about the 130, the 35, or the eight, the fact is, people are missing. Where have they gone to? These are the kinds of gaps, in terms of

what was happening here in Trinidad, and the lack of response to it, official response and official action, that has placed us in this Tier 2 position.

It went further. With respect to the prosecution of offenders, the report noted that government made no discernible progress in its prosecution and punishment of sex and labour trafficking offenders during the reporting period. The reality is that sex trafficking is always very high in this country, judged by the number of women who are held in these brothels and then paraded on the streets, but the men who are behind it, they are not brought and paraded on the streets. It is a very interesting thing, but they are paraded. The names are placed there and it is a sorrowful sight to see them pulling their clothes over their heads.

One has to also understand and empathize a bit with the conditions from which they are running in their own countries, which is sometimes very poor economic conditions and poverty. They are exploited. Therefore, that is why the legislation points to dealing with the exploitation and dealing with the exploiters who exploit the conditions of poverty of these people and traffic them into sex as sex offenders.

The report, therefore, went on to say unambiguously that the lack of comprehensive legislation that will make human trafficking a crime and would ensure protection of trafficking victims was a significant limitation in the government's ability to prosecute trafficking offenders and address human trafficking in Trinidad and Tobago during the reporting period.

I do not want to belabour the point, but when the Member for Point Fortin was heaping self-praise on her administration, let it be known that this report that I am reading from occurred during their time in office. According to the US 2010 report, the Government is said to have made minimal progress in ensuring the protection of victims. In fact, to quote the

report: the; government did not employ systematic procedures for law enforcement authorities to proactively identify victims and refer them to available services. It also states that:

“The government did not provide foreign trafficking victims with legal alternatives to their removal to countries where they”—may face —“hardship or retribution.”

The government did not report proactively, identifying any victims during the reporting period.

Extensive limitations were identified in the government’s treatment of victims. The report cites the fact that victims have been jailed for immigration offences and other violations that were committed as a result of being trafficked. In addition, the fact that the lack of formal procedures to guide officials in victim identification has rendered victim services ineffectual, drew criticism in the report.

Mr. Deputy Speaker, in 2005, the hon. Member for Point Fortin mentioned the Institute of Migration. The Institute of Migration produced a document entitled: Legal Review on Trafficking in Persons in the Caribbean (IOM Review). The IOM Review focused on the Bahamas, Barbados, Guyana, Jamaica, Netherlands Antilles, St. Lucia and Suriname.

5.20 p.m.

That review states that the Caribbean, as most regions in the world, is not immune to the human trafficking phenomenon. The review examined the need for reform of the criminal justice system to adapt to the particular needs and constraints of the phenomenon, which is something that the hon. Member for St. Joseph and the Minister of Justice is, in fact, addressing as he seeks to reform the criminal justice system in Trinidad and Tobago. So, that you see on this side, in this Government, that Ministries have been set

up and in particular under the distinguished leadership of the Member of Parliament for St. Joseph, as Minister of Justice and a former distinguished Judge on the Bench, he is bringing all that experience under the guidance of the Prime Minister in order to reform the criminal justice system to deal with these kinds of problems that were not dealt with by the former administration.

Mr. Deputy Speaker, we must be cognizant of the fact that irregular migration increases a country's susceptibility to human trafficking. And in that publication entitled, *Irregular Migration and Asylum Seekers in the Caribbean*, the writer Elizabeth Hope points to the existence of three channels of irregular migration in the region. And why I am referring to this is that if we are to deal with trafficking we have to look at all of these issues. We cannot just talk about trafficking in persons, we have to look at the total environment of all of the facilitators to trafficking. She talked about illegal entry into the region from other regions notably, notably, Mr. Deputy Speaker, China and Latin America.

In every Caribbean country you go to now, Guyana and Trinidad and Tobago included, you see all of these restaurants and food places run by Chinese, and you wonder whether there is a relationship between what this report is saying, and what we are physically seeing on the ground; secondly, illegal immigration from the Caribbean to North America and Europe, and thirdly, intraregional migration with the Caribbean from poor to rich countries.

There is a very interesting case that the Member for Point Fortin must have read in that report, in the review, because she referred to the review, the case of the *US v Bradley* as detailed in the Anti-Trafficking News Bulletin by the US Department of Justice 2004. In this case, two America traffickers

were prosecuted for luring Jamaican men into forced labour in New Hampshire. The IOM Review suggests that the infrequent reports of trafficking cases in the region may be due to the lack of specific provisions in the law, and the fact that the police and prosecution are not equipped to identify when a person has been forced into labour. So, look at how much we have to make up, look at how much training we have to do, in order to make all of this legislation effective.

Mr. Deputy Speaker, the 2009 UN Office for Drug and Crime Global Report treats specifically with Barbados, St. Lucia, St. Vincent and the Grenadines and Trinidad and Tobago. That 2009 report notes that none of these countries had trafficking in persons as a specific offence. It further notes that in Trinidad and Tobago one adult female victim was identified in 2007 and seven female victims were identified in 2008.

It must be acknowledged that because of the lack of infrastructure the 2008 victims—and by the way, two of those victims were minors and had to be housed by NGOs, which is something that the Minister in his presentation spoke about, the housing and taking care of the victim which the Act addresses. And this is why when the Member for Point Fortin was talking and saying, you know we did not have to list all that the task force is going to do, and so on and so forth, I think, is necessary, I think it is very necessary to define, so that we know what the responsibilities are and we know the details of what has to be done.

I would suggest that we retain it as has been placed in the law and even expand it, add to it, but let us be very clear about what the responsibilities are, so there will be no doubts. Because in the past it very well may have been that because of the lack of that kind of information a lot of things would not have been done and the buck would have been passed

from one person to another.

Guyana, for example, has also been described as the source transit and destination country for men women and children trafficked for the purposes of commercial, sexual exploitation and forced labour. In my other time as the Mayor of Chaguanas on several occasions, you know, people would come and tell me about women in particular who were from Guyana, and who were working in parts of central Trinidad in stores and all about, and their passports were taken away so they could not leave, and it seems to me that they were into some kind of forced labour or they were working as servants in homes, or in restaurants as waitresses and so on and if we had these kinds of laws in place, perhaps, we could have helped such human beings.

In Guyana, data shows that trafficking is primarily located in remote mining camps and in the country's interior and female victims trafficked into Guyana are trafficked from Northern Brazil, Guyanese women and girls are trafficked for sexual exploitation to neighbouring countries—and it is not only women and girls but Guyanese men and boys are subject to labour exploitation in construction and agriculture. In addition, trafficking victims from Surinam, Brazil and Venezuela transit through Guyana and are taken to other countries in the region.

The United Nations Office on Drugs and Crime notes that states have been slow to develop effective and multi-disciplinary anti-trafficking strategies, and slow to build dedicated and sustainable resources to implement such strategies. There is a direct correlation between the United Nations Office on Drug and Crime International Framework for Action, which we referred to and the provisions of this Bill.

Mr. Deputy Speaker, with this Bill, the People's Partnership

Government has sought to apply what might be described as a systematic approach to ensure that it addresses the problems that have been identified with appropriate legislation, and it learned from the strategies employed in other jurisdictions when implementing and enforcing the legislation. The provisions of the legislation are based on a number of interacting principles that the framework for action identifies as applicable to all aspects of a comprehensive, anti-human trafficking response. They include:

- (a) the Human Rights based approach;
- (b) the principle of non discrimination;
- (c) gender sensitive approach;
- (d) child rights approach and child participation;

—and I listened to the Member for Point Fortin and I acknowledge what she said about the many Conventions on the child, and the many that have to be signed and I think it is important that I look into that—

- (e) comprehensive international approach;
- (f) inter-disciplinary coordinated integrated approach;
- (g) evidence based approach and sustainability.

The framework for action also identifies three areas which present challenges to ensuring the prevention of trafficking, the protection of victims and prosecution of offenders, and these three are:

- (a) knowledge and research;
- (b) capacity building and development; and
- (c) monitoring and evaluation.

And these matters are addressed in the Bill that was presented by the hon. Minister for National Security.

The Protocol also sets out both requirements and recommendations for state parties. With this Bill, the Trafficking in Persons Bill or the

trafficking Bill, this Government, in keeping with the spirit and objectives of the Protocol is seeking to ensure that Trinidad and Tobago adheres to its international obligations, as well as establishes the necessary infrastructure to ensure the eradication of this scourge from our shores, and, where possible, it seeks to ensure that Trinidad and Tobago assists other states in their own battle against trafficking. You and I know, Mr. Deputy Speaker, the importance of adhering to international obligations in a globally interconnected world where, in fact you, you can easily be blacklisted, so it is very important to adhere to international obligations.

The Protocol has three distinct areas of focus:

- (a) preventing and combating trafficking in persons, with special emphasis on women and children;
- (b) protecting victims of such trafficking, with full respect for their human rights; and
- (c) promoting cooperation among state parties in order to meet these objectives.

And similarly, the United Nations Office on Drugs and Crime Framework for Action is based on five key pillars for implementation, some of which were referred to by the Minister of National Security and, of course, the Member for Point Fortin:

- (a) prosecution;
- (b) protection;
- (c) prevention;
- (d) national coordination and cooperation; and
- (e) international coordination and cooperation.

5.30 p.m.

The statement of purpose and these pillars for implementation are found in

clause 4, which sets out the objectives of the particular Bill we are debating.

Under Article V of the Protocol, each state is required to adopt such legislative and other measures as may be necessary to establish, as a criminal offence, the act of human trafficking when committed intentionally. States are also required to criminalize attempting to commit the offence of human trafficking, participating as an accomplice and organizing or directing another person to commit the offence of trafficking.

Accordingly, clauses 16 to 18 criminalize the offence of human trafficking, with special attention being paid to trafficking of children. The provisions are extensive and seek to encapsulate all the various aspects of the act of trafficking, including recruiting, transporting, transferring and harbouring victims. The means are also addressed. Specifically cited are threats, the use of force or other forms of coercion; abduction; the use of power or a position of vulnerability; and the giving or receiving of benefits to achieve the consent of the person. All this is taken up in the Bill.

The UNODC International Framework for Action notes that some States only acknowledge certain forms of exploitation or certain categories of victims or criminals, thereby limiting the scope and effectiveness of the response and hindering international cooperation among countries. In recognition of this problem that has been identified with regard to several other states, in this Bill, the Government endeavours to set out comprehensive provisions with regard to the various types of exploitation and sexual exploitation in clause 3.

I think this is very important because it seeks to close certain gaps that limit the scope and effectiveness of the response and hinder international cooperation among countries. This is a transnational problem and, therefore, you need international cooperation and the Bill addresses this.

The UNODC global report identifies that sexual exploitation is by far the most commonly identified form of human trafficking.

Mr. Deputy Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. W. Peters*]

Question put and agreed to.

Sen. The Hon. Dr. S. Rambachan: Thank you very much colleagues. Thank you very much, Mr. Deputy Speaker.

Accordingly, clauses 16 to 18 criminalize the offence of human trafficking, with special attention being paid to trafficking in children. The UNODC global report identifies that sexual exploitation is by far the most commonly identified form of human trafficking—79 per cent. The definition of “exploitation” encompasses sexual exploitation, referring to both exploitation of the prostitution of another and engaging in commercial sexual exploitation.

Statistically, forced labour accounts for 18 per cent of trafficking and the Bill addresses forced labour, which is defined as labour or service obtained or maintained through force, threat of force or other means of coercion or physical restraint. It should be emphasized that the global report of the United Nations Office on Drugs and Crime states that the figures with regard to forced labour may be the result of a statistical bias. The reason is that sexual exploitation is frequently reported whereas other forms of exploitation, such as forced labour, are under reported and, therefore, it is essential that the Bill treats with this matter.

Part two of the protocol sets out provisions to ensure the protection of victims and the importance of these provisions must be recognized. The

IOM review highlights the region's problems with gender-related violence stating that it is therefore necessary to implement more sensitive policies to ensure that gender-related violence is dealt with effectively within the court system. Furthermore, it was postulated that it was necessary to ensure that the court system does not allow attitudes that are detrimental to female trafficking victims to pervade the court system. The review states categorically that special court procedures need to be developed to better protect the rights of victims in order to encourage them to volunteer as witnesses.

An evaluation of service systems noted that most of them were privately funded. As I said earlier in my contribution, in 2008 victims in Trinidad and Tobago were sheltered by an NGO and it is noteworthy that the IOM review states that service provision in the region is inadequate and requires committed government funding and regulation.

In recognition of the tremendous shortfalls that exist with regard to victims at present and the significance of the matter, this Bill treats these matters at length. When it was suggested that the Bill was just brought here from the past, I assure the Member for Point Fortin that much study and research went into looking at these provisions and that is why the Bill treats in detail with many of the matters I am referring to, which were problematic.

Article 6 of the Protocol requires states, to the extent that it is possible, to protect the privacy and identity of victims of human trafficking in persons, including, inter alia, by making legal proceedings relating to trafficking confidential. Consequently, clause 34 seeks to protect the identity of the victim and the victim's family by ensuring that names and identifying information of the victim and the victim's family are not released to any member of the public or published in the press or media.

In Article 6, paragraph 2 of the Protocol, states are also required to ensure that the domestic, legal or administrative system contains measures that provide, to victims of trafficking in persons, in appropriate cases:

- (1) information on relevant court and administrative proceedings;
and
- (2) assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders.

In this regard, clause 35 seeks to achieve this by providing that victims of trafficking are informed, in a language that they can understand, of their legal rights and the progress of court and administrative proceedings as appropriate.

That is important because so often victims of crime, in this case victims of trafficking, are not properly informed. They are not spoken to in a language they can understand. Their rights are denied simply because they are improperly informed or they do not understand the language or they are not informed of their legal rights or of the administrative proceedings in the court or because they miss certain dates or do not deal with a certain process. They lose out and these things are taken care of in clause 35.

In the protocol also, States are required to consider the implementation of measures to provide for the physical, psychological, and social recovery of victims of trafficking in persons, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society. In particular, there should be the provision of appropriate housing, counselling and information with regard to their legal rights and in a language that the victims of trafficking can understand; medical, psychological and material assistance; and

employment, education and training opportunities.

Clause 6, therefore, provides that the National Task Force shall develop plans, in consultation with representatives of civil society, to provide victims with appropriate housing, employment, education and training opportunities, psychological counselling, legal assistance or legal information and medical assistance in a language the victim can understand.

This is why I took issue with the Member for Point Fortin when she raised her personal alarms about the list of things that the National Task Force was supposed to do. It is important that they be stated so that we ensure that the law is complete and not half-baked as the Member for St. Augustine will speak about in legal terms.

Article 6, paragraph 5 of the Protocol requires states to endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory. If you look at clause 32, it sets out extensive provisions to ensure the safety of victims.

Article 6, paragraph 6 of the Protocol requires states to ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered. If you look at the Bill, clause 30 sets out provisions for compensation. Victims may apply to the court for compensation and are eligible for compensation under the Criminal Injuries Compensation Act.

In Article 6 of the Protocol, a state party is under an obligation to consider adopting legislative and other appropriate measures that permit victims of trafficking in person to remain in its territory, whether temporarily or permanently in appropriate cases. Clause 38, accordingly, gives the Minister of National Security the discretion to provide victims of trafficking and accompanying dependent children with appropriate permits

or other required authorization to allow them to remain and work in Trinidad and Tobago for the duration of the criminal prosecution against the traffickers.

The reason I am detailing this is that I wanted to make the link between the Bill and the protocol. The Bill is an Act to give effect to the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime and for matters connected therewith or incidental thereto. I found it necessary to go through the Protocol to show how the Bill takes care of what it is intended to effect in terms of the protocol.

Mr. Deputy Speaker, there is the matter also of return of nationals and residents in terms of the protection of victims. In Article 8 of the protocol, States are asked to facilitate and accept the return of their nationals and residents who are victims of trafficking without undue or unreasonable delay. Clause 40, therefore, provides for the provision of assistance to citizens or permanent residents who are victims abroad.

Part three of the Protocol treats with prevention, cooperation and other measures and, in particular, in Article 9, paragraph 2 of the Protocol, states are asked to endeavour to undertake measures such as research, information and mass media campaigns, social and economic initiatives to prevent and combat trafficking in persons. The countertrafficking unit that is referred to in clause 12 is, therefore, charged with the responsibility of undertaking public awareness.

The importance of public awareness should not be underestimated. I will give you the reason. The United Nations Office of Drugs and Crime's International Framework for Action notes that it is critical for member states

to develop and carry out information and awareness raising programmes for policymakers, criminal justice practitioners, border and immigration authorities, labour inspectors, workers and employer organizations, health practitioners and social workers, amongst others, in order to effectively prevent and combat trafficking in persons. There are many stakeholder communities that have to be brought together, whose work will facilitate each other, training of whom has to be effected in order to beat the scourge of trafficking in persons.

As I stated earlier, the protocol sets out provisions with regard to research. Knowledge and research have been identified as an area which presents challenges for states. In this regard, it should be noted that the United Nations Office of Drug and Crime's International Framework for Action states that knowledge of and research into the specific national, regional and international trafficking in persons context is a prerequisite for the elaboration, implementation and evaluation of anti-human trafficking strategies and development of evidence-based policies. Knowledge and research are also paramount to overcoming the current partial understanding of the crime and violations of human rights it entails.

5.45 p.m.

Mr. Deputy Speaker, the legislation seeks to address this matter through responsibilities with which the Counter Trafficking Unit is tasked in clause 12. Mr. Deputy Speaker, with respect to cooperation, in article 9, paragraph 3 of the Protocol; states are asked to implement policies programmes and other measures established as appropriate to ensure cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.

Under the Counter Trafficking Task Force, established in clause 6, it

is mandated to establish policies to enable Trinidad and Tobago to work with non-governmental organizations and other elements of civil society to prevent trafficking and provide assistance to victims. So you have a complete law, a complete Bill that picks up all the gaps that would effect a proper fight—a proper struggle against trafficking in persons.

So that article 9, paragraph 4 of the Protocol requires state parties to take or strengthen measures including through bilateral or multilateral cooperation to alleviate the factors that make persons especially women and children, vulnerable to trafficking such as poverty, underdevelopment and lack of equal opportunity. This responsibility assigned to the national task force against trafficking in persons in clause 6.

Mr. Deputy Speaker, as I come to a close, article 10 states that law enforcement, immigration or other relevant authorities of state parties shall, as appropriate, cooperate with one another by exchanging information in accordance with their domestic law.

(a) “Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators or victims of trafficking in persons;”

And the Article 10 authorizes “State Parties, as appropriate, to cooperate with one another...” for a matter like that.

Or (b):

“The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons;

And (c):

“the means and methods used by organized criminal groups for the

purpose of trafficking in persons, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.”

These will be the responsibilities of the National Task Force under clause 6, and this is pivotal to increasing border security and preventing the occurrence of crime.

One area that we cannot neglect when we talk about measures for dealing with trafficking in persons is capacity building. According to the United Nations Office of Drug and Crimes Framework for Action, strengthening capacity at the national level is necessary so that member states have the institutional and technical ability to develop, implement and assess their own anti-human trafficking policies and strategies. Mr. Deputy Speaker, the framework further notes that in view of the complex and changing nature of crime it is also essential that countries be able to strengthen, adapt and maintain the required capacity over time.

Now, Mr. Deputy Speaker, the Member for Point Fortin spoke about the number of Ministers who were involved, but with the background that I have given you here, this implementing legislation is the foundation of Government strategy to enhance the national capacity to tackle the problem posed by trafficking in persons. And the multidisciplinary composition, therefore, of the National Task Force and the Counter Trafficking Unit as well as the comprehensive functions with which they are tasked are designed to expand and buttress national capacity.

This is why, despite the criticism of the Member for Point Fortin, I am making a strong and solid case that the National Task Force should comprise, as it was suggested, the Attorney General and the Ministers

responsible for foreign affairs, labour, social development, national security and justice. As set out in the First Schedule, the Counter Trafficking Unit will also include social workers, communication specialists, an attorney and such other officers as are necessary for the carrying out of the purposes of the Act; and that takes care of the criticism made by the Member for Point Fortin.

Mr. Deputy Speaker, one of the things that I was very, very happy about, this Bill is the forfeiture of assets. Legislation, to be useful, must be strong and penalties must be strong, otherwise people disrespect the law. There must be strong consequences for deviant behaviour, otherwise people disrespect the law. And Mr. Deputy Speaker, I made reference to the fact that the illicit industry of human trafficking generates tens of billions of profits for criminals annually. Therefore it is fitting that clause 24 provides for the forfeiture of the proceeds of crime. Forfeiture of assets is one of the most effective strategies a government has at its disposal to stymie this burgeoning criminal industry.

In conclusion, Mr. Deputy Speaker, the United Nations Office of Drug and Crime has stated that human trafficking affects every country of the world. Any country may be a country of origin, transit or destination or, in some cases, all three. Less developed countries are more susceptible to their nationals being trafficked to developed countries. Further, although the majority of trafficking is national or regional, there have been cases of long distance trafficking. In the light of this Trinidad and Tobago cannot afford to be complacent about the issue of trafficking.

This is merely one of the many types of crimes that has been allowed to infiltrate the society. Quite apart from the great individual and social harm that is the disagreeable product of this nefarious criminal activity, it is

well known that networks involved in human trafficking are often involved in other criminal enterprises. And I have related that from the newspaper in terms of people being trafficked to pay for drug debts and what have you.

Mr. Deputy Speaker, therefore to allow human trafficking to flourish will not only make available greater income and resources to networks but will also facilitate their growth, their expansion and their diversification to the detriment of this society. It is no accident therefore that within the past few months the Government of the People's Partnership has piloted numerous pieces of legislation that seek to curb crime, local and transnational.

And this piece of legislation before us this afternoon in this august Chamber is but another brick in the anti-crime edifice we are in the process of constructing and which we shall successfully construct and which will deal with the criminal elements in this society which will bring back safety and security into the villages, into the towns and into every corner of Trinidad and Tobago where every home and every citizen will feel safe under a People's Partnership Government. In doing so we seek to honour our commitment to the electorate and to eradicate crime from the space we inhabit in this nation. We in the People's Partnership under the leadership of the Prime Minister, Mrs. Kamla Persad-Bissessar, remain true to our promise to create a safer Trinidad and Tobago. I thank you, Mr. Deputy Speaker.

[Desk Thumping]

5.55 p.m.

ARRANGEMENT OF BUSINESS

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Deputy Speaker, I beg to move that the debate on this

matter be adjourned, and the House proceed to the matter of the notification from his Excellency.

I beg to move.

Agreed to.

**POLICE SERVICE COMMISSION NOMINATION
(PROF. RAMESH DEOSARAN)**

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Deputy Speaker, I beg to move the following Motion:

Whereas section 122(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 (“the Act”) provides that the President shall, after consultation with the Prime Minister and Leader of the Opposition, nominate persons who are qualified and experienced in the disciplines of law, finance, sociology or management to be appointed as members of the Police Service Commission;

And whereas section 122(4) of the Act provides that the President shall issue a Notification in respect of each person nominated for appointment under subsection (3) and the Notification shall be subject to affirmative resolution of the House of Representatives;

And whereas the President has nominated Prof. Ramesh Deosaran to be appointed as a member of the Police Service Commission;

And whereas the President has on the 8th day of April, 2011 made a Notification in respect of the nomination;

And whereas it is expedient to approve the Notification:

Be it resolved that the notification of the nomination of Prof. Ramesh Deosaran be approved.

Mr. Deputy Speaker, the matter before us this afternoon deals with an issue that has been in the public domain in—[*Interruption*]

Be it resolved that the Notification of the nomination of Prof. Ramesh Deosaran be approved.

I beg to move.

Question proposed.

Mr. Deputy Speaker: Anybody? The question is for debate. [*Interruption*] Sorry, the Leader of Government Business. [*Interruption*] No, government Motions are not seconded. The Leader of Government Business did the Motion, he begged to move. I put the question for debate. [*Interruption*] Right! When he got up, the Leader of the Opposition was starting to close—

Dr. Rowley: I thought he was continuing his presentation.

Mr. Deputy Speaker: No. So I decided to reapply it. Okay, Leader of the Opposition.

Dr. Keith Rowley (*Diego Martin West*): Mr. Deputy Speaker, I would be very brief on this matter. The matter before us is the filling of a vacancy on the Police Service Commission, arising out of some recent developments, which were quite surprising to all of us. Mr. Deputy Speaker, there is a lot that can be said in the context of a debate on this matter, and its causative factors, but since there is a Motion before this House on the substantive issue, we on this side would postpone our expansive comments on the historical background to this vacancy and today would focus solely on the filling of the vacancy.

Mr. Deputy Speaker, Prof. Deosaran is well known to us and the national community, and he is a person who has chosen to inform himself to a great extent on the matter of public safety, issues surrounding the police

service and all matters of a similar nature. I think we are fortunate, at this point in time, especially in light of what has just happened, that Prof. Deosaran has offered or has agreed to accept to serve in this position as a member of the commission.

As a former colleague of mine in the Upper House, I know him very well. He served in the Parliament of Trinidad and Tobago for a long time and made some very significant contributions. I have also had the opportunity and the privilege of serving with him at the University of the West Indies where we were colleagues on the staff of UWI. So, I know Prof. Deosaran very well, and his résumé which is about half a pound in weight and very many pages, speaks a lot for the work ethic of a man who has served in a way that he has added to the science of psychology; he has added to public discourse on a number of subjects.

We know Prof. Deosaran as a person who is not shy, with respect to expressing his views for the benefit of others on matters of public issues. So, I am sure that he will bring this to bear in the post of a member of the Police Service Commission. I trust that he will bring his experience in such a way as to calm the troubled waters surrounding that commission at this time, and would not, in any fit of madness, at any point, contribute to the disturbances, which that commission has been subjected recently.

I have said publicly that the other members of the commission have conducted themselves with distinction in a very troublesome period in recent weeks, and Prof. Deosaran joining the commission could only bring out the best those who are there. We have a pool of talent there and, notwithstanding what has happened, I think it is possible to pull back the situation if good sense is allowed to prevail.

I have been consulted on this matter by His Excellency the President.

We have given it thought and we have consulted on the matter, and the general view is that this is a good appointment and, without further ado, Mr. Deputy Speaker, in anticipation, not in violation of the Standing Orders, but in anticipation of what we propose to do with respect to dealing with the problematic issue of the way this vacancy came about, and how we should treat with it and the issue surrounding it, we would not prolong this debate, except to say that we support the appointment.

Mr. Deputy Speaker, thank you. [*Desk thumping*]

The Minister of Works and Transport (Hon. Jack Warner): Thank you, Mr. Deputy Speaker. We on this side also support the nomination of Prof. Deosaran, and there is no need to go into any historical background, “commesse and mauvais langue; who say and them say” to get cheap political points. There is no need to try to look to cast blame and to point fingers; there is no need to try to recreate a bacchanalian atmosphere and situation to try to further divide this lovely country we all admire, and in which we choose to bury our navel strings.

Mr. Deputy Deputy, the historical background to where we are today, for us on this side, is totally irrelevant at this stage. What is relevant is where we are now and where we want to go. What is even more important is the fact that in all of this atmosphere and this situation where some people believe that they should score cheap political points, and where they believe they should try to recreate a society of divisiveness, there are persons like Prof. Deosaran who are still willing to come out and serve, and they can only do this, because of the fact that they have confidence in the People’s Partnership Government, because they have a vision the future, and because they believe that “together we aspire together we achieve”.

Mr. Deputy Speaker, Prof. Deosaran is a man whose curriculum vitae

is this size, *Bible* sized; [*Laughter*] a man from humble beginnings, who today, has become one of the leading professors, professor emeritus, so to speak, and yet, for all, a man who has never scorned the base degrees by which he did ascend and, therefore, we on this side are extremely lucky that we have been able to find someone like Prof. Deosaran to fill the vacancy, and to do so quickly. So, therefore, the void which existed in the Police Service Commission was merely a void of a few days, and it speaks volumes of the Government or the People's Partnership [*Desk thumping*] that we were able to move so expeditiously on this matter.

Mr. Deputy Speaker, I have no intention of going through this CV as much as I would like to, because to go through this CV would serve as an example to our young people, to tell them to what they should aspire; to go through this CV to tell all our former school principals what our young children today should do and aim at—a man from the village of San Juan, to see where he has reached. This is his CV! What we should do is not so much hark to the past but to the present, that we were able to find a man as the Professor to fill this void and, therefore, all school principals, past and present—we are lucky today to have the distinguished Member for Port of Spain North/St. Ann's West here—to use this as an example to tell our young people to what they should aspire.

More importantly, I say that Prof. Deosaran—I would say it very briefly, because as I said this is heavy reading—obtained his BSc with first class honours, his MA and his PhD at the University of Toronto in Canada. He is currently the Programme Professor at UTT. Mr. Deputy Speaker, he is currently and has always been in research in criminology, in crime. At this moment, he is spearheading research in policy development and public education in the areas of crime management and prevention, school violence

and delinquency. More importantly, he is also doing research in gang prevention and control, penal reform and restorative justice. He is doing research, at this moment, in community policing, police reform, road traffic, industrial and public safety as well as, of course, undertaking international networking activities for publication output.

Mr. Deputy Speaker, we are fortunate and, therefore, of what value is it to go back to the historical background of why we are here? That has no place today. The fact is, what we should be spending time on is—I should say, we should be saying thanks to our good fortune that this void has been filled so quickly.

We on this side—I want to say it very early, Motion or no Motion—have absolutely no interest in the historical background; none whatsoever. How we came to this point, at this point in time, has little or no interest for us. What is important is where we are going. I feel that this country is well placed insofar as we have had this nomination accepted by the Leader of the Opposition and by the hon. Prime Minister. The President in his wisdom has put forward this, of course, also to both sides and both sides have accepted it.

6.10 p.m.

And I would hope I could bet you that Prof. Deosaran would never have to ask the President why he has been dismissed. That will not arise.

Mr. Deputy Speaker, you would know that over the years Prof. Deosaran has also served in the other place with distinction. If I recall rightly, he at one time was the leader of the Independent Bench—if you could recall that, of course, that kind of leadership—he was the leader, and even in that other place he was well respected. He has taught criminology, sociology and social psychology for a number of years at both the graduate

and the undergraduate levels at the University of the West Indies. He is well known, and I think that the whole community, even those who spoke for or against all of what had happened in the past, they would, of course, acknowledge, to the highest, this nomination.

Mr. Deputy Speaker, I also want to make the point that Prof. Deosaran is a recipient of the Senior Fulbright Award and has been a Professor at Stanford University, the University of Hawaii, the Oxford Centre for Socio-Legal Studies, the University of California at Berkeley, the University of California at Los Angeles, City University of New York—*[Interruption]*—nothing happens before its time. We should have chosen him before whom? The fact is, the Lord moves in mysterious ways and who knows, that may have been what he has divined for us, but the fact is that ultimately we have gotten Prof. Deosaran. So whether we choose him now or before, the fact is that we have him now and the point I am making to you is that the Lord moves in mysterious ways.

Yes! People would say, as you have said, Member for Port of Spain South, we should have chosen him before. But the fact is, you know something, if you had not made the mistake that you made on April 08, 2010, when you were here and we were there, possibly this would never have arisen. So in some ways, you are responsible for this whole situation. *[Desk thumping]* It was not us who called the election last year April, it was you. And therefore do not take away the blame from yourself, you too are responsible for this whole situation. Therefore, do not try to put the blame on us, it is collective blame, so to speak. *[Interruption]* *[Crosstalk]* But the point is, if even you had spoken until you are hoarse, the fact that you called the election last year in your third year, look where you are, look where we are. So in some ways I am saying the blame is yours, because if you did not

call the election two years before the time— [*Desk thumping*]

Mr. Deputy Speaker: Member for Chaguanas West, the Standing Orders says it is not appropriate to bring into a debate things that have passed, but I will allow you free run on it.

Hon. J. Warner: Thank you, Mr. Deputy Speaker. I would not speak about the PNM. [*Laughter*] So, Mr. Deputy Speaker, I am making the point therefore, let us stick to what is happening today. Today we have a nomination; it has met with some comfort on both sides. The country I am quite sure will be happy. His Excellency has proffered this and we are quite happy with it, and therefore, I want to make the point that this is a victory for all of us. And if we can share the victory we can also share the blame. [*Interruption*] [*Crosstalk*] Oh my God, I tell “all yuh”, you guys are so difficult sometimes. But anyhow, the Member for Laventille East/Morvant is not here so I have nobody to “hug up”—[*Laughter*—I have no body to “hug up” and I have nobody to offend either. Mr. Deputy Speaker, with those few words I would like to thank you for this submission. Thank you very much.

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Thank you very much, Mr. Deputy Speaker. A lot has been said in a short time on this matter. Mr. Deputy Speaker, just to reiterate that Prof. Deosaran, of course, comes with a wealth of experience in the area of sociology, criminology and has worked extensively as a consultant and as an academic in this area of policing. Prof. Deosaran, incidentally, was also a former Independent Senator and I recall Prof. Deosaran being chairman of a joint select committee that actually examined the Police Service Commission in the Parliament. So the professor will now sit in the other seat to be examined himself.

The Government, of course, is in support of this nomination. I want to state again for the record that on this nomination and this notification, the Government and the Opposition are one in support. And that, Mr. Deputy Speaker, also suggests that there is, as representatives of the people, consensus on the approval for Prof. Deosaran to serve on the Police Service Commission. There are several challenges that the commission faces not the least of which is the challenge arising from the recent series of events that may have caused the Police Service Commission, and to a certain extent the police service itself, to be drawn into public debates that ought not properly to be the pastime and preoccupation of the police service or members of the commission in that manner.

We are confident that Prof. Deosaran as a member of that commission would bring to bear this enormous experience and technical competence in this area and it will redound to the betterment of the commission and indeed the country, and it will bring in a very quick time a solidity to this matter and serve in a sense to calm the national community as it relates to this issue.

You also want to note, Mr. Deputy Speaker, and for the record, that the Government has acted swiftly on this matter and I want to note also the collaboration of the Opposition. The Opposition agreed today that they will discuss this matter in quick time so that the Parliament as a whole has responded with a certain amount of maturity and alacrity and the fact that this debate itself is probably one of the shortest debates ever for such an appointment, suggests that the Parliament, the Government and Opposition are very serious about the Police Service Commission settling and getting down to the very serious business that is before it. Mr. Deputy Speaker, I beg to move.

Question put and agreed to.

Resolved:

That the Notification of the nomination of Professor Ramesh Deosaran be approved.

ARRANGEMENT OF BUSINESS

Mr. Deputy Speaker: I would like to crave the indulgence of the House. There are two matters on the Order Paper which we have to refer to:

- (1) The request for leave to move the adjournment of the House on definite matters of urgent public importance; and
- (2) Introduction of Bills.

Agreed to.

DEFINITE URGENT MATTER

(LEAVE)

Extra-Curricular Activities (Removal of)

Ms. Alicia Hospedales MP (Arouca/Maloney): Mr. Deputy Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the Adjournment of the House at today's sitting, Friday, April 08, 2011, for the purpose of discussing a definite matter of urgent public importance, namely, the removal of extracurricular activities during school hours from all schools throughout the country.

6.20 p.m.

Mr. Deputy Speaker, the matter is definite as this stance has been confirmed by the Minister of Education during several media interviews.

The matter is urgent because the Minister is seeking to bureaucratize extra-curricular activities by ordering principals to submit requests for permission to conduct these activities which are planned for students during school hours.

The matter is of public importance because the Minister of Education has made such a decision without proper consultation with school principals, thus restricting their discretion and autonomy to conduct the business of the schools to which they have been assigned, as they see fit.

Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Member for Arouca/Maloney, we have looked at the matter. It does not qualify as a definite matter of urgent public importance; however, you could put it for a matter on the adjournment and file it for a later date.

**FINANCIAL INTELLIGENCE UNIT OF
TRINIDAD AND TOBAGO (AMDT.) (NO. 2) BILL**

Bill to amend the Financial Intelligence Unit of Trinidad and Tobago Act, 2009, [*The Minister of Finance*]; read the first time. **CENSUS (2011)**

(EXTENSION AND VALIDATION) BILL

Bill to provide for the extension and validation of the census taken pursuant to the Census (2011) Order, 2010 and matters related thereto, [*The Minister of Planning, Economic and Social Restructuring and Gender Affairs*]; read the first time.

ADJOURNMENT

The Minister of Housing (Hon. Dr. Roodal Moonilal): Mr. Deputy Speaker, I beg to move that this House do now adjourn to Wednesday, April 13, 2011 and at 1.30 p.m. It is the intention of the Government to continue debate on the Trafficking in Persons Bill, 2011, to also deal with the Census (2011) (Extension and Validation) Bill and, time permitting, to begin debate on the Financial Intelligence Unit of Trinidad and Tobago (Amdt).(No. 2) Bill, 2011.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.22 p.m.