

HOUSE OF REPRESENTATIVES

Monday, April 18, 2011

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from Dr. Keith Rowley, Member for Diego West and Leader of the Opposition seeking leave of absence from today's sitting of the House of Representatives. I have also received communication from the Member of Parliament for St. Joseph, Hon. Herbert Volney. He also is unable to be at today's sitting of the House of Representatives. The leave that these Members seek is hereby granted.

PETITION

Trinidad and Tobago Coalition Against Domestic Violence

Mrs. Patricia McIntosh (Port of Spain North/St. Ann's West): Mr. Speaker, I wish to present a petition on behalf of the members of Trinidad and Tobago Coalition Against Domestic Violence of #1 Robinson Ville, Belmont Port of Spain, hereafter referred to as T&TCADV. The petitioners are desirous of ensuring the implementation of the Children's Authority on or before December 31, 2011. I shall now ask that the Clerk be permitted read the petition and that the promoters be allowed to proceed.

Petition read.

Question put and agreed to: That the promoters be allowed to proceed.

ORAL ANSWER TO QUESTION

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, we have one question on the Order Paper today, question No. 81 and

UNREVISED

there are no questions for written reply and the Government is in a position to answer that question.

**Uff Commission of Enquiry
(Details of expenditure incurred)**

81. Miss Marlene McDonald (*Port of Spain South*) on behalf of **Dr. Keith Rowley** (*Diego Martin West*) asked the hon. Attorney General:

Could the Minister state:

- (a) With respect to the Uff Commission of Enquiry could the Minister state the total cost of any and all expenditure incurred (paid or outstanding), in relation to the participation of the Ministry or any agency under its purview to facilitate the said enquiry?
- (b) Could the Minister identify the recipients and state the total sums paid or due for payment to each individual or entity?

The Attorney General (Sen. The Hon. Anand Ramlogan): Thank you very much, Mr. Speaker. In relation to part (a) of the question, the expenses incurred by the Ministry of the Attorney General relate to the legal fees and disbursements paid to the legal teams appointed by the Attorney General, to represent the Ministry of the Attorney General at the Commission of Enquiry into the construction sector.

By Cabinet Minute dated 26th March, 2009, the former administration had agreed to and indeed approved the payment of legal fees for a legal team to be retained by the Ministry of the Attorney General in the sum of \$1,565,260. That legal team appointed by the Ministry comprised a range of Senior Counsel, junior counsel and instructing attorney. The total cost of all expenditure paid to date is in the sum of \$2,314,682.95 which represents the cost of legal representation at the Commission of Enquiry.

Mr. Speaker, it did not however end there, because that Commission of Enquiry spawned quite a lot of litigation and there were quite a lot of satellite legal issues

that mushroomed arising out of that Commission of Enquiry. As you would recall, I am not sure—and I am sure my learned friends on the other side will no doubt remember—that was almost one year following the appointment of the Uff Commission of Enquiry by His Excellency the President, it was discovered that a simple, an elementary basic legal requirement that is mandatory to all commissions of enquiries was not fulfilled, and this threatened to torpedo and render completely nugatory, null and void, the entire Uff Commission and that was in mid-air when it was in full flight. Mr. Speaker, I am referring, of course, to the infamous failure to gazette the Uff Commission of Enquiry.

In order to remedy this blunder, the Ministry of the Attorney General, under the former administration, paid the sum of \$241,887.50 to the same legal team—that is the same legal team that had been retained to represent the State’s interest at the Enquiry—comprising a Senior Counsel, two junior counsels and an instructing counsel to provide an opinion and advice on how to navigate its way out of this dilemma and predicament caused by the simple error—a glaring one at that—whereby they failed to gazette the Commission of Enquiry. Without the Gazetteing of the Commission of Enquiry of course, that was in effect the legal trigger that would cloth the Commission of Enquiry, pursuant to the presidential appointment, with the necessary legal authority to carry out and conduct the Enquiry.

Just imagine, \$241,887.50 being spent unnecessarily to fix and advise on how to fix the tragedy of oversight.

1.40 p.m.

Mr. Speaker, as if in true domino effect, the commission engaged the attention of the courts in judicial review application that followed. The former Attorney General retained the services of Mr. Tom Richards and Mr. Michael Bell QC of the firm of Charles Russell who rendered a billing in the sum of

UNREVISED

£123,144.66 for their services. Mr. Speaker, that sum remains outstanding even today, because the funding at the Ministry of the Attorney General was depleted and almost one-third of the funds that were voted for the current fiscal year were virtually gobbled up by outstanding bills that I inherited as Attorney General and the Uff Commission of Enquiry is no exception, but, indeed, forms part and parcel of the large inherited bill at the Ministry. The cost of legal representation by the local team of attorneys was \$805,277.77.

I turn now to the answer to part (b). With respect to this part the sums are as follows: Total amounts paid to date, firstly, Mr. Douglas Mendez SC—\$575,000; Mr. Michael Quamina—\$626,750; the law firm of Fitzwilliam Stone Furness-Smith and Morgan—\$1,070,432.95; Mr. Garvin Simonette—\$300,000; Mr. Ian Roach—\$275,000; Mr. Kerwin Garcia—\$530,000.

Mr. Sharma: What Garcia?

Sen. The Hon. A. Ramlogan: Kerwin Garcia. The total sum paid to date is \$3,477,182.95.

Of course, some of these names are no strangers to Members on the other side. In fact, it is part of the family. The firm at which a former Minister's sister-in-law is a partner, to the firm at which a former Minister in the PNM administration, that firm in which a former PNM Minister's sister-in-law law is a partner and brother works—I do not know if he is a partner as well—total \$1,170,432.95; that is the firm of Fitzwilliams Stone.

There remains an outstanding sum of £123,144.66 converted to TT, that means \$1,322,327.36 owed to Messrs. Charles Russell of London. In summary, Mr. Speaker, a grand total of \$4,799,510.31 of taxpayers' money was paid by the Ministry of the Attorney General as expenses incurred in relation to the participation of this Ministry in the Uff Commission of Enquiry. I thank you very much.

UNREVISED

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

[Second Day]

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

Mr. Speaker, I beg to move that the House revert into committee stage to continue consideration of the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) (No. 2) Bill.

Question put and agreed to.

The committee of the whole House resumed its deliberation on the Bill.

[Chairman: Mr. Mark]

Mr. Chairman: All right, hon. Members, as you recall, when we last sat in committee we were in deliberation concerning clause 15, but since then there appeared to have been changes to clauses 5, 6, 7 and 11. I therefore seek the leave of the House to revisit clauses 5, 6, 7 and 11. Do I have agreement?

Assent indicated.

Mr. Chairman: So we shall now revisit clauses 5, 6, 7 and 11.

Mr. Imbert: Mr. Chairman, I think clause 15 as well.

Mr. Chairman: Well, we are coming to clause 15. We will start before clause 15.

Mrs. Persad-Bissessar: Mr. Chairman, with your leave I would like to indicate that the Attorney General and his staff, together with the Member for Diego Martin West, the Member for Port of Spain South worked assiduously over the weekend to—

Mr. Imbert: Minister, and the Member for Diego Martin North/East. I might be sitting—[*Laughter*]

Mrs. Persad-Bissessar: Oh, I am sorry; I am just looking at your name plate. I am indicating, Sir, with gratitude, that the hon. Attorney General, his staff from the

UNREVISED

CPC, the Member for Port of Spain South, the Member for Diego Martin West and the Member—most certainly—for Diego Martin North/East, worked very assiduously over the weekend to achieve some measure of consensus for the amendments before this Chamber today and I want to record our thanks to all those who worked over the weekend, given the circumstances in which we find ourselves and the necessity for expediting passage of this Bill.

Mr. Imbert: In that vein, I would also say that it was a pleasure communicating with the Attorney General in view of the very accommodating nature of the discussions [*Laughter*] and on the face of it the amendments appear to be perfectly in order. [*Desk thumping*]

Mr. Chairman: Hon. Members, I shall now put the amendments to the House.

Clause 5 recommitted.

Question again proposed, That clause 5 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, we propose clause 5 be amended as circulated.

- 5 A. Delete paragraph (b) and renumber paragraph (c) as (b) accordingly.
- B. In the renumbered paragraph (b), in the proposed definition of “non- regulated financial institution”-
- (1) delete the word “or” at the end of paragraph (a);
- (2) delete the word “and” at the end of paragraph (b) and substitute the word “or”;
- (3) insert the following subparagraph-
- “ (c) a Building Society registered
 Chap. No. under the Building Societies
 33:04 Act; and”; and

- C. In the proposed definition of “Permanent Secretary” delete the words “Office of the Attorney General;” and substitute the words “Ministry with responsibility for finance.”.

Question put and agreed to.

Clause 5 as amended, again ordered to stand part of the Bill.

Clause 6 recommitted.

Question again proposed, That clause 6 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, we propose clause 6 be amended as circulated.

- 6** Delete paragraph (b) and renumber paragraphs (c) and (d) as (b) and (c) accordingly.

Question put and agreed to.

Clause 6, as amended, again ordered to stand part of the Bill.

Clause 7 recommitted.

Question again proposed, That clause 7 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, we propose that clause 7 be amended as circulated.

- 7** In the proposed section 3A-
- (1) in subsection (1), delete the word “persons” and substitute the word “officers”;
 - (2) in subsection (2), insert after the words “Deputy Director” the following words “and other officers on the establishment of the FIU,”;
 - (3) delete subsection (3) and substitute the following subsection:

UNREVISED

- “ (3) The Permanent Secretary may appoint-
- (a) other members of staff, after consultation with the Director; and
 - (b) consultants and experts, on the advice of the Director, on a contractual basis and shall be guided by any guidelines for contractual employment issued by the Chief Personnel Officer, from time to time.”; and
- (4) in subsection (4), delete the words “Notwithstanding subsection (1) the” and substitute the word “The”.

Question put and agreed to.

Clause 7, as amended, again ordered to stand part of the Bill.

Clause 11 recommitted.

Question again proposed, That clause 11 stand part of the Bill..

Mrs. Persad-Bissessar: Mr. Chairman, we propose that clause 11 be amended as circulated.

11

In the proposed new section 12(1)-

- (1) delete the words “*ex-parte*”;
- (2) insert the following subsection:

“(2) Before an application to the Court is made under subsection (4), the FIU shall give notice in writing to the non-regulated financial institution or listed business of its intention to do so.”;

- (3) renumber the proposed subsections (2) and (3) as subsections (3) and (4).

Question put and agreed to.

Clause 11, as amended, again ordered to stand part of the Bill.

Clause 15 reintroduced.

Question proposed, That clause 15 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, we propose that clause 15 be amended as circulated.

- 15
- A. In proposed section 18A delete the words “ Part,” and substitute the words –
“Part-
“monitor” means to observe for the purpose of compliance with this Act; and”.
 - B. In proposed section 18D delete the words “terrorist financing” and substitute the words “the financing of terrorism”;
 - C. In proposed section 18E-
 - (1) in proposed subsection (1), delete the words “the persons and” and substitute the words “non-regulated financial institution and listed”;
 - (2) in proposed subsection (2) insert after the words “subsection (1)” the following “which shall be published in the *Gazette* and at least one newspaper in daily

circulation in Trinidad and Tobago.”;

D. In proposed section 18F(2)–

(1) delete the word “person” and substitute the words

“a non-regulated financial
institution or listed business”;

(2) insert after the word “officer” the words “above the
rank of Sergeant.”;

E. In proposed section 18G–

(1) in subsection (1), insert the word “non-regulated”
before the words “financial institutions”
wherever they occur;

(2) in subsections (2) and (3) delete the word
“person” wherever it occurs and substitute the
words “non-regulated financial institution or
listed business”; and

(3) delete subsection (5) and substitute the following
subsections:

“(5) A directive issued under subsection
(4)(b), shall remain in force for a period of
twenty-one days, during which the non-regulated
financial institution or listed business may make
representations to the FIU which shall hear or
examine those representations as soon as
possible, after they are received.

(6) Where at the expiration of period
stipulated under subsection (5), no

UNREVISED

representations are made, or representations are made and rejected thereafter, the FIU shall give notice to the non-regulated financial institution or listed business of its intention to take action under subsection (9).

(7) Where a non-regulated financial institution or listed business is aggrieved by the decision of the FIU under subsection (4), that financial institution or listed business may apply to a Judge to discharge the directive and shall serve notice on the FIU, to join the proceedings, save however, that the directives shall remain in force until the judge determines otherwise.

(8) A person who refuses to comply with an Order of the Court commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years.”;

(4) renumber subsection (6) as subsection (9); and

(5) in subsection (9) as renumbered-

(a) delete the word “person” and substitute the words “non-regulated financial institution or listed business”;

(b) insert before the words “financial institution” the words “non-regulated”

Mr. Imbert: Mr. Chairman, the substance is perfectly in order but there seems to be a comma or something missing. Could the Attorney General just read—

UNREVISED

Sen. Ramlogan: On what page?

Mr. Imbert: Page 15, the first part where you have “delete part and substitute part”, it does not seem to be flowing. Could you just look at it and—

Sen. Ramlogan: It has them in (a), (b), (c) or (d)—(a)?

Mr. Imbert: I am on the first part and you are replacing it with “part—monitor”—

Mrs. Persad-Bissessar: CPC is advising that this is in the drafting. When it goes into the law it would be inserted appropriately.

Mr. Imbert: You want to explain that to me? Is it missing a comma or something? How would it read?

Mrs. Persad-Bissessar: We are advised that it is appropriately drafted by the CPC.

Mr. Imbert: When you look at it, if I do what is being said here—

Mrs. Persad-Bissessar: Can we just leave it until like when it is inserted if we approve it, clause 18A(1) would then read, “for the purposes of this part, — “monitor” means to observe for the purpose of compliance with this Act; and supervisory authority may”—

Sen. Ramlogan: You have it?

Mr. Imbert: No problem, I did not see the semicolon. No problem.

Question put and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clause 16.

Question proposed, That clause 16 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, we propose—I do not seem to have a clause 16, I have a clause 17.

Clause 16 ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, we propose that clause 17 be amended as circulated.

17 In the proposed Schedule, delete all the words after the words “**and that I will**” and substitute the words “**treat all documents and reports filed with the FIU and all records and information relating thereto as secret and confidential and I shall not disclose or communicate to any unauthorized person or allow any such person to have access to any such document, reports, record or information. So help me God.**”.

Question put and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

1.55 p.m.

Clause 18

Question proposed that clause 18 stand part of the Bill.

Mrs. Persad-Bissessar: Mr. Chairman, it is proposed that clause 18 be amended as circulated.

Insert after the words “purportedly done” the words “in good faith”.

Question put and agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Clause 19

Question proposed that clause 19 stand part of the Bill.

Mrs. Persad-Bissessar: It is proposed that clause 19 be amended as circulated.

Insert after the words “any act or thing done” the words “in good faith”.

Question put and agreed to.

UNREVISED

Clause 19, as amended, ordered to stand part of the Bill.

Clause 20

Question proposed that clause 20 stand part of the Bill.

Mr. Imbert: Mr. Chairman that is really my fault. The same amendment made to clauses 18 and 19 should also be made to clause 20. It should be added after the word “obtained”. That is what we are proposing, any evidence obtained in good faith. It is my mistake. I had forgotten—[*Interruption*]

Mrs. Persad-Bissessar: Mr. Chairman, it is proposed that clause 20 be amended by inserting the words “in good faith” immediately after the word “obtained” in the first line of clause 20.

Question put and agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Preamble approved.

Question proposed, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendments.

Question put, That the Bill be now read a third time.

Mr. Speaker: Member for Diego Martin Central, I know that you are familiar with the rules, but I see your head was lowered, so I excused you.

This Bill requires a special majority and therefore a division is required.

The House voted:

Ayes 36

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. Mrs. K.

Warner, Hon. J.

Dookeran, Hon. W.

McLeod, Hon. E.

UNREVISED

Sharma, Hon. C.
Alleyne-Toppin, Hon. Mrs. V.
Gopeesingh, Hon. Dr. T.
Peters, Hon. W.
Rambachan, Hon. Dr. S.
Seepersad-Bachan, Hon. Mrs. C.
Roberts, Hon. A.
Cadiz, Hon. S.
Baksh, Hon. N.
Griffith, Hon. Dr. R.
Ramadharsingh, Hon. Dr. G.
Ramadhar, Hon. P.
De Couteau, Hon. C.
Indarsingh, Hon. R.
Baker, Hon. Dr. D.
Partap, Hon. C.
Samuel, Hon. R.
Ramdial, Miss R.
Roopnarine, Miss S.
Seemungal, J.
Khan, Miss N.
McDonald, Miss M.
Hypolite, N.
McIntosh, Mrs. P.
Imbert, C.
Jeffrey, F.
Browne, Dr. A.

UNREVISED

Thomas, Miss J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

Manning, P.

Question agreed to.

Bill accordingly read the third time and passed.

EXPRESSIONS OF GRATITUDE

The Prime Minister (Hon. Kamla Persad-Bissessar): Mr. Speaker, if you recall on Friday last we were here until a late hour, maybe 10.00 p.m. We intervene to indicate that we will be more productive should we get consensus on this very important Bill. So as we have the unanimous support of the House, I want to record our gratitude to the Attorney General, his staff who worked really hard over the weekend and especially the Member for Diego Martin North/East, together with his colleagues [*Desk thumping*] The Member for Port of Spain South and Diego Martin West. I think given the circumstances we found ourselves in, where it is very important and necessary we pass this Bill as we go into May when a further review will be done on Trinidad and Tobago's position on the FIU and laws relating to that. I want to say thanks again to all those for the consensus today and for this unanimous vote from the House. The Member for Diego Martin North/East deserves special mention. He did work very hard.

Thank you very much. [*Desk thumping*]

2.05 p.m.

TRAFFICKING IN PERSONS BILL.

[Second Day]

Order read for resuming adjournment of debate on question [April 08, 2011]

That the Bill be now read a second time.

UNREVISED

Question again proposed.

Miss Alicia Hospedales (*Arouca/Maloney*): Mr. Speaker, I thank you for the opportunity to contribute to this debate on the Trafficking in Persons Bill, 2011. During the debate the Member for Tabaquite indicated that they brought a piece of legislation in 10 months, but what he failed to say was that it was the Multi-Agency Task Force that was appointed under the People's National Movement government that developed the Trafficking in Persons policy framework. Not only did they develop the policy framework, they also developed the draft counter-trafficking Bill. The Member for Tabaquite came here and ranted and raved and patted his chest, stating that they did this and that, but actually the work had already been done.

The Bill that is before this House today—actually what would have happened, on Friday, April 08 we got a copy of a Bill that was circulated to all Members of this House, and on Friday, April 15 we began the debate of the Bill and found out that it was the wrong Bill. Just imagine that this is happening under the UNC Government at a time when—the Member for Tabaquite said that they are professionals and they are achievers. They are really achieving in terms of not being able to function properly in Parliament and submitting the wrong Bills on top of that.

The second Bill that was submitted was a Bill that consisted of a number of amendments to the first Bill and this Bill is what is being debated today. So Members stood on their feet on Friday, April 15 and were not even making reference to the correct Bill, and today we are actually going to be doing that. So the latter that I am speaking about—the Bill in my hand; the correct Bill that they actually circulated, which was sent to our homes on Saturday, April 16—is the Bill that is being debated before the House today.

The Member for Tabaquite boasted confidently about the good work that

UNREVISED

they did not do, because, again, the work was done by the Inter-Agency Task Force. They drafted the policy framework and the Bill that is before us in its amended form. So he was only misleading the House, and I would give way to the Member to apologize or withdraw. [*Desk thumping*] He talked about their performance and the achievement of his Government, but what I would like to say is that they have outperformed themselves by, one, dismantling our security services. We cannot stop talking about that, because in this specific debate we would be talking about border control and you will see how relevant some of the decisions that they made would be, in terms of absolutely necessary for this debate.

They scandalized an intelligence agency. I do not think the Trinidad and Tobago population would actually forget this one, because it has gone on and on and on in the media and continues to go on, scandalizing an intelligence agency. Not only that, last week or the week before, we heard of the greatest idea to remove extra-curricula activities during school hours—the best idea. That is performance and achievement. That is the performance and achievement he is talking about! [*Desk thumping*] They also increased the level of unemployment in this country, firing people left, right and centre; increased poverty levels, because once people are unemployed, poverty levels will also be increased as well. They also engage in hiring practices—

Dr. Moonilal: Mr. Speaker, a point of order—36(1).

Mr. Speaker: Member, I know that you are probably going to get there. I am going to give you a little space, but if you could stick to the question, I will appreciate it. I am allowing you some limited space but, please, do not abuse 36(1).

Miss A. Hospedales: Thank you, Mr. Speaker. I am just giving examples of the performance and the achievements that the Member for Tabaquite spoke about in his debate—[*Desk thumping*—again, in terms of the misrepresentation of truth,

misinterpreting, misstepping and miscalculating their underrated achievements. That is what they have been doing.

The Bill, therefore, before us, is a manifestation of the commitment of the People's National Movement government to address the trafficking in persons that was well researched. Again, you know, I have to continually refer to the Member for Tabaquite because he raised a lot of issues that we just cannot let pass. He stated during the debate that the PNM did nothing, while in government, to combat human trafficking. This is far from the truth.

Just to remind the Members on the opposite side and to ensure that they are properly well informed—because I think that the Member for Tabaquite failed to do that; he failed to inform his Members that it was under the People's National Movement that the relevant Protocols and Conventions to fight against transnational organized crime were signed off. We also signed the relevant Protocols to prevent, suppress and punish trafficking in persons, especially women and children; to prevent the smuggling of migrants by land, air and sea and to prevent the illicit manufacturing and trafficking in firearms and ammunitions. All of these were signed under a People's National Movement government.

Further, it was under the People's National Movement that a partnership was established. Mr. Speaker, I would, through you, ask the Member for Tabaquite to pay attention. As I said, it was under the People's National Movement a partnership was established with the International Organization for Migration. They set up office here and conducted a migration assessment; began a project to assist the then People's National Movement government in its development of an effective strategy to combat human trafficking.

Miss Amy Mahoney, Project Coordinator of the Counter-Trafficking Unit of the International Organization of Migration spoke in 2008, and this is what she had to say. She said that during a training workshop the organization had already

UNREVISED

conducted and planned to continue to conduct workshops on human trafficking.

“She said various groups, including immigration officers and non-governmental organisations, had already been sensitised to the issues as they relate to trafficking and how to deal with information received on trafficked people.

Mahoney said the IOM was at present working with the Government to formulate legislation on human trafficking, as well as taking steps toward the development of a coalition between the Government, local NGOs and itself to deal with trafficking in the country.

This is an interesting development in the partnership between the IOM and the government of the country.”

She further went on to say:

“The government continued to cooperate with the International Organization for Migration, which began a Strengthening Technical Capacity (STC) project. The STC’s goal was to bolster capabilities of the Immigration Division and other law enforcement agencies.”

So when the Member for Tabaquite came here in the earlier part of the debate, he stated that the People’s National Movement was doing nothing and I am just showing that a lot of work had been done under the People’s National Movement.

In the same year, in 2010, the United States State Department said that the government—referring to the People’s National Movement government—reported one trafficking investigation during the year in 2010 and it began extradition proceedings in February 2010 against a foreign national wanted for human trafficking in another country. The government, they noted, provided logistical, human resource and financial support to the IOM; anti-trafficking training of immigration officers, police and other officials during the reported period. They also said that suspected victims were sent to shelters.

UNREVISED

The task force recently began in 2010 development of guidelines for officials to refer potential victims to shelter, counselling, medical care and interpreter assistance. The government offered some social services directly and through NGOs that receive government funding. They also noted that Trinidadian authorities encourage crime victims in general to assist with the investigation and prosecution of offenders.

So when the Member comes here and says that the People's National Movement government did not do anything, I want to say again that that was far from the truth. They also stated that the Government made some progress in preventing human trafficking during the reporting period through the establishment of the anti-trafficking task force. They further noted that the responsible subcommittee develops plans to implement a trafficking victim hotline and nationwide information campaign. All of these things were done under the People's National Movement.

The same department, which is the United States Department of State, also stated that the government of Trinidad and Tobago was making significant efforts to comply with the minimum standards for the elimination of trafficking. So the Member would not have painted the true picture when he contributed to the debate. Organizations such as the International Organization for Migration stated that when governments or countries seek to formulate legislation on human trafficking, it is not a quick exercise, and they recognize that; that it is not an exercise that is done overnight.

So when the Member for Tabaquite comes here, patting his chest and saying that in 10 months they were able to bring the legislation, we know that is far from the truth. Extensive research would have had to have been conducted way before, and based on the information received; based on the research done, that is what would have informed the policy, as well as informed what would have gone into

UNREVISED

the legislation.

As a result, organizations such as the IOM believe that countries should be given time to develop human trafficking laws that respond to their trafficking in persons and law enforcement capabilities. So care, under the People's National Movement, was taken to ensure that the legislation was suitable to respond to the current situation. The Member for Tabaquite stated over and over what the PNM was doing. Today I am asking him: what do they intend to do, specifically with a newspaper article that came out yesterday highlighting the plight of three Indian nationals who are trapped as a result of human trafficking?

In the newspaper article in the *Sunday Guardian*, these victims of human trafficking are actually pleading with the Member for Tabaquite, the Minister of Foreign Affairs, to provide them with some assistance to go back home. So I hope that the Member for Tabaquite will return and I will lend him the article so that he can look at it and see how best they can provide some form of assistance to the relative victims.

In reading back and even so, looking at the contribution of the Minister of National Security and even the contribution of the Member of Tabaquite, I thought they would have provided some information on the issue of human trafficking in this country. Basically, in terms of statistics, they went all over the place: internationally, in Latin America, the Caribbean on the whole, but not really zooming it down to Trinidad and Tobago.

The Member for Tabaquite quoted several reports of possible human trafficking, but later concluded that it might have been difficult to verify the reports. He quoted reports in the various newspapers and his conclusion was that it might have been difficult to verify those reports.

I thought that the UNC government had done its research allegedly claimed by the Member for Tabaquite. He came here and said he researched his own

UNREVISED

information and that is what he is presenting, but, you know, I really thought that they would have come and presented us with some concrete information. If the information that they presented had to be evaluated against the International Organization for Migration, which states that every country needs to combat human trafficking, I do not know; I think they may have gotten zero in terms of presentation.

2.20 p.m.

In a training manual presented by the International Organization for Migration, what they stated is that the information that is needed before you actually go into legislating and implementation of the legislation, and all of that is a comprehensive background research, and what they said is that some of the questions that need to be answered before you go into legislation or implementation, or even so prevention, they asked: what is the trafficking situation in Trinidad and Tobago?

I thought that the Member for Tabaquite and the Hon. Minister of National Security would have come and told us what is the trafficking situation. What type of trafficking is taking place? What is known about the victims? Are they women, men or children? How many victims have been identified? We did not get those kinds of statistics. We do not know. What are the recruitment methods? What are the areas of origin and destination? We heard a little of this and that, but there is no concrete evidence to really show that a particular group of individuals coming from specific countries to Trinidad and vice versa.

What is the response? What organizations or individuals are already working on the issue? But in relation to the partnership with the NGOs we do not know what organizations are actually working along with you all to provide support for these trafficking victims, and we would like to know, could you all give us this information? What has been the contribution of the institutions,

UNREVISED

entities, NGOs or others? And what type of activities have been carried out? We would also like to know what has been the results of these activities, and what follow-up or evaluations have been performed. Has research on trafficking in persons been carried out? We would like to know whether or not you all have conducted in-depth research? What is the outcome of the research, what is contained in the research, and what limitations have been encountered when dealing with trafficking, both on the part of the State as well as civil society?

I think if the Minister for National Security, or even the Member for Tabaquite had come and presented that kind of information to us, I am sure the members of the population would have had a clearer idea as to what we are actually dealing with when it comes to human trafficking in Trinidad and Tobago.

So, Mr. Speaker, again, it is almost like the blind leading the blind. I always say the Member for Tabaquite talks about performance, and I would say that their performance is underrated, and the title of “coalition of the incompetents” actually suits them. [*Desk thumping*]

Mr. Roberts: “How the PNM coalition going”?

Mrs. Gopee-Scoon: Mind your own business.

Miss. A. Hospedales: Clause 6(c), of the Bill says that the National Task Force Against Trafficking in Persons would be established:

“to co-ordinate the effective implementation of the national counter trafficking plan for the prevention of trafficking in persons and children;”

I am asking the Minister of National Security to tell us, what plan do you have for the effective implementation of national counter-trafficking? What plans do you have for prevention? We really have not heard much about their plans. It is almost like other times when they came and they said they have a plan to do this and a plan to that, but they had nothing documented—a crime plan as the Member of Deigo MartinCentral says, and we have not to date seen any of those plans.

UNREVISED

So I am asking for the Minister of National Security in winding up to tell us whether or not there exists a plan that the task force is going to implement. We know the answer again, we know there is nothing to implement, and once again this is the evidence of their performance according to the Member for Tabaquite.

A plan is necessary in order for the achievement of the five key pillars for the implementation of a successful anti-human trafficking strategy according to the United Nations Office on Drugs and Crime Framework for Action, which focuses on five key pillars as I said, the prosecution, protection, prevention, national cooperation and international coordination and cooperation.

Mrs. Gopee Scoon: See you have to tell them.

Miss A. Hospedales: I should not have to come to this House and tell Members on the opposite side that they need to have a proper plan, a strategy—that this plan will inform the different strategies that they implement, and that the plan supposed to focus on the five objectives as stated by the United Nations Office on Drugs and Crime Framework for Action.

Again we would like to hear about their plan to counter human trafficking. They do not have one for the nation—and again, we do not expect them to have one. Again, this is a manifestation of a Government that moves by “vaps”, the blind leading the blind.

The Member for Tabaquite said that reports of missing persons caused us to be placed on the Tier 2 Watch List of the United States Department of State. And again, this is far from the truth, the Member for Tabaquite again came here misinforming the House. During the course of his contribution he made reference to a report, or an answer to a question by the previous Minister of National Security, and you know what the Member failed to say is that persons go missing for a variety of reasons. He came here making it seem that there are 1,000 persons missing in Trinidad and Tobago when the report states something totally different.

UNREVISED

Mr. Speaker: The previous Minister of National Security in a response to a question posed by you about missing persons in Trinidad and Tobago indicated that there were 608 persons reported missing for the year 2008; 573 of them were accounted for, while 36 cases remain outstanding. And again, I want to state for the information of the Members on the opposite side, the reports of missing persons did not put us on Tier 2 of the United States Department of State's watch list. What was also stated by the previous Minister of National Security was that there was no evidence available to suggest that persons are being trafficked out of the country, so there was no empirical evidence. I would like the Minister of National Security to tell us when do they intend to do this type of research. The previous Minister also noted that there have been cases where the Immigration Division has had cause to conduct investigations on persons being trafficked into the country. Again there was no empirical evidence showing that persons were being trafficked out of the country but there were some cases where the Immigration Division had to intervene or conduct investigation on persons who were trafficked into the country.

So again, the Member for Tabaquite, when he comes to this House, I really hope that he would do his own research and would come here prepared to really present the facts as it relates to the particular issue that is before us.

I would like to focus a bit on clause 33(1) of the Bill:

“Victims of trafficking who are witnesses or potential witnesses shall be eligible for applicable witness relocation and protection programmes for victims of organized criminal activity or other serious offences...”.

2.30 p.m.

Mr. Speaker, this clause is actually stating that the victims of human trafficking will be eligible to be placed on a witness protection programme or witness relocation programme.

UNREVISED

I would like to ask the UNC Government—[*Interruption*]

Mrs. Persad-Bissessar: Partnership.

Miss A. Hospedales:—whether they can truly give assurance to victims of trafficking, who are witnesses or potential witnesses, that they will be truly safe in a witness protection programme in this country.

Numerous persons commented on our current witness protection programme, and I want to ask the Members of the UNC Government: what system do you have in place to strengthen the witness protection programme? Has the witness protection programme changed in any way? What assurance can you give to human trafficking victims that the issue regarding their safety and security are rectified? There have been numerous reports about the witness protection programme and in many quarters people would say that it is a dismal failure. Could the Members of the Government tell us if this witness protection programme, today, has changed in any way? Is it a great success? Is it really going to guarantee the safety and security of the human trafficking victims?

We have heard of reports where witnesses were killed while in witness protection programmes. Has the Government said that has changed in any way? One time there was a report where a woman was assaulted in a witness protection programme and a man was shot dead. So, I would like the hon. Minister of National Security to tell us whether or not this witness protection programme is actually going to ensure that the victims are protected and safe. I would also like him to tell us whether they can guarantee the protection of these victims from criminal gangs or drug cartels that are often responsible for human trafficking. Can you guarantee the safety and security of these human trafficking victims from these drugs cartel leaders or gang leaders? We know what often happens to witnesses who dare to testify against these criminal gangs.

Mr. Speaker, a study on Trafficking in Persons in Latin American and the

UNREVISED

Caribbean by Clare Ribando Seelke revealed that these criminals use sophisticated recruitment methods, and the US State Department states that they psychologically manipulate and physically force their victims to engage in all sorts of activities. They keep them in some form of bondage, whether it be bonded labour, death bondage, involuntary domestic servitude, forced child labour, prostitution, or in countries where it is prevalent child soldiers.

Many of the victims are told that if they do not cooperate with the traffickers, their family members would be killed. This sort of psychological trauma experienced by victims, adults and children alike, often cripples them in fear. Can the Government say that they can truly protect them from the threats, reprisals, and intimidation by traffickers and their associates as stated in clause 32(b)?

Clause 32(b) states that:

“a victim of trafficking shall be given reasonable protection to prevent recapture, and to secure him from threats, reprisals and intimidation by the traffickers and their associates;”

Can the Government really protect them from these threats, reprisals and intimidation by traffickers?

Mr. Speaker, it will take a great deal on the part of the relevant authorities to convince trafficking victims that they and their family members will be protected by this country and their country of origin. The Government needs to tell us what their plan is for strengthening of the witness protection programme. We did not hear anything. Yes, the legislation states that you are going to offer witness relocation and witness protection, but it is important for the Government to tell us what plans they have for the strengthening of the witness protection programme.

Additionally, I would like to make mention of the fact of the psychological trauma experienced by the victims. Because of the physical, verbal, sexual and

UNREVISED

financial abuse that they encounter, assistance should also be included under Part VI. Part VI of the Bill states that these victims would be receiving assistance, but we see no assistance with respect to sociological trauma counselling. We see no assistance for medical support. We also see no assistance for rehabilitation which the Member for St. Ann's East is going to elaborate on. We see no assistance for these things.

The United States Department of State indicated that initial trauma that is experienced by human trafficking victims can last for approximately a month, and that the victims can only give a partial account of their experience in the early stages of an investigation. That is why they said that it is important for these victims to receive some form of sociological support in terms of counselling or therapy. Often, these victims are poor and do not have any money available to pay for their own medical and psychological treatment, which is very important for their recovery.

Mr. Speaker, I want to make reference to Article 6 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children supplementing the United Nations Convention Against Transnational Organized Crime. Article 6 states:

- “3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
 - (a) Appropriate housing;
 - (b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;

UNREVISED

- (c) Medical, psychological and material assistance; and
- (d) Employment, educational and training opportunities.”

They said that all of this should consider the age, gender and special needs of the victims, as well as special needs of children including appropriate housing, education and care.

So, Mr. Speaker, again, I want to indicate to the Government that in Part VI of the Bill they should consider including the medical, psychological report as well as the rehabilitation, on which I have indicated that my colleague, the Member for St. Ann’s East, will elaborate. So, it is very important that these things be provided for them. As I indicated earlier, most of these victims do not have the money to receive some form of psychological treatment or even medical treatment, depending on the type of medical treatment it may cost them and most times they may not be able to afford it.

Another point I want to make is about the issue of border control. Research conducted by the International Organization for Migration, the United States and the United States State Department, Clare Ribando Seelke, a specialist in Latin American affairs said:

The formulation and implementation of legislation on trafficking in persons is important, but what is equally important is border security.

It is all well and good for the UNC Government to come here and say that they are going to deal with human trafficking, but it is another thing for them to convince members of this country that they are truly serious about issues of national security that face us, particularly the protection of our border.

Trinidad and Tobago is described by the United States Department of State as a destination point for human traffickers. Clare Ribando Seelke and the US State Department also stated that there have been reports of women entering the country illegally by boats. Some were smuggled into the country at illegal points

of entry along the south-western coast, Moruga, Quinam, Icacos, Los Iros, the Mosquito Creek and Carli Bay.

Many of these individuals who enter illegally work as prostitutes in various establishments here. I am sure if the hon. Minister of National Security had conducted their research, they would have been able to tell us where these establishments are, how many people they suspect are actually working in these establishments, and seek to shut them down because we know that prostitution is against the law in Trinidad and Tobago.

The recognition of the need to strengthen our border security measures, because of the growing threats of guns, drugs and human trafficking which is linked to the guns and drugs, led to the acquisition of the offshore patrol vessels. Again, we cannot stop talking about the OPVs because [*Desk thumping*] it was a significant part of the strategy—

Mr. Speaker: Hon. Member, you may not want to stop talking about the OPVS, but Standing Order 36(3) is very clear. You cannot speak about it. So just proceed outside of that matter for me. Thank you.

Miss A. Hospedales: Yes, Mr. Speaker, I am talking about steps to protect our maritime borders. Once again, we are provided with another example of the UNC A's unwise decisions to cancel—[*Desk thumping*]

Mr. Speaker: Hon. Member, I would not want you to discontinue, but do not challenge my ruling. I have told you Standing Order 36(3) is clear. You cannot revive a matter that has already been settled. There have been Motions on that, a private members' Motion, questions on that, matters on the adjournment. Next session you may wish to raise it, but in this current session you are in violation of Standing Order 36(3) so do not make any reference again. Move on to another subject. Forget the OPVs, please.

Hon. Member: With those few words.

UNREVISED

Miss A. Hospedales: Mr. Speaker, I am concerned about border security and that is what I am actually speaking about.

Today we hear of the increase of drugs finds on the various ports of entry and this is an indication of increased drug activity. Mr. Speaker, the Government can only account for what is found, but can you imagine what is not found. We still have not heard much about the two containers of drugs that were actually found on the port. As I said, a great deal of those things may go undetected.

The Bill that is before us today should also include stiffer penalties for police officers, custom officers and other officials who are assisting human traffickers. One thing that was noted by the US Department of State is the fact that a number of these officers who are responsible for border control actually engage in assisting human traffickers to get people in and out of a particular country. This will act as a deterrent measure which will result in these officials thinking twice before they provide assistance to members of this criminal ring.

Mr. Speaker, a report from the Organization for Migration asserts that the Caribbean's relatively open borders, lax enforcement of entertainment and work permit rules, and legalized prostitution in some jurisdictions—we know that it is not legal here—but legalized prostitution in some jurisdictions have contributed to the increase in human trafficking in this particular region. It is for these and other reasons that the Government needs to think about their own particular strategy with respect to border control and to seriously think about ways in which they can strengthen our national security assets, as well as strengthen the strategies that are currently being used with respect to national security in this country

2.45 p.m.

Mr. Speaker, the US Government has also advocated a policy structured by the three P paradigms: prosecution, protection and prevention and I just highlighted

UNREVISED

three of them earlier.

Mr. Speaker, it would be beneficial for all of us if the Minister of National Security could inform us about the preventive measures that they are going to put in place to address the issue that is before us today. Mr. Speaker, we heard nothing about their preventative measures. What does the Government intend to do? Tell us how are you going to inform the population about human trafficking. What measures are you going to take? What are some of the campaigns that you are going to engage in? Mr. Speaker, we need to know. Mr. Speaker, we heard about the protection and prosecution measures that will be implemented. Again, it is in the Bill, but we do not have a clear understanding of the prevention measures.

Mr. Speaker, the Government should give consideration to also boycotting goods that are produced through the forced labour of persons who have been trafficked. Some examples of the goods cited in the Trafficking in Persons in Latin America and the Caribbean report by Clare Ribando Seelke are bricks, gold, coffee, sugar and agro-products.

Mr. Speaker, I am sure there is a more comprehensive list somewhere out there, and it would be very good for the Government to conduct research on the goods that are actually produced by forced labour, and to boycott those goods, inform the population as well, so that we can make informed decisions when it comes to purchasing our items—in the groceries, in the stores. Mr. Speaker, it would be useful if the Government could also provide us with a list of all the products, as I said, so that we can make an informed decision.

Mr. Speaker, I just want to say that this Bill is a very important Bill and I really hope that the Government will give some serious thought to establishing a

UNREVISED

proper national plan for responding to human trafficking in this particular country, as well as, they should consider developing a comprehensive preventative plan, and indicate how they intend to implement the plan, as well as, conducting research on the products, the items and the goods that are produced through forced labour. I am sure once the population is informed, again as I said, we will be able to make informed decisions, as well as, we would be able to better support a victim of trafficking if ever we come across one. Mr. Speaker, I just want to say thank you.

The Parliamentary Secretary in the Ministry of Legal Affairs (Mr. Jairam Seemungal): Thank you, Mr. Speaker. Mr. Speaker, I am honoured and privileged to have been given the opportunity to address this honourable House on this important debate on Trafficking in Persons Bill, 2011. The Government of the People's Partnership views the issue of human trafficking as an infringement of the universal principles of human rights on the one part, and as a critical infringement of the fundamental rights and freedoms as guaranteed by our Constitution.

Let me start, Mr. Speaker, by congratulating my colleague, the hon. Minister of National Security for bringing this Bill to this honourable House, not only because it is an obligation of the United Nations, but it is yet another tool available to the law enforcement agencies in their fight against crime, especially in the exploitation of persons, a fight which this Government is tackling hands-on.

Mr. Speaker, this Bill seeks to give effect to United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children. Mr. Speaker, trafficking of persons is not new to this country, it is not new to the Caribbean or to the northern hemisphere. History has reported that our

forefathers came to this country by way of trafficking in persons. History would have reported of the horrors they faced, Mr. Speaker. It is reported they were kidnapped from their homes, from their sanctuary, from their families, and treated in the most brutal of ways, packed on ships and arrived in this country some six to eight months later; many of whom did not survive the journey, they were brought to this country and sold as slaves; slaves, Mr. Speaker, some as plantation slaves, some as house slaves and a great deal of them as sex slaves.

Mr. Speaker, their fundamental rights and freedom were taken away from them. They had nowhere to go, no one to turn to, and no one like this People's Partnership Government who cares about their interest, and who is looking after the interest of every single individual in this country, and every individual who comes to our shores, Mr. Speaker.

Mr. Speaker, I say this in the context that human trafficking today is not much different from the days of our forefathers. Everyone in this House knows that human trafficking is a crime against humanity, but yet, Mr. Speaker, we keep hearing from Members on the other side, that they have been working on this Bill and working on this problem since 2000. But, Mr. Speaker, why did they not bring legislation to this Parliament, debate it and let the law enforcement agencies deal with the perpetrators? Why, Mr. Speaker? Mr. Speaker, this Government views that one case of a missing person is too many. [*Desk thumping*]

Mr. Speaker, the former administration always had an excuse for tackling trafficking in persons, and let me identify a couple of these excuses. I turn to an article in the *Guardian* dated in January 07, 2009, and the article stated that:

“Attorney General Bridgid Annisette-George says there is ‘no empirical

UNREVISED

evidence to show the existence of human trafficking in this country”.

And she went on to highlight a number of measures undertaken by the government to tighten the immigration policies and improving capacity to patrol the borders, Mr. Speaker, and even cited that there was an International Child Abduction Act to deal with the abduction of children.

Mr. Speaker, the same article went on also to state that Acting Commissioner of Police, James Philbert, denied also that there is any existence of human trafficking in Trinidad and Tobago. And in June 25, 2008, an article of *the Newsday*, Prime Minister Patrick Manning noted that human trafficking was emerging as a serious international crime within this region.

Mr. Speaker, in an article on February 10, 2009 on human trafficking and missing persons and this was in response to a question by the then Sen. Wade Mark in a question on what steps were being taken to locate missing people, and if any investigations had been conducted into the allegation of human trafficking in Trinidad and Tobago, this was the Minister of National Security, Martin Joseph's, response:

2.55 p.m.

There is no evidence to suggest that missing people were being trafficked out of Trinidad and Tobago.

My learned friend from Arouca/Maloney cited this article, but what she did not say, the article went on to say:

However, there definitely was human trafficking into Trinidad and Tobago. This was stated by the Minister of National Security, Martin Joseph. He said, in 2007, 72 Colombian nationals had been trafficked against their will to Trinidad and Tobago.

Let us for a minute try to understand what is happening, what has happened

UNREVISED

and why this Government today has to bring this Bill to Parliament when it should have been brought here some three or four years ago. On the one hand, we have the advisor to the Cabinet, the Attorney General, denying that there is human trafficking in Trinidad and Tobago. On the other hand we have the advisor to the Ministry of National Security, Commissioner of Police, James Philbert, denying that there is human trafficking in this country. On the other hand there is the Minister of National Security stating there is human trafficking in this country. What happened? They sat around the table, agreed with the United Nations, “Yes, we must do things. We must put things in place. We must bring legislation to outlaw human trafficking”, but when they leave the round table all hell broke loose, every man for himself.

This legislation is very important to outlawing human trafficking. In the protocol, the United Nations never asked whether or not there is human trafficking in the country. What they are saying is that we must enact legislation and take all the necessary steps to outlaw human trafficking as an international effort to bring an end to this type of heinous crime once and for all.

As I have said earlier, human trafficking goes back to the days of our forefathers. It is not a new thing. Let us look for a minute at what the mandate of the Protocol, according to the United Nations Protocol on Human Trafficking, is. The Preamble states, this is according to the Protocol, that:

“...effective action to prevent and combat trafficking in persons, especially women and children requires a comprehensive international approach in the countries of origin, transit or destination, that includes measures to prevent such trafficking, to punish the traffickers and the protect the victims of such trafficking, including by protecting their internationally recognized human rights.”

It is a very straightforward, clear and easy application provided by the United

UNREVISED

Nations for this country to follow.

The United States Convention on Drug and Crime defines human trafficking as an act of recruiting, transporting, transferring, harbouring or receiving a person through the use of force, coercion or other means for the purposes of exploiting them. This is in keeping with Article 3 of the United Nations Protocol. Every year thousands of men and women and children fall into the hands of traffickers, in their own country and abroad. Every country in the world is affected by trafficking, whether as a country of origin, transit, destination or victims. This is what the Minister of National Security in 2008, Sen. The Hon. Martin Joseph, was referring to; that this country may not have evidence of persons moving out, but it is a destination point for trafficking of persons coming into this country as a destination for human trafficking.

Let us turn to some of the statistics that support human trafficking. In the report on human trafficking in 2008, the United Nations reported:

- an estimated 2.5 million people are in forced labour at any given time, as a result of trafficking.

Let us read that one more time.

- an estimated 2.5 million persons are in forced labour at any given time, as a result of human trafficking.

This is not saying that 2.5 million persons per week, per month or per year. This is at any given time on this planet earth there could be persons affected by human trafficking.

- in Latin America, Asia and the Pacific, 1.4 million persons;
- in the Middle East and Northern Africa, 203,000 persons; and
- in Latin America and the Caribbean, 150,000 persons are affected by human trafficking or are subjected to human trafficking.

UNREVISED

This is according to United Nations Report on Human Trafficking in 2008. The report also states that 161 countries are reported to be affected by human trafficking, either as a source, a transit or a destination. The report further stated that the majority of the victims are persons between the ages of 18 and 24 and an estimated 1.2 million children are trafficked each year.

Human trafficking is a multi-billion dollar industry. It is one of the biggest earners of revenue in the world. Let us look at some of the statistics with respect to the amount of money that trade hands in the trade of human trafficking. It is reported that an estimated US \$32 billion is the result of revenue from the trade of human trafficking. The sum of US \$1.3 billion is made in Latin America and the Caribbean countries as a result of human trafficking.

In a report on Human Trafficking on December 23, 2008; the *Guardian* newspaper reported that human traffickers are on the prowl, looking to lure children and women to sell them for big money. The report stated, because of the lives of the young children, they are sold for an average of \$200,000, and adults fetch an average of \$100,000. The difference in prices, it is felt that, was because the children lived longer than the adults, so they fetch a much higher value and they can perform duties longer than adults. This is why they fetched a higher value.

The report also stated that a lucrative human trafficking ring is operating in the Cascade/St. Ann's area. I think my colleague from Tabaquite raised this, in the Cascade/St. Ann's area, between Sangre Grande and Tunapuna and between Diego Martin and south Trinidad. People are looking at this country. They have been studying human trafficking in this country and they have been looking at it. Reporters have been reporting on human trafficking in this country for years, yet the government of the day seemed not to care and did nothing of substance to put an end to human trafficking or to curb human trafficking in this country.

UNREVISED

Mr. Speaker, the common history of the Caribbean is based on migration and integration of many different social groups into what is now our harmonious society. In the Caribbean, the group of migrants currently causing concern to the Caribbean within the context of trafficking in human rights generally falls into two categories: irregular migrants, including those women and girls who are subject to trafficking to destinations as commercial sex workers, and secondly, deportees, which include regular or irregular migrants involuntarily repatriated to the Caribbean following the conviction in criminal and civil offences.

The latter, the deportees category, is of security concern to this Government and this is why we have started with some of the legislation, in particular comprehensive anti-gang legislation, which has just been passed to deal with this category that falls into persons being trafficked in Trinidad and Tobago.

As it pertains to the second, the irregular migrants' consideration, this Bill represents a manifestation of the Trinidad and Tobago Government's international treaty obligation under the United Nations Convention against Transnational Organized Crime. It is necessary to enact legislation such as these to prevent irregular migrants, women and girls, who are subject to trafficking to a destination such as Trinidad and Tobago, who are used as commercial sex workers.

Trinidad and Tobago ratified the Convention on November 06, 2007. Today, we are near to the actualization of our convention obligation, as a result of the committed effort of this caring People's Partnership Government; a Government that believes in protecting the human rights of all our citizens and by extension the rights of all persons coming within the jurisdiction of our law.

In the *Sunday Newsday* of August 05, 2007, in an article by Suzanne Sheppard it reported the arrest of 74 illegal immigrants, mostly women, who were brought to Trinidad and Tobago to work in local brothels and strip clubs. The article went on to indicate that Trinidad and Tobago is a preferred destination in

UNREVISED

the Caribbean for human trafficking. This occurrence was by no means unique. In fact, an extract from the United States State Department of Trafficking in Persons Report from June 2009, pointed out that apart from the local sex industry, persons have also been trafficked into Trinidad and Tobago to be exploited in the labour and construction sectors.

3.10 p.m.

Trinidad and Tobago, according to the report, is a transit point to the Caribbean destinations such as Barbados and the Netherlands Antilles. Mr. Speaker, what is important about this report is that it was critical of the efforts of the Trinidad and Tobago Government for not having specific legislation prohibiting all forms of human trafficking, a situation that this People's Partnership Government now seeks to rectify. This is an example of what a responsive and effective government should do.

The report placed Trinidad and Tobago on a two-tiered listing of countries whose government did not fully comply with the TVPA minimum standard, and according to the report, Trinidad and Tobago is a destination and transit country for women and children trafficked for the purpose of commercial sex exploitation. In some instances, women and girls from Colombia, Venezuela, Guyana, Surinam and the Dominican Republic have been identified as trafficking victims in the Trinidadian brothels and casinos.

Last year the Government identified—and that would have been in 2008 five Colombian victims in the country. Neighbouring governments in Venezuela, Guyana and Surinam identified additional victims. Foreign victims include women who voluntarily enter into the country to engage in prostitution, and under our legislation section 23 deals with persons who transport or conspire to transport persons into Trinidad and Tobago and across international borders for the purpose of exploiting a person for prostitution, commit an offence.

UNREVISED

Mr. Speaker, foreign victims—this is from the article—include women who voluntarily enter this country to engage in prostitution may subsequently be trafficked, after being deceived by unscrupulous recruiters about the true nature and condition of their employment. Additional reporting suggests that men from China and Guyana may be trafficked in Trinidad and Tobago for labour exploitation in the construction sector. Trinidad and Tobago also is a transit point to Caribbean destinations such as Barbados and the Netherlands Antilles.

Mr. Speaker, what this article is saying is that even though we did not find evidence of human trafficking in Trinidad and Tobago it is a transit point, it is a destination for trafficking. And as it is a global and international challenge, communities coming together to outlaw this type of crime. This crime has been plaguing country after country year after year, and Trinidad and Tobago must set the example for other Caribbean countries to follow. We must set the example by bringing legislation such as these to outlaw this type of practice that had been going on for generations.

The Government of Trinidad and Tobago, Mr. Speaker, according to the article does not comply with the minimum standard for the elimination of trafficking, and although the Government increase anti-trafficking training for law enforcement and collaboration with the IOM on additional awareness arising in measures, it requires a vigorous government effort to investigate and prosecute trafficking in crime. Existing laws remain lacking and adequate victim services were extremely limited.

Mr. Speaker, recommendations for Trinidad and Tobago are that: it must enact legislation to prohibit all forms of human trafficking; increase efforts to investigate and prosecute trafficking offences; to convict and sentence trafficking offenders; increase victim services and protection efforts, particularly for foreign victims; develop formal procedures to identify trafficking victims among the

UNREVISED

vulnerable population and continue to increase anti-trafficking training and efforts to raise public awareness. So while the rest of the world knew what we have to do, Trinidad and Tobago, with the People's Partnership Government, is now putting things in place; and yet they have been saying that they have been working on it and working on it and working on it.

Mr. Speaker, Secretary Clinton in the—the United States Secretary of State Hillary Clinton, stated countries that once denied the existence of human trafficking now work to identify victims to help them overcome the trauma of modern slavery—this is how they refer to human trafficking as “modern slavery”—as well as to hold responsible those who enslave others. Although progress has undoubtedly been made against this global phenomenon, there is more work to be done. This annual assessment is the opportunity to diagnose the world's effort to implement the three Ps paradigm of prevention, protection and prosecution. Based on the lessons learned we must work together with civil societies, the corporate sector and across governmental partnership towards bringing an end to human trafficking.

Today, Mr. Speaker, we, the People's Partnership Government, seek to ratify this legislative oversight and bring effect to our international obligation now more than three years overdue. We seek to guarantee the fundamental rights under our Constitution to any and all persons who come within our jurisdiction. We as a party and as a Government must abide by the will of the people of this country. We seek, via this legislation, to enact that will and safeguard the interest and rights of the less fortunate in our society and in all societies. As a Government we understand that the utmost responsibility of any government is to alleviate poverty, practice integrity in public life and to yield to the wisdom of the masses that elected us into office.

This Bill is part of the continuing effort. It represents an attempt to provide

UNREVISED

not only a comprehensive legislative environment in dealing with this international crisis, it provides as well for an administrative structure to manage the enforcement of the provisions of this Bill. One can only see it is a progressive Bill from a progressive People's Partnership Government. [*Desk thumping*]

Mr. Speaker, it is necessary for us to act now at this present time as Trinidad and Tobago is still rated very low as a destination country for human trafficking, this according to the Trafficking in Persons Global Partner Report by the United Nations on Drug and Crime in April 2006. To ensure that we do not rise in its importance as a destination country, the provisions of this Bill seek, therefore, to discourage and punish those who seek to infringe the fundamental rights of those who are the weaker among us, the poor and the hungry, the downtrodden among our brothers and sisters from neighbouring and far-off countries.

3.20 p.m.

Mr. Speaker, persons who seek to exploit such persons under this Bill would be faced with stiff sanctions that include confiscation of property as well as the payment of compensation to their victims. This Bill also provides a term for imprisonment ranging from 15 years to as much as 30 years in the case where the court finds there are aggravating circumstances. This Government sees a single act of human trafficking as one too many and this is why we are here today to enact legislation to outlaw these practices.

I will read from a letter that was sent to me by one of my constituents of the La Horquetta/Talparo constituency in relation to a direct kidnapping of a 14-year-old child in 2009.

“Dear Sir,”—stated the mother's and father's name—

“We are depressed and distressed; is our mental and physical health are

UNREVISED

deteriorating day after day for the past nine months.”

This is how people feel when they lose their loved ones; when persons are taken away from them. This is a letter which was sent to me by Carol Williams and Adam Williams of No. 505 Petra Crescent, La Horquetta. [*Interruption*] I am telling you who wrote this. This is the distressed mother and father of a child who was taken away from them. This is serious business we are coming to this Parliament to discuss and they are making a mockery out of the people’s plight. That is sad. The letter reads on:

“It was on the 2nd November 2009 my granddaughter Naomi Williams who has been living with us since we have gained legal custody of her from birth, on the said second day of November, 2009, she left for school at Malabar Secondary. She normally comes home at around 3.30—3.45 pm but on that day she failed to do so on that day. We started to make enquiries about her whereabouts but with no run on avail. We could not find her. We reported the matter to the Arima Police Station on the same evening and, after spending a while there we were referred to the La Horquetta Police Station at about 11.15 p.m. A police officer took the report of the missing child Naomi Williams, age fourteen years.”

A lot was said in the letter, but this is also interesting.

“We are so traumatized whenever we here (sic) about a body being found thinking that it’s Naomi’s, so we have to find out whose body...”—they have found. “We haven’t heard one word from the police since then...”—They have not been contacted since November 2, 2009.

“We are kindly asking the relevant authorities to examine this matter

UNREVISED

to the best of their abilities. We are desperately seeking your assistance with this matter. Please help my family we need some closure in this case so that we can continue our daily living with a peaceful mind

Mr. Speaker, they are coming here day after day to play games with people's lives. This is how families feel when their loved ones are taken away. This is the plight they go through, when they come to your office with tears in their eyes. They break down in a state where words of comfort are of no use anymore. This is what happens when people are taken away and their bodies never found. This legislation is one of the most important pieces of legislation that would pass through this House.

In conclusion, this Bill is necessary not only to protect the victims of human trafficking, but it is important for us as a nation and people to send a collective message that we will not tolerate the exploitation and abuse of those less fortunate among our brothers and sisters. Let us say, collectively as a people, no to human trafficking by saying yes to this Bill.

Mr. Speaker, I thank you.

Mrs. Paula Gopee-Scoon (*Point Fortin*): Thank you, Mr. Speaker, for allowing me—I think the Standing Orders will allow me—to make an intervention here. I had already spoken extensively on this Bill on behalf of the Opposition.

However—

Mr. Speaker: Hon. Member, I understand that you had taken your full whole hour and 15 minutes. I will allow you, if you want, to clarify any point you may have missed having regard to the mix-up in the legislation. You have already spoken on this Bill, so you will be allowed 10 minutes to clarify whatever points you wish to

UNREVISED

clarify.

Mrs. P. Gopee-Scoon: Thank you, Mr. Speaker, for this. I would have liked to take a chance to rebut the last speaker, but I think I should stick strictly to the legislation.

The error had been made. I am not sure I believe it was on the part of the Government. I am disappointed that we are yet to receive an apology because I was in full flight when I became aware that the Government knew that they had circulated the wrong Bill and did not choose to say anything about it and allowed me to continue to speak. I find that very disconcerting and almost dishonest that they did nothing about it until we brought it to their attention once again. I think it is dishonourable.

But here we are; just to say that the new piece of legislation—I am sure that my very able colleagues will deal with the changes comprehensively. There have been some corrections that are pleasing to me. They have cleared up a number of concerns. There are a few things still left that could be dealt with at the committee stage. However, there is one thing in particular that still bothers me and I wish to bring it up now so that the Government can look at it during the course of the debate and come up with a position at the end that is, perhaps, favourable to all and in the best interest of the people of Trinidad and Tobago. This is the question of immunity, clause 31.

I think what has happened is that we have gone from the erroneous Bill, from a question of full immunity regarding immigration and criminal offences, and that we had disagreed with. What they have come up with now is a situation of absolutely no immunity. They have gone to the other extreme because the new

UNREVISED

clause speaks to the victim possibly offering a defence. It says that he may offer as a defence evidence of having been compelled as a victim of trafficking to engage in such unlawful activities. This means there is absolutely no immunity.

I am concerned about that because it says, firstly, that some kind of preliminary determination must be made to assess, in every case of human trafficking, whether or not this person is to be charged. So it seems that anybody who is suspected of being a victim will be brought before the court so that a determination can be made.

I am not sure this is necessary because this really does not offer any protection to the victim. You are saying, let us say a woman comes in from Colombia or a man may come in to Trinidad and say he is coming here to work as a skilled person in woodworking or something. He may have come in from South America and the immigration officer may be a bit suspect and say he is a slave. Right away, what do you do? It means that you will detain the person, incarcerate them and then look at the case. Do we have a case of human trafficking here?

I would have to surmise that you really have not offered the victim any protection. My humble suggestion is that we, perhaps, look at a distinction between the immigration-related offences and the non-immigration related offences. We spoke about the concern for offences like murder, rape and so on, where we would not want to give blanket immunity.

I just had a look at what, internationally, the position was with regard to this whole question of immunity. I went to the model legislation and they went to the original protocol to which we are giving effect here today, which is the Palermo Protocol, and it says that the protocol—I checked it myself—does not really

UNREVISED

contain a provision that creates immunity from prosecution for a victim.

Notwithstanding later recommendations from international bodies, the UN recommended principles and guidelines and the Council of Europe Convention have concluded that victims of human trafficking should be immune from prosecution for offences committed under compulsion. We know of the two types of offences. Having regard to the situation in Trinidad and Tobago, crime being as it is and the fact that you yet have not been able to control crime or make any dent in it, I can very well understand not having full immunity with regard to crime.

Certainly, with regard to immigration, the suggestion coming from the UN-recommended principles and the Council of Europe Convention, some countries in the Caribbean have all enacted legislation. Belize, Guyana and Jamaica have also supported some kind of immunity. The International Organization of Migration (IOM), which we spoke about as well, also supports the upholding of the principle of immunity as well as best practice.

If you had looked at the model legislation at all, they spoke about the whole question of having to avoid preliminary determination in every case. So, I want us to look at some kind of distinction. Perhaps we can consider giving full immunity with regard to immigration-related offences and, in the case of non-immigration offences, the victim may be offered some sort of defence. That is my main concern. The other things we can look at when we go to the committee stage. I am sure my colleagues will pick up on other things.

I am also happy for the corrections made with regard to 29. I had not outlined it and it is only when I was looking again at the legislation I recognized the adjustment which you made with regard to compensation as against restitution

UNREVISED

and I am grateful for the proper notation in clause 29.

I remain very concerned about clause 31. I thank you and I hope you will give consideration to clause 31.

Thank you very much.

The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol McLeod): Thank you very much, Mr. Speaker. The Bill is very heavily influenced by a number of human rights concerns that have been talked about, indeed internationally. I think that sometimes there is the tendency to separate human rights from labour rights. Indeed, in the international trade union sector, we have begun to identify labour rights as human rights, but still, because that has not sufficiently gone home, I thought that I might introduce a few labour perspectives to the measure we are debating here today.

3.35 p.m.

The general import of the measure of the Trafficking in Persons Bill, 2011 has been very well established by hon. Members preceding me in this debate, and I thought that I might make—I will wait on your attention, Mr. Speaker, because I wish to make a very important point here. [*Crosstalk*] No, no, no, that is okay, I cannot interrupt the Speaker. The Speaker could interrupt me. I was waiting for your full attention. I will wait. I wanted to make a most important point. I know that you heard the first one that I made. I was suggesting that the general import of the Bill before us has already been very well established by the speakers preceding me, and I wanted to particularly identify the contribution made by the hon. Member for Point Fortin. The mix-up with the erroneous Bill and the correct one notwithstanding, I think that the Member for Point Fortin has made a most valuable contribution in this debate—

Mr. Sharma: The first in years.

UNREVISED

Hon. E McLeod: —and I thought that on the occasion of her birthday today—
[*Crosstalk*]

Mrs. Gopee-Scoon: Thank you very much.

Hon. E. McLeod: You want to know how I found that out. I found it out since last Friday, when you seemed to be concentrating more on your birthday than how you should vote. [*Laughter*] [*Desk thumping*] Happy Birthday to the Member for Point Fortin. [*Desk thumping*]

Mr. Speaker, the Bill is essentially overarching, [*Crosstalk*] a compendium of human rights issues as I indicated earlier, especially ones affecting women and children and it is affecting, particularly women and children, in the realm of transnational organized crime. So I rise only to introduce a few labour prospectives to these deliberations as most of that which I would have contributed has already been covered.

Mr. Speaker, the Bill also impacts on matters which are the concern of the Ministry of Labour as I shall try to point out. The Member for Arouca/Maloney pointed to a story in one of the newspapers—yesterday I think it was or was it Saturday—where there were some three persons of Indian origin, continental Indian I am talking about, who are here as victims of human trafficking. That came to my attention and immediately as I got to the office this morning, I mandated the Labour Inspectorate Unit of the **Ministry of Labour** and Small and Micro Enterprise Development to set about investigating this matter that has been reported in the newspaper. [*Desk thumping*]

Human trafficking and migrant labour, though not the same, go hand in hand, where the later is done through illegal means. The abuse of the rights of the migrant worker has been of grave concern and is one which falls in the Ministry of Labour's area of supervision.

Now ILO Convention 143, that is the Migrant Workers (Supplementary

UNREVISED

Provisions) Convention, is an important convention which has not been ratified by Trinidad and Tobago. And I wish to advise that the ILO 144 committee which is under the purview of the Ministry of Labour and Small and Micro Enterprise Development, has been mandated to immediately examine Convention 143, and advise the Minister of Labour on their findings, as they would be expected to recommend to the Minister that Convention 143 be brought through the legislative process for the ratification by the Government of Trinidad and Tobago. Because a lot of what Convention 143 talks to, I see influences of those in the Bill before us, Mr. Speaker.

The Bill recognizes human trafficking as a growing concern in Trinidad and Tobago and it seeks to give effect, as has already been said, to the UN Protocol of 2000. The Bill also touches on concerns of various ILO Conventions, in particular Convention 29, that is the Forced Labour Convention, Conventions 105, 143 and 182. And I wish to note and advise this House that we have, Trinidad and Tobago, ratified Convention 29, the Forced Labour Convention; ratified Convention 105 that is the abolition of Forced Labour Convention and 182 speaks to the Worst Forms Of Child Labour. And of course, 143 which we are examining now to bring to this Parliament for ratification at a later stage. At article 1 of Convention 29 the measure says that:

“Each Member of the International Labour Organization which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.”

That has been very appropriately addressed by speakers going before me. And at Convention 105 we are told at

“Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of

forced or compulsory labour—

(a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;”

And Convention 182, the Worst Forms of Child Labour Convention says that

“Article 1

Each member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.”

3.45 p.m.

There are a number of prescriptions under Convention 143, the Migrant Workers (Supplementary Provisions) Convention, which I will not bother to read into the records just yet, because of our intending to come with that Convention for ratification later on.

The suggestion, Mr. Speaker, by the Member for Arouca/Maloney that Members stood on their feet on Friday 15, 2011 and did not identify that we were debating the wrong Bill, I do not know that last Friday we sought to deal with this Bill at all. The debate started, I think, on Friday 08, 2011.

Mr. Indarsingh: She absconded. [*Crosstalk*]

Hon. E. McLeod: I agree with my colleague, the Member for Couva South, that the Member for Arouca/Maloney seconded a self-serving Motion, and cowardly retreated to refuge in the toilet of the Parliament.

Hon. Members: Ohooo!

Mr. Speaker: Hon. Member, please.

Hon. E. McLeod: I am sorry.

Mr. Speaker: Please, please.

Hon. E. McLeod: I withdraw. I am very sorry. We were asked what are the

UNREVISED

Government's plans for crime and other ills in the society? I wish to assure Members of this House that this People's Partnership Government is certainly not with a plan to run and hide from the problems of human trafficking. [*Desk thumping*] We will not run and hide. Yes, there are many missing persons in Trinidad and Tobago today, but last Friday there were missing persons, and we saw the Member for San Fernando East desperately attempting to put out an APB for Members; certain ones on that side, but I wish to welcome them back to the Parliament. [*Crosstalk*] They were not trafficked.

Mr. Speaker, the IOM has put out a number of advisories which hon. Members should find very important and interesting. It deals with the definition of "labour trafficking" and it suggests that labour trafficking can be defined as:

"The recruitment, harbouring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage debt, bondage or slavery. A modern day form of slavery."

Labour trafficking is a fundamental violation of human rights. I have already identified, that certainly it is a serious violation of labour rights, which I incorporated in human rights, and that there are several forms of exploitative practices linked to labour trafficking including bonded labour, forced labour and child labour.

It goes on to say, among other things:

"Victims of labor trafficking are not a homogenous group of people. Victims are young children, teenagers, men and women. Some of them entered the country legally on worker visas for domestic, 'entertainment,' computer and agricultural work, while others enter illegally. Some work in legal occupations such as domestic, factory or construction work, while others in illegal industries such as the drug and arms trade or panhandling.

UNREVISED

Although there is no single way to identify victims of labor trafficking common patterns include:

Victims of labor trafficking are often kept isolated to prevent them from getting help. Their activities are restricted and are typically watched, escorted or guarded by associates of traffickers. Traffickers may ‘coach’ them to answer questions with a cover story being a student or a tourist.

Victims of labor trafficking may be blackmailed...”

I thought that point was very strongly registered by the Member for Arouca/Maloney. The advisory goes on to deal with health impacts of labour trafficking and so on.

Mr. Speaker, I thought it necessary to—perhaps at the committee stage we will see how that might be incorporated. There are a number of investigative mechanisms, and we should examine the necessity to pool together. If you take the Labour Inspectorate Unit at the Ministry of Labour and Small and Micro Enterprise Development, for instance, when they go out to investigate a complaint, they will investigate the circumstances in which people are made to work. They will look for health, safety and environmental issues; they will examine whether or not the workers are in receipt of pay that is below the established minimum wage, but they may not necessarily enquire into the status of such workers in Trinidad and Tobago.

Immigration will no doubt investigate the status of a worker in Trinidad and Tobago, but not necessarily examine whether the worker is paid below the minimum wage, and may not necessarily investigate the other terms and conditions under which the worker is employed. Do you get my drift? So we should have a coordination of efforts between these different investigating mechanisms, so that when a visit is made to a place of work, we would examine everything about the persons employed in the particular environment. How do we go about that

UNREVISED

specifically? I am sure Members on this side will address the matter.

I wanted also to make something of a personal comment, and I found it difficult to say this, at the same time that I was wishing on behalf of this side, happy birthday to the Member for Point Fortin. You talk about birthday and you talk about birth. Sitting here 10, 15 or 20 minutes ago, I got information as to the passing of a very good friend of mine. Indeed, this is somebody who, 45 years ago, held my hands and showed me how to use tools in the electrical trade. This is somebody who would have sat down with me and discussed Ohms law and resistivity and capstans and so on. I saw him as an older brother. Sometimes I saw him as a very effective mentor in my life, Knolly Callender.

He migrated to the United States of America in 1970 or 1971 where he did very well for himself. He came back each year for Carnival, and he would have enjoyed Carnival with me and some other friends with whom we “hang out”. He could not come this year because he has been ailing for some time, and 25 minutes ago he exited.

I thought that as we examine the question of crime and the negative influences to which so many of our young people are subjected to these days, when I remember the lyrics and the melody and all of that of Richard Nappy Mayers’ lamentation, “Bring back the old time days”, I think about my own development. “I ent perfect, but I think that I am a model person in Trinidad and Tobago”. [*Desk thumping*] It is people like Knolly Callender who would have contributed to my being who I am and what I am. I wanted to say for Trinidad and Tobago just that we must begin to discover again people like Knolly Callender, and to very effectively mentor our future leaders, entrepreneurs, businessmen, trade union leaders too and leaders in our national community that would ensure that Trinidad and Tobago will go ever forward and never backward.

Thank you very much. [*Desk thumping*]

UNREVISED

Miss Joanne Thomas (*St. Ann's East*): Thank you, Mr. Speaker—[*Crosstalk*]—Mr. Speaker, I would not let the Members on the other side confuse my contribution. [*Desk thumping*] Firstly, before I begin my contribution, I just want to respond to the Member for La Horquetta/Talparo. In his contribution, he went into a whole history on slavery, but I just want to let him know that the Members of my constituency right now feel enslaved [*Desk thumping and crosstalk*] with many of them being axed in URP, CEPEP and, of course, most recently, the AIDS Coordinating Committee.

Dr. Browne: Oh shame!

Miss J. Thomas: Just to name a few, Mr. Speaker. [*Desk thumping*] Just to name a few.

Hon. Members: Shame on you!

Mrs. Gopee-Scoon: Oppression! It is oppression! [*Crosstalk*]

4.00 p.m.

Miss J. Thomas: Mr. Speaker, human trafficking was something that we used to see in a movie, and it really pains me when trying to understand and feel the pain that a woman, a young girl or child must go through being a victim of such a horrendous crime.

In doing some research on this particular topic, the statistics on human trafficking are alarming. According to the US Department of State 2007 Trafficking in Persons Report, it is estimated that the number of people in modern-day slavery across the world is 27 million. Would you believe, Mr. Speaker, 27 million? In the same report it reveals that the number of persons trafficked across international borders every year is 800,000. Continuing with the statistics, the number of children exploited by the global commercial sex trade is one million every year. It hurts my heart when I think of what some children go through in life. To prove how profitable this trade business is, the report reveals

UNREVISED

that an average of US \$32 billion is generated annually through it. That is why the passage of this Bill is a move in the right direction and is one which we on this side warmly welcome.

Mr. Speaker, I want to look at some of the root causes of this activity, by some of the most evil persons in this world. Reports generated reveal that countries or regions of origin experience all or some of the following root causes: abject poverty, especially among women—a lack of political, social and economical stability—take note, a lack of political, social and economical stability; a lack of reasonable and realistic prospects; situations of armed conflict and oppression; domestic violence and disintegration of the family structure; gender discrimination; lack of access to education and information and, of course, the HIV/AIDS reality.

Mr. Speaker, these are also some of the universal factors that impact this business: a lack of public awareness of the dangers of trafficking; the high profit potential for those engaged in the criminal activity; the sophisticated organization, resources and networking capacity of criminal networks; a lack of effective anti-trafficking legislation; the disintegration of social protection networks and widespread corruption in countries of origin, transit and destination, among the persons capable or responsible to combat trafficking. It is because of some of these factors, that countries are forced to put this legislation in place.

I have reviewed this Bill and there seems to be the omission of something which I consider to be critical, that is, the rehabilitation of victims of this horrendous crime. Part VI of the Bill, which deals with assistance to and protection of victims of trafficking, caters for 13 clauses which provide for protection and privacy. But what about the rehabilitation of the victim back into society? A child who has been a victim of human trafficking is seriously wounded emotionally and sometimes physically. I would wish that somewhere in the Bill it

UNREVISED

would be spelt out in black and white, so that this could avoid any doubt as regards attention to the mental and emotional state of the victim.

I understand that the average cost for initial rehabilitative treatment could range from approximately \$11,000 and above. To give an example, a young girl who would have been forced into prostitution and drug use, what about her life after? Would she be able to fall in love; to understand what it is to fall in love; to have a husband and a family? For this reason, we need to have this aspect of the Bill dealt with. Some measure of relief has to be given in this regard.

I too read the article in yesterday's newspaper about the three men from India, who were falsely wooed to come to this country for a better life, but have been treated like slaves. One of them even threatened to commit suicide. I hope the hon. Member for Tabaquite tries his best to assist these goodly gentlemen. It is my understanding that there exist many such cases in this country.

This brings me to the point about the immigration department. There needs to be a stricter screening process in order to determine, when these people come into our country, what they are doing here. I will not belabour my points anymore, because Members here have stressed the importance of instituting this Bill.
[Interruption]

Mr. Roberts: Thank you, Member, and I must say that you look elegant in your attire. *[Desk thumping]*

Is the Member aware that under the former regime and the Prime Ministership of the Member for San Fernando East, it was at that juncture the immigration process was tampered with and was moved under the Minister of National Security to bring in labourers from China and India with easy access to work permits? Are you aware of that?

Mrs. Gopee-Scoon: Member for Fyzabad, you have nothing to contribute!

Mrs. J. Thomas: Mr. Speaker, I do not think I would respond to that. *[Crosstalk]*

UNREVISED

He knows exactly what he is saying, and just to remind him, let us be truthful, this week is Holy Week. This week is Holy Week, so let us be truthful, please.

[Laughter] [Crosstalk]

I do not need to stress the importance again to make sure this Bill is passed and to make sure that all the areas are covered. So I join with my colleagues and ask that the points raised be given some serious attention.

Mr. Speaker, I thank you.

The Parliamentary Secretary in the Ministry of Planning, Economic and Social Restructuring and Gender Affairs (Miss Ramona Ramdial):

Mr. Speaker, I want to respond to a comment made by the Member for St. Ann's East when she said it was Government who was enslaving the people from certain constituencies with respect to CEPEP and URP, and their being unemployed.

I want to clear the air on that, because it was the PNM government who enslaved its own people by making them dependent on these social programmes, especially URP. They went on to create an avenue. Now that you have gone out of power, after having created an avenue for employment over the past nine years via URP, never taking the initiative to properly train and educate these persons, in the event of losing the elections, these PNM party groups were dismantled and because of their failure to train them, they have no alternative to go on to other meaningful employment. *[Crosstalk]* However, we in the Government—
[Interruption]

Mr. Speaker: Please, please. I would like to hear the Member for Couva North in silence. I would like everyone to observe Standing Order 40(b) and (c) respectfully.

Ms. R. Ramdial: I was making the point, Mr. Speaker, that under the new leadership, the Ministry of Labour and Small and Micro Enterprise Development, and under the stewardship of the Member of Parliament for Pointe-a-Pierre and, of

course, the Member of Parliament for Couva South, they are embarking upon a strategy to restructure URP and CEPEP, in that, they are bringing a lot of skills training programmes for meaningful work, in the event that these persons move on to other avenues, unlike the PNM regime that existed over the past nine years.

I also want to make it clear in the House that the Government is not as cold-hearted as the PNM makes us out to be, because we have retained, at least, a quarter of the existing work force in URP, especially single mothers. I speak as the MP for Couva North where, in my constituency, I have retained nearly all the women from the women's programme in URP. Other MPs around the country are also practising the same, because we realize that they need to earn a living, and this is what we are doing. We are restructuring. It was what the PNM embarked on over the past nine years. The URP was a political machine, we all know this.

[*Crosstalk*] Mr. Speaker, I will move on to the Bill at hand. [*Interruption*]

Mr. Sharma: "Dat is how dey recruited half their MPs." [*Laughter*] [*Crosstalk*]

Ms. R. Ramdial: Human trafficking, as we know, is the illegal and highly profitable transport and the sale of human beings for the purpose of exploiting their labour. It is a worldwide epidemic and the number of people each year is estimated to be in the millions.

Although the trafficking of humans can take on different forms in different contexts, there are consistent patterns. Typically, a woman is recruited with promises of a good job abroad, and, lacking better options at home, she agrees to migrate. An agent makes arrangement for the victim's travel and job placement, obtaining the necessary travel documentation, contacting employers and hiring someone to accompanying the women. She is then escorted to her destination and delivered to an employer. She has no control over the nature or place of work or the terms and conditions of her employment. Many women learn that they have been deceived, while all find themselves in coercive and abusive situations from

UNREVISED

which escape is difficult and dangerous.

The most common form of coercion is debt bondage. Women are told that they must work without wages until they have repaid the purchase price advanced by their employers to the agent. This amount far exceeds the cost of their travel expenses. Even for those women who knew they would be in debt, the amount is invariably higher than they expected and is also routinely increased with arbitrary fines and dishonest account keeping.

Mr. Speaker, to prevent escape, employers take advantage of the women's vulnerable position. As migrants, they do not speak the local language, are unfamiliar with their surroundings and fear arrests and mistreatment by local law enforcement authorities. These factors are compounded by a range of tactics which include: constant surveillance, isolation, threats of retaliation against the woman and her family members at home and confiscation of passports and other documentation.

The impact of trafficking needs to be considered both on individuals as well as society. Individuals may suffer from physical harm, including disease and stunted growth; physical and emotional damage from premature sexual activity; exposure to sexually transmitted diseases, including HIV/AIDS; permanent damage to reproductive organs; psychological damage from isolation and domination, especially when trafficked to countries where they cannot speak or understand the language; miss critical opportunities for social, moral and spiritual development and progressive exploitation; a child trafficked into one form of labour may be further abused in another; poor substance abuse and extreme violence.

4.15 p.m.

Mr. Speaker, there are also societal effects of trafficking that must be considered. Social breakdown is just one of the results of trafficking. The loss of

UNREVISED

family and community support networks renders the victim vulnerable to the trafficker's demands and threats and contributes in several ways to the breakdown in social structures.

And in the central region, Mr. Speaker, the MPs from within the central regions have had to suffer over the past years with respect to these brothels that sprout up ever so often in central. And on many occasions, especially in Couva North, we have a high incidence of these brothels and the protective services are always trying to minimize damage of this sort of human trafficking, especially for the purpose of prostitution.

What has happened over the past couple of years is that, because the past government did not see it as something important to enforce and prevent and prosecute, it has grown in especially the central region, it has grown throughout the region. You can see the linkages in negative effects that emanate from prostitution because of human trafficking within the central region. You have crime—a lot of petty crimes; you have a lot of substance abuse, you have children without proper families, you have a lot of societal breakdown, and I think this Bill is going to enact and legislate certain protection for the family and for these persons who are trafficked for these reasons.

Another aspect of trafficking, Mr. Speaker, is how this lucrative business ties into organized crime as I mentioned before. The profits from the illegal sale and purchase of human beings are often used to fuel several other kinds of criminal activities. According to the UN, human trafficking is the third largest criminal enterprise in the world. It generates an estimated US\$9.5 billion in annual revenue, according to the US intelligence. Victims are often subdued because of encouraged or enforced substance abuse, tying them to the drug trade. There have also been documented links to terrorism such as the profits from trafficking and prostitution being used to support terrorist groups.

UNREVISED

Another grave risk to societies, Mr. Speaker, where trafficking flourishes is the loss of human capital. Trafficking has a negative impact on labour markets, contributing to an irretrievable loss of human resources. Some effects of trafficking include depressed wages, fewer carers left for the aged and an undereducated lost generation. These effects also lead to loss of future productivity and earning power.

Forcing children to work 10 to 18 hours a day denies them access to education and reinforces the cycle of poverty and illiteracy that stunts national development. National and global public health, Mr. Speaker, also rendered more vulnerable when victims of trafficking are exposed to physical, sexual and psychological trauma. Forced prostitution often results in sexually transmitted infections, pelvic inflammatory diseases and HIV Aids. Anxiety, insomnia, depression and post-traumatic stress disorder are common psychological manifestations among trafficked victims.

Mr. Speaker, in Trinidad when a raid is carried out and these victims are carried to the respective stations and are held up in the cell, these women are under so much trauma and they have lost so much, and they have been here for so many years and the problem has been perpetuated over and over, that the social workers who go in there to try to counsel some of these women, it is very hard to bring them back to a state of sanity with respect to morals and values because they have for so long existed in such a state.

Finally, and quite tragically, the worst abuses are often borne by children who are more easily controlled and forced into domestic service, armed conflict and other hazardous forms of work. Children may be subjected to progressive exploitation, that is, resold several times and subjected to an array of physical, sexual and mental abuse. Mr. Speaker, this raises the question of some of our children who have gone missing in Trinidad and Tobago and cannot be found for

UNREVISED

years after, even though the protective services have tried their best in locating them. We wonder where they have gone, what they are enduring. It leads one to raise the question that really and truly, we need this piece of legislation enacted into our Constitution so that we can do a more effective job in protecting our women and our children—yes, gender across the board.

This abuse complicates also psychological and physical rehabilitation, jeopardizes their eventual reintegration into society, as I mentioned before, Mr. Speaker. We can probably learn from some of our international governments where, among the recent steps taken by the Australian Government to combat trafficking, is a \$20 million package announced last year to supplement existing programmes. It will significantly enhance detection, investigation and prosecution of traffickers, as well as to improve the range of support available to victims.

In addition, the Prime Minister's tough but fair immigration policy and stance on asylum seekers is well known—and probably this is what we need to also implement in our society with these asylum seekers. Even regular immigrants are put through very tough checks and this seems to be working.

So again, Mr. Speaker, I think that the Government is also looking at the immigration laws and we would progress into making it much tougher for these persons to come in. And of course this concentrated effort by the Australian government is bringing trafficking through the regular immigration channels, down. So it is something that we can look at also.

With respect to what existed in our country, over the past years, the IOM report—as so many of us have mentioned here when we started debate on this Bill—has put our country on a Tier 2 watch list, and I just want to quote separate excerpts from this report. It reads, Mr. Speaker:

“Trinidad and Tobago is a designation, source and transit country for woman and children subjected to trafficking in persons, specifically forced

UNREVISED

prostitution, and children and men in conditions of forced labor. Some 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. Trinidadian trafficking victims have been identified in the United Kingdom and the United States.”

So it works both ways. We have them coming into our country from the South American States, and of course, we have our people going across to the United Kingdom and United States and being illegally trafficked.

“Undocumented economic migrants from the region and from Asia may be vulnerable to forced labor and forced prostitution. As a hub for regional travel, Trinidad and Tobago also is a potential transit point for trafficking victims travelling to Caribbean and South Americans destination.”

Now, the IOM report said:

“The Government of Trinidad and Tobago does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, Trinidad and Tobago is placed on a Tier 2 Watch List because the government did not show progress in prosecuting and punishing trafficking crimes...and a working group to substantially address its human trafficking problems. It was also reported in this, that effective legislation needs to be adopted and enforced, the government would be poised to take further steps in prosecuting trafficking cases and identifying and assisting victims.”

And I think this is what we are doing here today, Mr. Speaker, by passing this Bill in the House, so that we can come off this list and we can comply with the UN standards for illegal trafficking in humans.

Now, what they did is that this report classified in three areas, prosecution,

UNREVISED

protection and prevention. And with respect to Trinidad and Tobago:

“The Anti-trafficking task force, which is co-chaired by an official from the Ministry of National Security in partnership with the IOM, has been overseeing the implementation of a nine-month ... traffick plan...”

I know that the Member for Arouca/Maloney asked about our plan and what was our plan after this Bill has been enacted—and I will go on to explain a little later on our nine-month plan that we have in place that would comply with the IOM’s standards.

The report also went on to say that with respect to the nine-month plan we need to draft legislation to develop victim assistance policies and raise public awareness. However, during the past nine years none of this progress was done—there was no progress in prosecution and punishment of sex and trafficking as a crime to ensure protection of trafficking victims.

“The Government reported no prosecutions, convictions or sentences of trafficking offenders. The Government reported one trafficking investigation during the year, and it began extradition proceedings in February 2010 against a foreign national wanted for human trafficking in another country.”

With respect to protection, Mr. Speaker, again the government before us ...” made minimal progress in protecting victims during the reporting period. The government did not employ systematic procedures for law enforcement authorities to proactively identify victims and refer them to available services; however, in a positive step, some law enforcement officers are reported to have taken suspected victims to shelters. The task force recently began development of guidelines for officials to refer potential victims to shelters, counseling medical care and interpreter assistance. The government did not provide foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship

UNREVISED

or retribution. And of course—“The Government did not report proactively identifying any victims during the reporting period. NGOs identified foreign trafficking victims in jail...”

So, Mr. Speaker, if you take note of this, it was not the government who was providing the information to the IOM, it was the NGOs who were providing certain information because these people would report to the NGOs, or the persons on the ground would report to the NGOs because the protective services were unable to prevent, protect and prosecute.

Also the IOM report, Mr. Speaker, with respect to prevention, reported that “the government made some progress in preventing human trafficking during the reporting period.... While the government did not conduct public awareness activities during the reporting period... the responsible subcommittee developed plans to implement a trafficking victim hotline and a nationwide information campaign”—which never got off its feet, by the way, Mr. Speaker.

“While prostitution is illegal in Trinidad and Tobago, the government did not take additional measures to reduce the demand for commercial sex acts during the reporting period. Authorities did not consider child sex tourism to be a problem in Trinidad and Tobago during the reporting period and reported no prosecutions related to child sex tourism...”

And all of this was based on the previous government’s activity.

So, when we bring this Bill here today, we need their full support because it is proactive Bill, it is a very positive Bill, it is going to protect our women and children and men—gender across the board—and of course it will comply with the UN’s standards which will also lead us to being a developed nation or moving towards that developed nation status.

Now, I know Arouca/Maloney mentioned earlier—sorry, the Member for Arouca/Maloney mentioned earlier that we had no plan of action and what was our

UNREVISED

plan of action after we legislate, what was going to happen after.

So, I just want to say to the House that we have a nine-month plan of action to combat trafficking in persons. The first objective or activity would be to establish a national authority with multi-agency representation.

Secondly, we will raise awareness through community outreach and, of course, the gradual dissemination of campaign material featuring a hotline number.

Thirdly, we will establish a hotline to complement outreach efforts.

Fourthly, we will create a victims' assistance or case coordination for these victims. We will also form policy and legislation, we will embark upon technical training for the agency represented on the task force, and we will collect data, analyze this data, and use this data to come up with some more effective activities and policies in preventing human trafficking, illegal human trafficking.

With that, our Government is going to very much progress with this Bill. I think that it is something that we all need to vote for and there is no need to criticize. This is going to be very proactive, very positive for the population, especially for our women and children. Thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, before proceeding for the tea break, I just want to take this opportunity to remind Members of Standing Orders 33(6) which says, and I read:

“Except with the leave of the Speaker, a Member shall not read his speech; but he may read extracts from written or printed papers or books in support of his argument, and may refresh his memory by reference to notes.”

I would like to advise Members, the Parliament is a debating Chamber, not a reading Chamber, and we have sufficient experience on both sides. We have Member for San Fernando East, we have the Member for Diego North/East, we have the Member for Diego Martin West. We have on the Government's Bench the Member for Oropuche East, we have the Member for Siparia, we have the

UNREVISED

Member for D'Abadie/Omeara, we have the Member for Tabaquite, we have the Member for Chaguanas West. I want to advise the younger ones, and the new Members to take some notes, take some counselling, take some advice because after the end of the first session when we enter into the second session, I would be rigidly enforcing Standing Order 33(6).

I think it is a good time for us to have some tea. This sitting is now suspended until 5.00 p.m.

4.32 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mrs. Patricia McIntosh (*Port of Spain North/St. Ann's West*): Thank you, Mr. Speaker. As I listened to the debate on Friday, April 15, 2011, I was hoping that in debating this very sensitive issue on Trafficking in Persons, that hon. Members on both sides of the House would not resort to aggressively politicizing the issue, but rather deal with it in a very sensible and objective manner.

But today, Mr. Speaker, the Member for Couva North and the Member for La Horquetta/Talparo could not help but fall into the trap of attacking, condemning and apportioning blame at the feet of the PNM. As a matter of fact, the Member for Couva North went so far as to speak of the URP as slavery. But, Mr. Speaker, she forgot to mention that at Carnival time members of the URP were given a few dollars—fired members of the URP, dismissed members of the URP—to play in the People's Band to make up numbers. If that is not slavery, well tell me what is slavery.

Hon. Member: Oh, no. [*Crosstalk*]

Mrs. P. McIntosh: But do you know what happened, Mr. Speaker? I must stop— [*Interruption*] You are right, Member for Fyzabad, I must stop, because I myself am falling into that very trap. I must stop, I must stop. [*Crosstalk*]

Mr. Speaker: Please!

UNREVISED

Mrs. P. McIntosh: Thank you, Mr. Speaker. I was very pleased to listen to the Member for Pointe-a-Pierre. He did not fall into that trap. He identified the various Conventions that were ratified and he traced the progress made in respect of the work of the ILO. It was to assist in the suppression of trafficking and he recommended the collaboration of various mechanisms to deal with this issue of trafficking and he stated that his Government would not run away or hide from the issue of trafficking in persons. So, I feel that the Member for Pointe-a-Pierre made a very level-headed, a very objective, a very concerned presentation. I would say too, Mr. Speaker, on Friday 08, I was pleased to hear the hon. Minister of National Security, a gentleman if ever there was one, present this Bill with deep concern about the degradation visited upon humanity, particularly women and children, by human trafficking.

Mr. Speaker, the hon. Minister explained each of the 48 clauses, appealing for support for this Bill which purports to prevent, suppress and punish trafficking in persons, especially in relationship to women and children.

Mr. Speaker, the hon. Minister's presentation differed vastly from that of the Member for Tabagite, who, in typical fashion—he cannot help it—launched a scathing attack on the Member for Point Fortin who dutifully insisted and indicated that it was a People's National Movement that had ratified the United Nation's Convention against Transnational Organized Crime. *[Interruption]*

Mr. Speaker, I would wish, through you, to tell the Member for Fyzabad that he must take his own advice and to listen and learn. He would learn a lot. He speaks too much. *[Desk thumping]* The Member for Point Fortin also emphasized that the PNM had completed all the groundwork that led to the laying of this Trafficking in Persons Bill, 2011 in this honourable House two Fridays ago. In other words, all this Government had to do was dust off the files, dust off the reports, the Cabinet Notes and whatever Bills were piloted under the PNM

UNREVISED

administration and formulate this Trafficking in Persons Bill for presentation in this honourable House as an innovative initiative of this UNC-led coalition.

Mr. Speaker, this is all this current Government has been doing since they came into office a little more than 10 months ago, springboarding on the groundwork efficiently prepared by the PNM, [*Desk thumping*] dusting off files that had been prepared for tabling, containing Bills that have been prepared for tabling, presenting them in this honourable House as though they were theirs calling them their own. Mr. Speaker, this is the height of political plagiarism.

Mr. Speaker, the Member for Tabaquite went on to chastise the Opposition for not collaborating with the Government on the Capital Offences Bill. But, I would like to advise the hon. Member that when his Government decides to take away the ultimate, fundamental, unconstitutional rights of a person, a right to life, albeit for good reason in the case of persons, criminals, who commit heinous crimes, they have not only to get it right, but to get it absolutely right or the Members on this side would not support it, because you see, Mr. Speaker, we have a maker, the creator of life, to answer to when we depart this world.

Mr. Speaker, the Members on this side, I have said several times, are not conscientious objectors. We are not obstructionists as the Member for Tabaquite would like to make us out to be. We provide the check and balance to this Government's frequently irresponsible and irrational decisions. We present the other side of the coin. We present a different view, so that together we can collaborate and formulate the very best legislation for the good of our citizenry in particular and our country in general. The Leader of the Opposition and the Member for Diego Martin West had warned this Government from the onset about certain appointments in very strategic and high places in this country. I think there are three up to now. The hon. Members were very annoyed, they rejected it, but thank God he pursued this issue and he was right and proved them wrong and now

UNREVISED

everything is being sorted out. Mr. Speaker, what would have happened had the Member for Diego Martin West not objected and stuck to his guns? This place would have been in chaos. *[Interruption]* This place would have been in chaos. *[Interruption]*

Mr. Speaker, I would like to know if the hon. Member for Tabaquite chose to forget that just recently—and as recently as today, I would go back to it—the Leader of Government Business, the Attorney General and the Minister of National Security were all in full praise for the high level of cooperation and collaboration on the part of the Opposition in respect of the Anti-Gang and Bail (Amdt.) Bills and today the hon. Prime Minister was in higher praise even for the Members here, three Members, especially the Member for Diego Martin North/East and the collaborative work over the weekend on the Finance Intelligence Unit of Trinidad and Tobago. Mr. Speaker, I wonder if they see how we have been collaborating with them on most Bills.

How could we do otherwise but collaborate? After all, Mr. Speaker, most of these Bills were piloted under the PNM anyway. All the groundwork for these Bills was completed under the People's National Movement. *[Desk thumping]* And, Mr. Speaker, this Trafficking in Persons Bill is no exception. It would serve the hon. Members well. All of us, Mr. Speaker.

Mr. Roberts: You are not supposed to read.

Mr. Speaker: I have given her permission.

Mrs. P. McIntosh: But, Mr. Speaker, in actuality, I am just looking at my notes, Mr. Speaker. In actuality. *[Desk thumping and laughter]* Let us get real; I have not been standing up reading. I have my notes. Right! *[Laughter]*

Mr. Speaker, it would serve all of us well, on both sides, to recall the dark stain of slavery and indentureship that raped, plundered and abused our ancestors in some of the worst imaginable ways. Mr. Speaker, surely it was a case of

UNREVISED

capitalism gone sour, and this is well chronicled in the landmark scholarship literature *From Capitalism to Slavery* by our very own Dr. Eric Eustace Williams, founder of the People's National Movement and our first Prime Minister of Trinidad and Tobago. [*Continuous desk thumping*]

Mr. Speaker, slavery, indentured labour or trafficking in persons must not be tolerated or allowed to take place undetected, unsuppressed, unprosecuted or unpunished under our collective watch. I would like to assure the hon. Minister that we do support this Bill.

Mr. Speaker, as we seek to get this Bill right today, I feel we should all approach our task in a spirit of humility, mutual respect, dignity and due process in honour of all of our ancestors who suffered and in honour of all of those who are still suffering circumstances no human being should ever have to endure. What we are essentially dealing with in this Bill, and permit me to read: We are dealing with, firstly, the preservation of fundamental human rights and freedoms to which all human beings are entitled.

Secondly, the prosecution of those individuals or groups of persons who are involved in such criminal activities that cause a person or persons to be deprived of those rights, to be exploited, victimized and abused, criminal activities that constitute an infringement upon a violation or abrogation of a person's fundamental human rights and entitlements.

And thirdly, the Bill seeks to provide assistance and protection to the victims of trafficking.

Mr. Speaker, human rights or entitlements are conceived in a universal list or egalitarian fashion and may exist as natural rights or as legal rights, either at a national level or within international law, and this is exactly what this Bill, Mr. Speaker, is purporting to do, to enact domestic legislation, thereby giving effect to the norms and provisions of international law emanating from the United Nations

UNREVISED

Convention against Transnational Organized Crime, and I do not have to read it, but I have gone through it and I have the Protocol right here.

Mr. Speaker, the preoccupation with a person's basic human rights has always been a universal concern since time immemorial. Mr. Speaker, I wish to refer, as far back as 1776 to the United States Declaration of Independence and I would like to quote from the United States Declaration of Independence:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life; Liberty and the pursuit of Happiness.”

And, Mr. Speaker, I wish to refer to the Universal Declaration of Human Rights which was adopted by the United Nations General Assembly in 1948 and which speaks to, and I quote:

“The Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

5.15 p.m.

Mr. Speaker, as I read the preamble—here it is—the preamble of the explanatory note and observe—and I have the new one here—that this Bill purports to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children. Mr. Speaker, as I read this, my interest was particularly piqued as a woman, as a mother of three children, a natural mother of three children, as an educator who has nurtured thousands of children, educating them, grooming them, bringing them up, particularly girls in the latter years of my tenure in the teaching service. My concern for the welfare, well being and development of women and children is a deep and abiding one. [*Desk thumping*]

While this current Government is to be commended for attempting—[*Desk*

UNREVISED

thumping] for attempting—I am being objective, I am giving “Jack his jacket and Jim his boots”. [*Desk thumping*] While I would like to commend this current Government for attempting to enact domestic legislation that seeks to preserve the fundamental human rights of the citizens of this land, one must note that this is not a novel approach. As a matter of fact, Mr. Speaker, I do commend the Government for doing its work; this is an important part of its remit, to enact legislation that would improve the lives of the citizenry of this country. When governments ratify international conventions, it is incumbent on them, as far as possible, to enact domestic legislation, to create policies and implement programmes to give effect to the protocols of these conventions.

Mr. Speaker, allow me to read from the Summary under the Convention on the Rights of the Child. I would like to refer particularly;—I must put on my glasses—to Article 4 (Protection of rights). I want us to note what governments—this is the rights of a child so they speak particularly to the rights of the child—expected to do.

“Governments have a responsibility to take all available measures to make sure children’s rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met. They must help families protect children’s rights and create an environment where they can grow and reach their potential. In some instances, this may involve changing existing laws or creating new ones.”

In some instances, Mr. Speaker, this may involve changing existing laws: that means, amending laws or creating new ones.

UNREVISED

“Such legislative changes are not imposed, but come about through the same process by which any law is created or reformed within a country. Article 41 of the Convention points out that when a country already has higher legal standard than those seen in the Convention, the higher standards always prevail.”

So you know when they start to talk about, why we did not enact so many laws and why were we slow in enacting law; it is not just a question of enacting laws. You may have had laws already pertaining to the issue, to the protocol of the convention that you might need to just amend, Mr. Speaker. And also we talk about social—it is not just about laws it is about providing the systems and the programmes to address the issue. So we are talking about projects and programmes and I will tell you all, because the Member for Tabaquite wanted to know. He was asking all the time of the Member for Point Fortin, “What all yuh did all this time? What you all were doing? What was the PNM doing?” I want to educate I want to educate I shall educate, you the Member for Tabaquite and all the Members on the other side I shall educate you about what the PNM was doing. I shall.

Mr. Speaker, I will also like to go on to;

“Article 34 (Sexual exploitation): Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 35 (Abduction, sale and Trafficking): The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 36 (Other forms of exploitation): Children should be protected from

UNREVISED

any activity that takes advantage of them or could harm their welfare and development.”

Mr. Speaker, I have just read from the summary of the rights under the Convention on the Rights of the Child.

The enactment of domestic laws to give effect to the provisions of international conventions, treaties or protocols is nothing novel. We have been there. In fact, Trinidad and Tobago under successive governments—and I am being fair here, I am being objective, I am being very open minded—under successive governments, the People’s National Movement, The United National Congress, The National Alliance for Reconstruction, under all the governments, Mr. Speaker, Trinidad and Tobago has been a party to and a signatory of and has ratified several Conventions with the United Nations and other international treaties and protocols that seek the preservation of the rights and freedom of individuals. The ratification of such Conventions and the subsequent adoption of their provisions have always resulted in the enactment of domestic laws and the creation of national policy and programmes in keeping with the provisions laid out in the Conventions. So this is what governments are supposed to do.

The hon. Member for Tabaquite during his presentation—I like the hon. Member for Tabaquite, he likes to attack, he likes to attack and I have to tell him about it because I am not attacking him. During his presentation he kept asking the Opposition, and I have to say again, “What did you do? All the years you are in office, what did you do?” I kept hearing that. And I have to say again, I have to educate him—all of you all over there. I am an educator. But you know I want to tell you all some of the things the PNM did. I cannot tell you all because we will be here for the next year without going home. [*Desk thumping*] We will not be able to go home. [*Desk thumping*] But even before, I attempt to do this, I can tell you what this Government did for the past ten months they have been in office.

UNREVISED

You know what they did, Mr. Speaker? They took advantage of the wealth of work and experience that is the rich legacy of the People's National Movement in all areas, in local government, in social services, in education, in legislation. They borrowed shamelessly from the PNM's Vision 2020 plan, a real plan. [*Desk thumping*] Mr. Speaker, talking about a plan, I would like —Mr. Speaker, talking about a plan—listen and learn Fyzabad. Take your own advice, listen and learn! Mr. Speaker, talking about a plan, where is the legislative agenda that was promised to be presented to this Parliament? Again, I have to say, this was a campaign promise. We are rolling from Friday to Friday. This Government cannot as yet produce a legislative agenda because it has no plan. An agenda comes from a plan. It has none.

5.25 p.m.

Notice I am not reading, eh? For this Government to produce a plan, all the various heads and segments and sections that form this UNC-led coalition have to come together and collaborate and talk and prioritize and sit and make a plan, but this cannot happen because they cannot come together! [*Desk thumping*] It cannot happen! So we will never get a plan from them and we will never get a legislative agenda!

As I say that, I noted in the weekend newspapers where the hon. Prime Minister—and I like her too, you know—mentioned some things there about the PNM cracking up. I want to tell her that people who live in glasshouses must not throw stones! [*Desk thumping*] There she is. Hon. Prime Minister, people who live in glass houses must not throw stones. The PNM is not cracking up. Look at us here! Look at us here! Look at this team here! [*Desk thumping*] Look at this wonderful team here! The PNM is experiencing the dynamics of renewal and resurgence. The PNM is experiencing true growth. We are a united force to be reckoned with. [*Desk thumping*] But, Madam Prime Minister, your glasshouse is

UNREVISED

cracking up and your house is on fire. Call the fire brigade! [*Desk thumping*] An ordinary hose cannot do it; a glass of water cannot do it. Call the fire brigade to come down and “out the fire”! [*Desk thumping*]

The hon. Member for Tabaquite dares to ask what the PNM was doing while they were in office. I would like, in respect of the legislative agenda—we are having some entertainment this evening, eh? In respect of the legislative agenda, I would like this Government to emulate the then Attorney General, Mr. John Jeremie, who broke ground by being the first Attorney General to introduce a legislative agenda to this honourable House for the 2004/2005 session of Parliament. It has never been done since then, but at least it was done. At least it was done. He has set an example for you all to follow. Follow it! Look and see what he did. [*Desk thumping*]

I am really begging for this legislative agenda. This would make for more efficient time management in terms of research and structuring of debates, so that at the end of the day we will be able to enact the best legislation that would benefit the citizenry, in particular, and our beloved country in general. You all, come on “nah man!” Do your work! Come on! [*Desk thumping*]

My colleagues, the Member for Point Fortin and the Member for Arouca/Maloney, alluded to the fact that this Bill was given to the Opposition on Friday 01 to be debated on Friday 08; one week to research. I said we are rolling from Friday to Friday. Friday to Friday we are rolling. You must not even have a weekend—Friday to Friday. We have constituents to see about; one week to research and prepare such an important piece of legislation. The Members on the other side are very lucky; they have teams. I know ministries; I was in them. They have their team of lawyers and research people and their PSs to prepare for them. It goes with the territory. We are not complaining. We do not have that. But give us a legislative agenda so we can prepare better, and research better and harder.

UNREVISED

Give it to us! Help us, for the good of our country in general and our citizens, in particular.

We are in here enacting laws, but who are the laws for? They are for our people. This is serious business. This is the people's business and somebody said we are playing with the people's business. Check yourselves! After we had debated that Bill last Friday, we were informed it was not the correct Bill, so that Saturday morning we received at our homes the correct Bill. I want this Government to try and get its act in order, instead of coming to this Parliament, the highest legislative forum of this land, and engaging in scathing attacks against the Opposition.

Get things in order and tell us what you are doing, unlike the Member for Pointe-a-Pierre; unlike the hon. Minister of National Security. They say what they are doing. They are positive. They give a little something now and then; we expect that, but some of the other Members, all they start off with is like a training they give you all. Did they give you all that training? Start to "jam dem; go down jamming them!" But I am telling you, the public is fed up of that. They want to hear what you are doing. They are tired of that. They know; they know enough!
[Desk thumping]

Mr. Speaker, you know what the problem is? I have analyzed the problem, you know. Do you know what the problem is? The problem is that the hon. Members on that side spent so many years on this side—I think about 35 years—that having unexpectedly arrived on that side, they do not know how to act; they do not know how to behave as Members of Government! *[Desk thumping]* Mr. Speaker, you notice I am not reading much, eh? I am not reading much. I suppose it will take them some time, but I want to tell them, time is running out on them. Oh God! *[Desk thumping]*

I need to support my colleague, the Member for Point Fortin, in the

UNREVISED

argument she proffered on Friday, April 08, and in doing so I would like to reiterate that Trinidad and Tobago signed the United Nations Transnational Organized Crime Convention. [*Crosstalk*] Mr. Speaker, I beg your protection from the Member for Siparia, please. “Ah begging de protection. Oh God!”

Mr. Speaker: You have my protection.

Mrs. P. McIntosh: Trinidad and Tobago signed this Convention in 2000. This Convention was entered into force in 2003. You are talking about the successive governments. It was signed in 2000—that was not under the PNM—but it was entered into force in 2003 and ratified in 2007. So you are talking about the work of successive governments in bringing this legislation to the point where it is now.

This Convention was supported by three Protocols and I would like to read: the Smuggling of Migrants by Land, Air and Sea; the Protocol against the Illicit Trafficking and Manufacturing in Firearms and Ammunition; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In 2004, the International Organization on Migration, the IOM that we all have been talking about, launched the Caribbean counter-trafficking initiative which involves the Caricom Secretariat and 10 Caricom countries. This was in 2004 under the PNM and Trinidad and Tobago was one of these countries.

This initiative was a collaborative effort with our human rights unit—and I have to give credit where it is due. The human rights unit was initiated under Ramesh Lawrence Maharaj. I have to give him credit for that. You see, I am going through the process, and I am not only talking about the PNM. All the successive governments, all the past governments, have made a contribution for this Bill to reach where it has reached, and we must recognize that.

The issue is too delicate and too sensitive for us to get into partisan politics and abuse. We are talking about ending abuse and we are still abusing each other. Why are we doing that? [*Desk thumping*] Look at the fun I am making here. You

UNREVISED

see, we are talking like real politicians. When I say “we”, I am not talking about me here, you know; you all; two sides of your mouth—no, both sides of your mouth. This initiative was a collaborative effort with our—[*Crosstalk*] Mr. Speaker, the hon. Members on the other side are being abusive. I seek your protection.

Mr. Speaker: Hon. Members on the other side, I would like you to give exclusive attention to the contribution being made by the hon. Member for Port of Spain North/St. Ann's West, and you have my full protection, so continue. [*Desk thumping*]

Mrs. P. McIntosh: Thank you, Sir. I almost said, “Thank you, love.” I am sorry, Mr. Speaker.

Hon. Members: Oohhh! [*Laughter*]

Mrs. P. McIntosh: This initiative was a collaborative effort with our human rights unit initiated under Ramesh Lawrence Maharaj and there were regional technocrats who were involved in migrational issues, such as trafficking in persons and border management. The IOM visited Trinidad and Tobago in 2005 to conduct a migration assessment. In 2006 Cabinet ratified the protocol of the convention, less than three years after it entered into force.

What was the PNM doing all the time? These are some of the things the PNM was doing all the time and I will continue to educate you all. I shall continue.

Mr. McLeod: Will the Member give way to a question?

Mrs. P. McIntosh: No, I cannot, because I have a lot to go through.

Hon. Members: Ohhhh!

Mrs. P. McIntosh: Mr. Speaker, even prior to this event, in 2002 a family court—
[*Crosstalk*]

Mr. Speaker: Order, please!

UNREVISED

Mrs. P. McIntosh: In 2002 a family court committee comprising NGOs and stakeholders from the Judiciary began to focus on children's legislation. Actually, the Family Court Bill was passed in Parliament together with the Mediation Bill in 2004, under the PNM. The family court was also opened in 2004 providing judicial and social services to those in need; justice and social services, such as mediation services and counselling, a system whereby magistrates could refer cases to the social services department. It was all in one compound. The PNM did that. It cannot die; it is alive and well.

The establishment of the family court in 2004 is one of the hallmarks of the PNM legacy with respect to safeguarding the rights of individuals, especially women and children. A task force or family court committee, as it was called, was established in the Office of the Attorney General. The family court committee comprised NGOs and stakeholders in the Judiciary, boasting the likes of Glenda Morean, Nafeeza Mohammed and Stephanie Daly, who began to focus on children's legislation.

In 2005, a report was submitted identifying many areas for reform. The committee reported to Cabinet that the package of children's legislation was unworkable; that the Children's Act of 1925, which was amended in 2000, was an archaic and voluminous piece of legislation in our statute books and needed further amendments. They identified many areas for reform, such as the Children's Authority Act, the Children's Community (Residences, Foster Homes and Nurseries) Act, the Adoption of Children Act, Children (Miscellaneous) (Amdt.) Act, and the Children Bill.

So in 2006 there was a Cabinet note to amend this package of children's legislation and create a new piece of legislation. Section 5(a) of the Children's Authority Act, 2000, sought to give effect to the 1980 Hague Convention on Child Abduction by providing for the establishment of a central authority within the Children's

UNREVISED

Authority.

Subsequently, when the experts of the family court committee submitted their recommendations to Cabinet, Cabinet agreed to remove the Child Abduction Authority Act out of the Children's Authority Act, 2000 and established it in the Office of the Attorney General. So it became a separate, stand-alone piece of legislation which was developed to treat with international child abduction matters. That is the relevance. Listen and learn, Chaguanas West. That is the relevance. Chaguanas West, you are surprising me. I have known you to be a very intelligent man. Not today. Today "yuh sleeping on yuhself". Ask the Prime Minister to go home.

Hon. Members: Ohhhh!

Mr. Speaker: The moment you get personal, you are going off track. Do not engage in personality discussions in the Parliament. You are going well so far. Do not deal with personalities. Okay? Continue.

Mrs. P. McIntosh: Thank you, Mr. Speaker.

Mr. McLeod: Would the Member give way?

Mrs. McIntosh: No, I cannot. I have too much, Sir, too much. [*Crosstalk*]

5.40 p.m.

In 2007—listen, you see, you need to listen, and then you will learn—the committee tried to modernize the whole package that constituted the Children Act which included provisions to deal with trafficking in children and sent a further Note to Cabinet to this effect.

In September 2007, a draft Children Bill comprising six Bills was laid in this Parliament: the Children's Authority (Amdt.) Bill—again new Bill, the Children's Community Residence, Foster Homes and Nurseries Bill, International Child Abduction Bill, Adoption of Children (Amdt.) Bill, Family Court Bill, amendment to the Children Bill. But Parliament was dissolved in September 2007 whereupon

UNREVISED

those Bills lapsed, but however, when the PNM returned to power in November 2007 those Bills were laid in Parliament and passed. [*Desk thumping*] Yes, that is what the PNM was doing, Member for Tabaquite, that is what the PNM was doing you wanted to know, I am telling you, I am educating you, darling—Sir. The International Child Abduction Act was also—

Dr. Browne: Love, is a love thing.

Mrs. P. Mc Intosh: —passed in both Houses in June 2008, in both Houses. The International Child—

Dr. Browne: This is a signal presentation.

Mrs. P. Mc Intosh: —Abduction Act was passed in both Houses in 2008 and proclaimed in November 2008, and published in the official *Gazette*. And in 2009 to operationalize the Children's Authority Act, Cabinet appointed a Children's Authority Board, a building was secured and customized—PNM—[*Desk thumping*]—and advertisement for staff were published. The Children's Community Residences, Foster Homes and Nurseries Bill was also passed. The new Children Bill went before a joint select committee. I would like to ask you, because at that time some of the sitting Members in this Honourable House were part of that committee to do the Children Bill and I should like to ask: what is the status of that new Children Bill? You all are sticking [*Desk thumping*] What is the status of that new Children Bill—You all are sticking.

The past PNM administration developed a comprehensive new framework emanating from the United Nations Convention against Transnational Organized Crime. The PNM administration had accepted the IOM's technical cooperation plan which outlined a number of initiatives. A desk was established in the Ministry of National Security, training of the relevant personnel actually commenced, a task force was appointed to develop a nine-month implementation plan to deal with trafficking in persons. The first draft was completed in January

UNREVISED

2010, a completed draft policy framework was made available to the task force in March 2010—they used all of that. All of that is at your disposal for this Bill.

Mr. Speaker, I have just given an overview of the several legislative initiatives that were undertaken over the years by the People’s National Movement to prevent and suppress trafficking in persons. I sincerely hope that I have accomplished what I have set out to do, which was to educate the hon. Member for Tabaquite and his colleagues, and indeed more importantly the national community through you, Mr. Speaker, in this regard.

I read in the *Trinidad Guardian* of April 5th 2011, an article entitled “PM pitches for women’s rights at OAS talks”. This advocacy for women’s rights on the part of Trinidad and Tobago at an international forum dates back to 1979, at the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the United Nations General Assembly in New York, described as the Bill of Rights for Women and, Mr. Speaker—

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Port of Spain North/St. Ann’s West has expired.

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

Question put and agreed to. [*Desk thumping*]

Miss P. Mc Intosh: Mr. Speaker, thank you colleagues. I was just about to quote from the Bill of Rights for Women from the Convention on the Elimination of All Forms of Discrimination against Women which was adopted by the United Nations in New York in 1979. And I would like to say that the Convention defines discrimination against women in the following terms:

“...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a

basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” They made this distinction, Mr. Speaker, they defined discrimination like this “or any field”.

I would also like to refer to Article 6 which deals with “...all appropriate measures, including legislation to suppress all forms of traffic in women, and exploitation of prostitution of women”. An article 10 of this same Bill, the Bill of Rights to Women on the right to education, equal opportunity for scholarships for female students, establishment of tribunals and public institutions, to guarantee women effective protection against discrimination, and take steps to eliminate all forms of discrimination practised against women by individuals organizations and entrepreneurs. Trinidad and Tobago was a party to this Convention which was signed on June 27 1985, and ratified on January 12, 1990, under the then NAR Government.

I would also like to refer to the Beijing Declaration arising out of the 4th World Conference on Women in Beijing, China, in September 1995, at which Trinidad and Tobago was represented by Sen. Penelope Beckles-Robinson who actually assisted in the drafting of the declaration of the document—Penelope Beckles-Robinson she assisted in that drafting.

I would like to refer to Articles 8, 29 and 31, in which the various Governments committed themselves to and I quote:

“The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against

Women and the Declaration on the Right to Development;”

I would also like to refer to Article 29 which speaks of the prevention and elimination of all forms of violence against women and girls and Article 31 which speaks to promotion and protection of all human rights of women and girls. This was the Beijing Convention to which Sen. Penelope Beckles-Robinson was one of the drafters of the document.

5.50 p.m.

Mr. Speaker, the People’s National Movement has always been a champion for the rights of women, the protection of women, the advancement of women and, yes, Sir, discipline. [*Desk thumping*] As far back as the 1950s, in its effort to promote the advancement of women, the People’s National Movement had instituted an all-girls scholarship. The scholarship had to be abolished a few years after because the girls had begun to advance so well that, not only did they excel in that scholarship but they started to excel in all national scholarships. So that all-girls scholarship had to be abandoned. Some years later, on the eve of this country’s Independence, Dr. Eric Eustace Williams, the first Prime Minister of Trinidad and Tobago and founder of the People’s National Movement, told the island’s young people:

“...yours is the great responsibility to educate your parents... you carry the future of Trinidad and Tobago in your school bags.”

In 1960, the PNM government signed the Concordat with denominational boards of religious schools, whereby, State subsidy was granted in exchange for places for students who had excelled in the then Common Entrance Examination. Mr. Speaker, I was one of those beneficiaries of this educational opportunity to attend what was known as a prestige school, an opportunity afforded under the People’s National Movement to all citizens of Trinidad and Tobago who qualified.

[*Interruption*]

UNREVISED

Miss Ramdial: Mr. Speaker, Standing Order 36(1).

Mrs. P. McIntosh: I am sure that many of my hon.—[*Desk thumping*]
[*Interruption*]

Miss Ramdial: Mr. Speaker, Standing Order 36(1).

Mrs. P. McIntosh: I am talking about women.

Mr. Speaker: I know that you are connecting your points, but try to be a little more skilful. She has a point. I would allow you a little more space, but try to tie up your points. Okay? [*Desk thumping*]

Mrs. P. McIntosh: Mr. Speaker, I am talking about the advances of women, because we were talking about women's rights and what the PNM—[*Interruption*] I know. You see, it is exactly the lack of opportunities, programmes and projects which many of the conventions allude to and I read out a part from an enacting legislation—formulating and enacting legislation is exactly what these Conventions speak to—concomitantly the development of programmes, projects and systems to assist women and children so they do not fall prey to such [*Desk thumping*] things like trafficking. What I am trying to say—because the Member for Tabaquite was asking all the time, I am answering questions. What were you all doing? So, I have to say what we were doing in respect of these programmes, et cetera, for women and children to stop them falling prey to trafficking. [*Desk thumping*]

So, Mr. Speaker, you must allow me to continue. I was one of these beneficiaries under the People's National Movement, and I am sure that many of my hon. colleagues on the other side were also beneficiaries of the PNM's vision for the advancement and rights of all citizens. [*Desk thumping*] [*Interruption*]

Dr. Rambachan: Why you all did not clap so Friday gone? [*Laughter*]

Mrs. P. McIntosh: In 1962, in the year of our country's Independence—I will go further to say what the PNM did for women and children—the People's National

Movement established its own state-owned prestige school, the only all-girls Government Secondary School in Trinidad and Tobago and they called it St. Francois Girls' College. [*Desk thumping*]

Dr. Browne: Do not forget Queen's Royal College.

Mrs. P. McIntosh: Mr. Speaker, St. Francois Girls' College, the all-girls answer—

Mr. Speaker: I would like you to—if you could link your points. Now, even though you said the hon. Member for Tabaquite would have raised these issues, I am saying that at this present time try to link your contribution to a provision in the Bill. If you could look at your Bill, get a clause and link your contribution, it would be important and, I would not like you to query my ruling. When I have ruled, you connect or go to a next point, but do not be detained. Okay?

Mrs. P. McIntosh: I would not even think of pressing you. [*Interruption*]

Mr. McLeod: That is good for you.

Mrs. P. McIntosh: Never would it occur to me.

Mr. McLeod: That is good for you. If you had given me a chance, that would not have happened. [*Interruption*]

Mrs. P. McIntosh: Mr. Speaker, I was again saying that it is linked to this Bill, and if I read the—what I am doing—I am trying to show how the PNM engaged—and I am speaking to Part III, clause 12(p)(iv) of the Bill. I am speaking to the efforts made under the People's National Movement to discourage the demands that foster the exploitation of people, especially women and children that lead to trafficking.

Mr. Speaker, I said that just now and I feel that if the hon. Members could try to understand or make an effort to understand—but they do not want to hear with the PNM has done. [*Desk thumping*] They ask the questions, but when we begin to answer them they do not want to hear. It does not suit them to hear what

UNREVISED

the PNM has done. It will be only fair of you to allow me to continue.
[*Interruption*]

Hon. Members: Ooooooh!

Mr. Speaker: Hon. Member, all I am saying is that there are about 48 clauses in this Bill, and we have about seven parts. Your contribution would be relevant, more, if you can go through the clauses and connect. If you want to make reference to the PNM that is fine, but connect your clauses, please.

Mrs. P. McIntosh: Mr. Speaker, let me read the clause again. This is clause 12(p)(iv)—[*Interruption*]

Dr. Browne: Follow in your book.

Mrs. P. McIntosh:—and it says:

“discouraging the demand that foster the exploitation of persons, especially women and children, that leads to trafficking;”

Discouraging! This is all part of what we did to discourage that, to educate women and children.

So the PNM instituted St. Francios’ Girls College, the all-girls answer to the brother school, Queen’s Royal College. [*Interruption*]

Dr. Browne: Aaah, [*Desk thumping*] what a school.

Mrs. P. McIntosh: A gift to the nation for Independence; a gift by the PNM to the nation, for the Independence, in recognition of the need for the advancement and promotion of women in Trinidad and Tobago. Indeed, St. Francois Girls’ College remains, to date, the only Government all-girls secondary school in Trinidad and Tobago. Okay, Mr. Speaker, I am done with that point. Thank you, colleague.

Let me get back to the hon. Prime Minister. I read in her speech at the Commonwealth Conference some months ago, when she stated that Trinidad and Tobago was among the top 10 best countries to be a woman. Through you, Mr. Speaker, I have to respectfully ask the Prime Minister: is the hon. Prime Minister

UNREVISED

now discovering that this is the best place, this land, for women to belong? Is she aware of how this happened? It certainly did not happen overnight, and certainly not in the last 10 months. [*Desk thumping*]

This is the rich legacy of the People's National Movement, the results of the PNM which has historically played a very critical role in the development and advancement of women and children. [*Interruption*]

Mr. Roberts: "So why you resigned?"

Mrs. P. McIntosh: Mr. Speaker, the People's National Movement has always been a party that advanced the rights of women and children in Trinidad and Tobago. [*Desk thumping*] As a consequence, currently, 28 per cent of women are now in leadership positions in the country. In 2000, it was 32 per cent. Now, we have to get back that there. Look at our Prime Minister; for the first time a woman. Look at our Chief Whip; for the first time a woman and a PNM woman at that. Look at the Leader of Opposition in the other place; for the first time a woman and a PNM woman at that. Look at the line-up; look at the composition of hon. Members on this side, 50 per cent women. [*Desk thumping*] Look at the line-up of the MPs under the past PNM administration. Thirty-five per cent were female and six of these women held posts as substantive Ministers in the most powerful ministries namely, the Attorney General, the Minister of Finance, the Minister of Education, the Minister of Science, Technology and Tertiary Education, the Minister of Culture and the Minister of Foreign Affairs—all women. [*Desk thumping*] The People's National Movement has always blazed and continues to blaze a trail of women in leadership, in Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, again, I will say, having read from the Convention on the Rights of the Child, and having read—I would like to allude because the conventions from which these Bills emanated—and this Bill is emanated—they speak of the opportunities that countries should develop for women over the years.

UNREVISED

I can speak very aptly of some of the programmes and initiatives of the People's National Movement in this regard, and the connection is that the Convention—
[*Interruption*]

Dr. Moonilal: Get the Bill.

Mrs. P. McIntosh: I have the Bill here—from which it came, speaks not only of legislation, but it also speaks of what is done concomitantly to assist the legislation. The legislation speaks of NGOs, it speaks of assistance for victims, it speaks on development issues and this is very relevant.

As I say, such mention is relevant in this afternoon's debate in this honourable House, because so many women in leadership positions in Trinidad and Tobago are the beneficiaries of the rich legacy of programmes and policies instituted under the People's National Movement administration for the advancement and development of women. Yet sadly, it is precisely the inability of some women, for some reason or the other, to access such opportunities for self-improvement and self-advancement that causes them to be easily lured or tricked into exploitative and abusive relationships in their quest to find a better life.

Having said this, I would like to refer to the mandate of the Gender Affairs Division of the Ministry of Culture and Gender Affairs under the People's National Movement. Among its strategic objectives are: the advancement of the status and rights of women and men; the development of policies, projects and programmes relevant to gender and developmental issues, including the elimination of all forms of violence against women and the elimination of poverty. The elimination of poverty is one of the reasons why women resort to trafficking, who allow themselves to be lured into trafficking.

Furthermore, the Women in Harmony Programme, approved by Cabinet in April 2003, was developed under the Gender Affairs Division, under the PNM administration, and had as its underlying philosophy the provision of an

UNREVISED

opportunity for women with low or no skills and low or no income to obtain marketable skills in order to improve their prospects of obtaining employment.

Mr. Speaker, I would not have read all that was done, but I have to say that this programme—I would skip some pages—[*Desk thumping*] has started the process of breaking the cycle of dependency in the lives of many women who are faced with inadequate education, low-level skills or no skills, and the general lack of opportunities for advancement.

6.05 p.m.

Mr. Speaker, I also want to say that where I heard—and I have to refer to the hon. Member for Couva North. Oh, she was proud to boast, Mr. Speaker, that in her constituency, her women's programme was well in progress, but I am wondering—the women's programme under the URP—Mr. Speaker, this was created under the PNM and gave the opportunity for women to earn a living, and it provided working hours for these women that coincided with school hours, so the women could attend to their children before and after school, and the children could go to school.

However, Mr. Speaker, I want to know what has happened to the URP Women's Programme in the constituency of Port of Spain North and St. Ann's West, and I asked my colleague. So I have to ask what happened to the same in Diego Martin North/East, Diego Martin Central and Point Fortin and so. So while the Member for Couva North is boasting, all our women have lost their jobs, they have none! [*Desk thumping*] They have none, and it is unfair—we are talking about slavery and exploitation.

Dr. Browne: Modern-day slavery—wicked! That is exploitation!

Mrs. P. McIntosh: Mr. Speaker, the world would only become a better place if its human resources are protected, better developed, nurtured and honed. The development of civilization needs the collaboration of men but by nature, it is

UNREVISED

dependent on women giving birth to and nurturing children. Mr. Speaker, we are all familiar with the cliché “The hand that rocks the cradle rules the world.”

Mr. Speaker, I cannot emphasize sufficiently that such an important piece of legislation as this Trafficking in Persons Bill, 2011, tabled before this honourable House this evening, requires careful and skilful architectural drafting for proper execution and implementation. I paid careful scrutiny to this Bill, and I would like to respectfully proffer my humble recommendations.

Mr. Speaker, I would have preferred if this Bill had been brought before this honourable House with conciseness and clarity and without losing its comprehensiveness. The Bill is murky as regards the trafficking offenses. One, the interpretation section highlights the definitions but the body of the Bill lacks clarity. The Bill fails to articulate sufficient range in punishment, sentencing and justice, consistent with the varied levels of severity of the different types of offences that fall under it.

Mr. Speaker, the offences should be, in my humble opinion, compartmentalized under various subheadings with appropriate punishments in an effort to obtain clarity and avoid any miscarriage of justice, unnecessary appeals and delays; headings such as sexual offences; slavery or forced labour or servitude; removal of organs; human trafficking.

The United Kingdom in this document I have here—this is my research case study—has adopted this approach and went so far as to enact various pieces of legislation on human trafficking such as the Sexual Offences Act, 2003 that deals with sexual exploitation alone; the National Immigration and Asylum Act, 2002 that deals with trafficking of prostitutes; the Coroners Justice Act, 2009 that deals with forced labour, slavery and servitude and the Asylum and Immigration (Treatment of Claimants) Act, 2004, that deals with forging of immigration documents and trafficking for exploitation. So you see, they went into different

UNREVISED

Acts to really zone in on the issues and the punishments associated therewith.

Mr. Speaker, such an example should not only be applauded but it should be emulated. But, even if we fail to follow the British model, you know, per se, and choose to enact one single piece of legislation to address the various offences associated with trafficking in persons, such offences should be compartmentalized into different parts and not just confined to one part, Part V. They should be compartmentalized.

The second point I want to make is that the Bill gives a flooring for sentencing which goes against international best practice. In the United Kingdom's legislation which I have here again, this legislation gives a ceiling for similar human trafficking offences of 14 years maximum, whereas this Bill—this Trafficking in Persons Bill, 2011—gives a minimum. It gives a flooring of 15 years imprisonment for trafficking offences under Part V, clauses 16 and 17. Mr. Speaker, this goes against the grain of international best practice.

In respect of summary and indictable offences, this Bill does not distinguish between indictable and summary offences. In the United Kingdom legislation, human trafficking has been categorized as a high-grade offence. This means, Mr. Speaker, that the charge could be tried either summarily or indictably. The wisdom in doing so gives the Crown—in our case, the DPP—the accused and the adjudicator—the magistrate or judge—the option of hearing the offence summarily or indictably. And may I remind the hon. Members in this House that where an offence is tried summarily, justice is meted out quickly.

Mr. Speaker, the Bill lacks fluidity. In this regard, I should like to commend, for your consideration, clauses 16, 17, 22, 25 and 26 of the Bill. These clauses all deal with actual human trafficking via movement of persons with or without documentation, but why are these clauses disjointed? They are closely interrelated and should therefore be compiled consecutively under one place or part

UNREVISED

for the purpose of clarity and fluidity.

Mr. Speaker, I think I must end now by saying—I have to say that we have not seen the collection of electronic data in the last part, and the Prime Minister has been boasting about the great strides that we have made in technology. In Part IV of the Bill which involves entry, searches, seizures and warrants, we are not making use of the social network through electronic media. The United States has been doing that as a means of search and seizure to obtain incriminating evidence and to track suspects where necessary.

Mr. Speaker, the tabling of this Bill is a fitting though inadvertent, I am sure, tribute to the life and legacy of Dr. Eric Eustace Williams who would have been proud to be part of such a move to unite us all as a nation against the evil of human rights violations. Today we have the opportunity to deal with the resurgent risk scourge on humanity that is human trafficking, as we seek to apprehend the minority offenders intent on capitalizing on the innocent and the defenceless in our society for monetary and other sadistic gain. We have the opportunity of saying no to this atrocity with one resounding unanimous voice.

Mr. Speaker, this Bill is bigger than partisan politics. In ending, I make a final call for sober, humane discussions, albeit critical, so at the end of the day, whether PNM, COP, UNC, African, East Indian, white, black, Syrian or Chinese, Mr. Speaker, we can all stand tall and proud as true patriots of Trinidad and Tobago in particular, and citizens of the world in general, united in our quest to put yet another nail in the coffin of slavery, oppression, exploitation, victimization, of the violation of the fundamental human rights and entitlements of the individual especially the rights of children and women.

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

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Thank you, Mr. Speaker. This Bill which seeks to give effect to the United Nations

UNREVISED

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime and for matters connected therewith or incidental thereto attracted quite interesting contributions from both sides of this honourable House.

Mr. Speaker, you would recall, in my piloting of this important piece of legislation, I went through all the clauses for the benefit of this honourable House.

6.15 p.m.

As a consequence, I will simply wind up, but before I do that, I wish to refer to some of the pronouncements by a couple of the Members on the other side. The Member for Arouca/Maloney referred to the witness protection programme and spoke about witnesses being killed and assaulted during their period of safekeeping. But, I wish to remind her that nothing of the sort has happened over the past 10 months.

The Member for Port of Spain North/St. Ann's West, rather than dealing with trafficking in humans, one would get the impression that she dealt with trafficking in the PNM, because she told us all about what the PNM did.

Mr. McLeod: "It good fuh yuh."

Sen. The Hon. Brig. J. Sandy: She also spoke about us on this side not being able to come together and that on this side we are cracking up. I ask her to look on this side.

Mrs. McIntosh: "Only cracks!"

Sen. The Hon. Brig. J. Sandy: There are no cracks. There is a crack there. There is a crack there and the biggest crack of them all. [*Desk thumping*] We need to revisit the cracks, and I urge my colleague from Pointe-a-Pierre to be very mindful of missiles coming his way, because I understand they are flinging away cards at will.

UNREVISED

Mr. Speaker, hon. Members, this House knows full well that this Government is extremely serious about crime and criminal activity in Trinidad and Tobago. This is the reason this Bill has been brought here, having regard to the fact that most of the Members on the other side, and in particular the Member for St. Ann's East who encapsulated the mode by admitting that we are moving in the right direction. I want to commend her for that, because we are. This Government is moving in the right direction.

There was talk about plan and no plan. My colleague from Couva North dealt with that, so I would not go into that, but I will deal with the fact that we looked at prevention, because the majority of these victims are not aware that they are being exploited. We are intent on raising awareness by workshops that we have already held, by piloting this Bill and bringing this into law and by attempting to eradicate poverty. In that regard, when we were looking at women and children, I am advised that my colleague, the Minister of the People and Social Development, is in the process of pursuing that. The Children's Bill is with the LRC waiting to be brought to this honourable House. [*Desk thumping*]

Mr. Speaker, the Ministry of Justice is now carrying the fight, with respect to this Bill, in that the Ministry of Justice is the means by which we will enact and pursue all aspects of the Act, when it comes into being.

We looked, as well, at the prosecution aspect of it, and now that trafficking will be a crime—you would recall as was indicated earlier, there is no empirical evidence to show—we have no statistics to show—that there is trafficking in Trinidad and Tobago. But we know that we have missing people, particularly women and children. We know that people are disappearing. We have street children in Trinidad and Tobago. We know some of them have been disappearing, so it is fair to assume that we need, therefore, to nip it in the bud and do not wait until the statistics start to increase or start to overwhelm us. Now is the time to

UNREVISED

enforce the law, ensure that the law is enacted, so that we may not reach the stage of some of our Caribbean countries.

In 2006, the countries in Latin America and the Caribbean on Tier 3 included Venezuela, just a few miles off our coast; Jamaica; Suriname and Belize. Records show that in 2006, the Caribbean and Latin America were the leading countries at Tier 3. It means, therefore, that we are in the midst of it and we need to do something fast. This is why we are in the process of getting this Bill enacted, so that we can take the necessary action as we see fit.

You will find that, in the issue of legislation, for example, for the CTU, the task force and other functions thereto, as clearly indicated by the hon. Member for Tabaquite, the Palermo Protocol called for specific action on the part of the UN Member States and this is why we are ensuring that we conform. Because, remember this is just an organized crime Act as drug trafficking and arms trafficking. As a matter of fact, they go hand in hand, because in other countries where it is rampant and they are smuggled for sexual activity, to work on plantations and otherwise, this is the mode of operation. They accompany the drug smuggling and the arms smuggling.

We are talking about the protection aspect of it. Hon. Members, when we looked at the protection aspect, we are not only looking at housing victims, we are also looking at the psychological development. Of course, they would have gone through quite a bit of trauma, having had the experience. We are looking at that as well, with respect to nurturing them and rehabilitating them, not only the victims, but their relatives and members of their families as well. There is the reintegration and repatriation aspect, from aboard and here to their homeland and from their respective homeland. That is the human thing to do. There is co-operation within the Caribbean and the region as a whole to ensure that information and intelligence is shared, so that we, as a region and as a people, can confront this thing in a

UNREVISED

holistic manner.

Mr. Speaker, with respect to our partnership with the IOM, I thank the hon. Member for Point Fortin for expressing confidence in the work of the IOM office and we agree with her, because we are partnering with them, and in so doing, partnering with other countries in the region and the world to ensure that the scourge of human trafficking does not encompass us here in Trinidad and Tobago.

With respect the way forward, following the enactment of this legislation, the Government intends to:

1. appoint members of the National Task Force;
2. staff the counter-trafficking unit;
3. implement the public awareness campaign that was drafted by the multisectoral committee;
4. communicate and reinforce the information-sharing protocols, with respect to identifying and arresting victims and prosecuting perpetrators;
5. communicate the template for screening of victims; and
6. initiate all the necessary steps to address the issue of human trafficking on the basis of prevention, protection, prosecution and partnerships, not only with our Caribbean colleagues, but with the international community as well.

In this respect and in this regard, we have listened to the Members on the other side, and there is a list of amendments to be moved during the committee stage.

I want to thank all those who contributed to this debate because I am confident that, at the end of it, we shall all agree that this is a piece of legislation that is worth enacting and enacting now.

Mr. Speaker, with these few words, I beg to move.

Question put and agreed to.

UNREVISED

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

6.30 p.m.

Mr. Chairman: May I suggest to hon. Members, given the fact that we have several amendments, we can take the first two clauses together. If there are no objections, and thereafter, we will settle on the amendments. We will go to clauses 4 and 5 if there are no objections, and then we will go from 5 to 15 if there are no objections, and we will proceed in that manner once I have the agreement of the committee. So we can proceed.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 3 be amended as follows:

In the definition of “trafficking”, delete the comma and the words “in relation to” after the term “trafficking” and substitute the word “in”.

Mr. Chairman: The question is that clause 3, be amended, as circulated.

Mrs. Gopee-Scoon: Mr. Chairman, sorry, I agree with the amendment, but there was just one thing that I had raised the consideration of perhaps merging the two definitions “trafficking in persons” and “trafficking in children”, because trafficking in persons is deemed to include trafficking in children as well. I recognize the amendment you have made in the event of you deciding that you are leaving them separate, but I want to know what is your justification for keeping them separate, though.

Dr. Moonilal: Member? Just repeat the comment please?

Mrs. Gopee-Scoon: I recognized the amendment which you have made, which is in order, leaving out the words “in relation to”, that is fine, but I had made a

UNREVISED

suggestion that we carry one definition “trafficking in persons”, because trafficking in persons is meant to include trafficking in children as well. So, that there is no need to have two separate ones and I have looked at even the Palermo Protocol and I think they had only one definition as well, if I am not mistaken. And I could not remember what the model legislation had, but I am just saying it could have been less complicated with one definition.

Dr. Moonilal: Mr. Chairman, I am advised that there is a reasoning behind the separate definitions in that it was the objective to treat with children specifically, because it impacts as well on the penalties involving trafficking in children and it was deliberate to treat it separately.

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

6.35 p.m.

Clauses 4 and 5 ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 6(1) be amended as follows:

Delete paragraph (c) and substitute the following paragraph:

“(c) to develop a national counter trafficking plan for the prevention of trafficking in persons and children and to coordinate its effective implementation;”

Mrs. Gopee-Scoon: Mr. Chairman, the amendment is acceptable with regard to developing a national counter trafficking plan. We needed that specific insertion. I had raised the whole question of whether we should have legislated to the extent we did here, giving quite a number of details that were unnecessary. I had brought your attention to the fact that all these Ministers would have been involved as well.

UNREVISED

But that goes into clause 7. It is very detailed.

What if one wanted to make additions to these administrative functions or to subtract from them? I am not sure that it was necessary to legislate the functions; certainly to cause the Minister to establish a task force and to develop a national plan. In our jurisdiction, I have not seen it practised that we legislate the functions of a task force at all. I felt it could have been thinner and it makes it difficult when you have to add or take away administrative details and so on.

Dr. Moonilal: I just want to understand. There is an acceptance to the amendment as circulated but there is a concern about another matter, the details. I am advised that this is precisely the objective of the Bill, to state in detail the functions of the task force that will be comprehensive and speak to several related areas. It is the best practice to have the ministerial involvement this way as well. The matter was raised elsewhere and it was felt that the ministerial involvement was significant because, apart from Minister's direct involvement, it also signals the seriousness of the state policy on this. We would like to proceed with it.

Mrs. Gopee-Scoon: I accept the amendment, but I leave the view on the table that it is far too detailed. It is cumbersome for making additions and subtractions to the legislation with all these administrative details.

You went into clause 7 there when you spoke about the composition of the task force. We could just finish with 6, then I will make a comment on 7.

Miss Hospedales: Mr. Chairman, I have one comment. In 6(1)(b), I would prefer to see the development of a national counter trafficking plan there because it just says "to develop plans". It should be stating "to develop national counter trafficking plans".

In 6(1)(c), we can leave it as:

"to coordinate the effective implementation of the national counter trafficking plan for the prevention of trafficking in persons and children and

to coordinate its effective implementation”.

We can have it like that. Divide the both of them.

Dr. Moonilal: I am advised that at (b) we are speaking about the plans for assistance to victims and at (c) we are speaking about a national plan. They are different plans and so separated.

Miss Hospedales: It needs to be made clearer.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mrs. Gopee-Scoon: Mr. Chairman, I still want to point out that clause 7(1), with the composition of the task force where there are six or seven Ministers involved, is way too heavy. You are actually dictating—another government will probably come into power—a very cumbersome unit that is not the practice, not customary and I am not sure you need to legislate and include the names of all these Ministers and their portfolios. What if the portfolios change and you include foreign affairs in foreign trade? Then it will be counter what is written here. It is very cumbersome and it is best not detailed.

Mrs. McIntosh: On the same point, Mr. Chairman, I would like to see indirect ministerial supervision as opposed to direct involvement. For matters of political independence and administrative expedience, there are too many ministers. Perhaps you can have everything under the Minister of National Security reporting to Cabinet. All the Ministers have such a heavy portfolio; they may not have the time. As the hon. Member said, it could become very cumbersome.

Dr. Moonilal: It is a matter that has been raised and discussed at the LRC There are two issues. First, we were trying to take the best practices from other jurisdictions where there are ministerial task forces in place. The different

portfolio items, as you see here, are meant to capture the key areas involved in this type of legislation—social development, justice, foreign affairs, security and so on. That is why the select Ministers.

The other matter is that the task force will also comprise other officials, apart from Ministers, so that Ministers will be in the task force but the work will not only be on the shoulders of Ministers of Government, but technical, professional people who comprise that task force. We know that Ministers are busy people, but the task force can be driven, like other inter-ministerial teams and so on, by some of the public officers.

Mrs. Gopee-Scoon: Precisely. It should not be just an inter-ministerial team reporting along with the Minister of National Security. As you are dictating the pace for future governments and so on, you are not sure they would want this accomplished and it means you will have to come back to the Parliament to alter it.

Dr. Moonilal: I do not see a future government on the horizon, but the matter is a policy issue consistent with best practices in this area and another administration may choose to amend the particular clause to include another portfolio or to remove portfolios.

Mrs. Gopee-Scoon: Why get into that kind of detail if it is not necessary; when you can have it done by way of a Cabinet-appointed ministerial committee or something?

Dr. Moonilal: We prefer the legislation because this is consistent with practices in other jurisdictions in pursuit of the objectives of the international instrument; and we would like to see it this way.

Mrs. Gopee-Scoon: Okay, if you are going to include the Minister of Foreign Affairs under 7(1), you have not included any officials from the Ministry of Foreign Affairs in 7(2), so that in his absence there would be no one from Foreign Affairs looking after their business.

UNREVISED

Dr. Moonilal: If you wish, we can include foreign affairs there as well.

Mrs Gopie Scoon: Yes. If you are going to do it your way, I think you should include senior government people from there as well.

Dr. Moonilal: Are you happy with one amendment to include foreign affairs?

Mrs. Gopee-Scoon: Yes.

Dr. Moonilal: So it will read:

“The task force shall comprise other senior government officials including officials with responsibility for law enforcement, immigration, social development, foreign affairs and appropriate number of mental organizations and other persons...”—et cetera.

Mrs. Gopee-Scoon: If you are going to include the Minister, you must have his people there as well.

Do you have officials from the Ministry of Labour and Small and Micro Enterprise Development? You have that Minister listed as well. I am just saying there should be the appropriate senior supporting people.

Dr. Moonilal: That is fine.

Mr. Chairman: We are amending clause 7(2). After the words “social development”, we are inserting “foreign affairs, labour and justice”.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 to 10.

Mrs. Gopee-Scoon: [*Inaudible*]

Mr. Chairman: Could you alert me, through maybe the Chief Whip, as to what clauses you would like us to focus on rather than my putting those clauses in groups and then having to pause? I am taking them in groups, 8 to 10, but if you want to deal with clause 9, indicate to me. So I shall deal with clause 8 and come back specifically to that.

Clause 8 ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Mrs. Gopee-Scoon: Thank you, Mr. Chairman. Subclause (1), “The task force shall regulate its own procedures” and we go to subclause (5). You have just said that the task force will regulate its own procedures, then you go to (5) and you have really outrageous details. A secretary shall keep minutes of each meeting confirmed by members of the task force. I cannot believe that we are actually legislating on something that is so miniscule; a duty that is customary. It is not something you will find regulated on at all. Clause 9(5) has to be deleted. It is too trivial.

Dr. Moonilal: I hear you. You also made that point in the debate. There are other pieces of legislation that have reference to the secretary keeping minutes and so on. It is nothing new. What do we lose by this?

Mrs. Gopee-Scoon: It is trivial; totally trivial. Why would we have that a secretary would regulate? You said that they would regulate their own procedures. That is it. Subclauses (5) and (6)—confirmed minutes to be prepared by the secretary—that is known for any club, anything at all.

Dr. Moonilal: Mr. Chairman, we would like to keep it in the Bill and proceed because there is a reference later to confirmed minutes as the basis for other activities. If there is a reference in the Act for confirmed minutes, we should make it explicit that it be confirmed and how, when and by whom.

Question put and agreed to.

Clause 9 ordered to stand part of the Bill.

Clause 10 ordered to stand part of the Bill.

Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Mrs. Gopee-Scoon: Mr. Chairman, subclause (3), third line: “Who possess qualifications and experience in international relations, management or security”. I would like to think that a background in security is preferable, therefore that should be said. I do not think you should say “or”. A background in security is preferable. All those are important functions.

Dr. Moonilal: “And” includes “or”. So it is, “international relations, management or security”. It includes; it is inclusive. We will put the “and”

Mr. Imbert: I accept that, but is there any reason “law” was left out?

Dr. Moonilal: So, you are satisfied that at 11(3), it will be “international relations, management and security”?

Mr. Imbert: It could be “and”; it could be “or”. I accept both. Why is “law” left out? I would think that a lawyer would be well qualified there. I suggest you add law.

Dr. Moonilal: It is a matter that was discussed and we already have three areas captured there. Having law would not prohibit someone from being director or deputy director. It is already three academic disciplines and just to limit it, it was felt that it was not necessary to include law.

Mr. Imbert: I know, but it is sometimes better to state these things expressly because it is then subject to interpretation. I would think that someone qualified in law would be well suited to be director.

Dr. Moonilal: If the person is qualified in law or one or another of these disciplines, he or she would still—

Mr. Imbert: I understand that, but I am saying, from my own experience, that—people have to interpret this; public servants have to interpret this—if you do not state it expressly, sometimes there is argument over the interpretation.

Dr. Moonilal: When you include “law”, it becomes another and/or matter. The person may not be qualified in law but still can serve as director or deputy director.

UNREVISED

You do not want in any way to restrict that a person who is director or deputy director must be qualified in law.

Mr. Imbert: Are you saying or implying that the person must have both international relations and management qualifications?

Dr. Moonilal: We are looking for the combination of qualifications and experience. We have stated three academic disciplines. Now, if the person has law, it would be an asset and the person can be considered with law as an asset; but if you start stating them, for one reason or another, there may be another discipline that is useful, maybe sociology.

Mr. Imbert: I understand, but from the way this is written—

Dr. Moonilal: It is a combination.

Mr. Imbert: From your explanation, the person must have qualifications in both international relations and management.

Dr. Moonilal: No.

Mr. Imbert: That is what you are saying. It is not international relations or management, you know; it is “and” the way you are describing it.

Dr. Moonilal: The intention is that the person should have both international relations and management.

6.55 p.m.

Yes and I find that is making that very inflexible. It is up to you, but I think that you are limiting yourself now to persons who have both of these qualifications. I really do not think that is necessary, but it is up to you. But I do not think it is wise to limit yourself to persons who must have the dual qualification.

Dr. Moonilal: Would you feel a combination of any of the following— international relations,

Mr. Imbert: Yes, and then stick “law” in there and it is a combination. That will

UNREVISED

work.

Mrs. Gopee-Scoon: More flexible.

Dr. Moonilal: So we will amend to the effect of:

“ The Director and Deputy Director of the Counter Trafficking Unit shall be persons who possess a combination of qualifications and experience in international relations, management, law or security. [*Crosstalk*]

“The Director and Deputy Director of the Counter Trafficking Unit shall be persons who possess a combination of”—and those are three words—“qualifications and experience in international relations, management, law or security.”, and that would deal with it.

Mr. Chairman: Part three, clause 11 sub (3) we add after the word “possess” ,“a combination of”, those are the words. And then after “management” we insert the word “law”—we have a comma after “management”, “law” and we come back and we replace “and” with “or”, so “or security”.

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 ordered to stand part of the Bill.

Clauses 13 and 14.

Mr. Chairman: We are going Part IV, clauses 13 and 14. Is that okay, we could go?

Mr. Imbert: I think we may be able to go straight to clause 31. I am just conferring here. [*Crosstalk*]

Mr. Chairman: I would prefer if we do it in parts, please.

Mr. Imbert: Yes, no problem.

Mr. Chairman: We can proceed with clauses 13 and 14, right?

Mr. Imbert: Go ahead.

Clauses 13 and 14 ordered to stand part of the Bill.

UNREVISED

Clause 15 ordered to stand part of the Bill.

Clause 16.

Question proposed, That clause 16 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 16 be amended as follows:

16(a) Delete the word “or” after the word “Tobago”.
16 Delete paragraph (b) and substitute the following paragraphs:

“(b) recruits, transports or transfers persons from Trinidad and Tobago to another jurisdiction ;

(c) receives persons from Trinidad and Tobago into another jurisdiction; or

(d) harbours persons from Trinidad and Tobago in another jurisdiction”

Question put and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 17 be amended as follows:

17(a) Delete the word “or” after the word
“Tobago”.

17 Delete paragraph (b) and substitute the

following paragraphs:

“ (b) recruit, transport or transfer persons from Trinidad and Tobago to another jurisdiction;

(c) receive persons from Trinidad and Tobago into another jurisdiction; or

(d) harbour persons from Trinidad Tobago in another jurisdiction,”

Question put and agreed.

Clause 17, as amended ordered to stand part of the Bill.

Clause 18.

Question proposed, That clause 18 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 18 be amended as follows:

18

Delete subclause (1) and substitute the following subclause:

“ (1) A person who-

(a) recruits, transports, transfers or receives a child into or within Trinidad and Tobago;

(b) harbours a child in Trinidad and Tobago; or

(c) recruits, transports or transfers a child from

Trinidad and Tobago to
another jurisdiction,
for the purpose of exploitation
commits the offence of trafficking in
children and is liable on conviction
on indictment to a fine of not less
than one million dollars and
imprisonment for not less than
twenty years.”

Question put and agreed.

Clause 18, as amended, ordered to stand part of the Bill.

Mr. Chairman: We are going from clause 19 to 26.

Clerk: No we have an amendment at 21.

Mr. Chairman: We have an amendment at 21?

Clauses 19 and 20 ordered to stand part of the Bill.

Clause 21.

Question proposed, That clause 21 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 21 be amended as follows:

21

Insert after subclause (4) the
following subclause:

“ (5) Notwithstanding any penalty
imposed for an offence under this
Act, where a-

- (a) police officer;
 - (b) customs officer;
 - (c) immigration officer;
 - (d) member of the Defence
 - (e) Force; or
 - (f) member of the Prison Service,
- is found to be liable for any offence under this Act, he is liable on conviction on indictment to imprisonment for twenty-five years.”

Question put and agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Clauses 22 to 26 ordered to stand part of the Bill.

Clause 27.

Question proposed, That clause 27 stand part of the Bill.

Dr. Moonilal: Mr. Chairman, I beg to move that clause 27 be amended as follows:

27

Delete in subclause (2) the word “company” after the words “Where a” and substitute the words “body corporate”.

Question put and agreed to.

Clause 27, as amended, ordered to stand part of the Bill.

Clauses 28 to 30 ordered to stand part of the Bill.

Clause 31.

Question proposed, That clause 31 stand part of the Bill.

UNREVISED

Mr. Imbert: This is the one we had asked the Government to see if they could merge the original clause 31 with the new clause 31 and come up with a blend.

Dr. Moonilal: Mr. Chairman, we have been talking about this across the floor and we had discussions with our technical people and the Prime Minister also got involved in this matter as well to discuss it. It is a serious policy issue, and while one can think of a hybrid between the original version and this, we want to recommend that we accept clause 31 here and give the undertaking that the Attorney General and the team would look at this matter further. Maybe with further advice and before going to the other place, we may be in a position to consider an amendment, but we would like to proceed with clause 31 as it stands in the Bill.

7.05 p.m.

Mr. Imbert: Fine! I would like to make a suggestion for consideration when you take the matter to the Senate. I would like to suggest that it be worded along the following lines—

“Where a person has been compelled to engage in unlawful activities as a direct result of being trafficked”—he or she—obviously, this is not the drafting words—

is not criminally liable for any immigration related offence.

So, you are bringing the concept that the person has been compelled to engage in unlawful activities which is what you have in clause 31. So, if that person has been compelled, that person is not liable for offences. That is what I would like you to consider when you go to the other place. In other words, you do not shift the burden of proof onto the accused. It is up to the prosecution to prove that the person was not compelled.

UNREVISED

Dr. Moonilal: Okay.

Question put and agreed to.

Clause 31 ordered to stand part of the Bill.

Clauses 32 to 35 ordered to stand part of the Bill.

Clause 36.

Question proposed, That clause 36 stand part of the Bill.

Mrs. Gopee-Scoon: Mr. Chairman, in the third line in clause 36, "...if the victim desires it..." those seem to be unnecessary words, because it is already implied. The victim has an opportunity and, therefore, it can easily read:

"the court may provide an opportunity to the victim of trafficking to present his views and concerns in a manner not prejudicial to the rights of the convicted person",

It just seems like unnecessary words. It is implied with "with an opportunity".

Dr. Moonilal: While this is not cast in stone, there was an issue that was raised, and it was to the effect that if you put in the law "if the victim desires it" it gives the victim this right to ask the court to give him or her an opportunity—"I desire it. I want that." Whereas if you leave it to—"the Court may provide an opportunity" the court then has that sole discretion to provide an opportunity or not, whereas the right shifts to the victim with "if the victim desires it".

Mr. Imbert: I think I understand why those words are there, but let me get clarification. Is this to assist the court in sentencing the person either to have a reduced sentence or a harsher sentence? Why is the victim getting involved in this matter?

Dr. Moonilal: Again, I am advised that the entire approach to dealing with this

matter is what is called “a victim-centered approach”. So, again, the victim maintains some type or residual rights even at conviction.

Mr. Imbert: I understand that, but the person who is being convicted is not the victim, it is the trafficker. Why is the victim getting involved after the person is convicted? Is it so that the view of the victim would add to either a reduced sentence or a harsher sentence? Is that the point in this whole thing? When the court hears what the victim has to say, is the court going to impose a more severe sentence or a less severe sentence? Is that the philosophy?

Dr. Moonilal: Mr. Chairman, again, we are advised that this is consistent with the approach in that the views of the victim, if he desires, not prejudicial to the convicted person, but the approach is that you have the victim speaking—whether it is a child or whatever—and recording those views as part of the approach. It may be that there are other policy considerations in terms of recommendations and data. There may be something positive coming out of just getting the victim on record to state his or her views. This is the thinking behind that.

Question put and agreed to.

Clause 36 ordered to stand part of the Bill.

Clause 37.

Question proposed, That clause 37 stand part of the Bill.

Mrs. Gopee-Scoon: Mr. Chairman, I am looking at clause 37(3) and it says:

“In the absence of exigent circumstances, victims of trafficking...shall not be housed in prisons or other detention facilities for accused...”

What I am looking at here is what we should really be getting from the State

UNREVISED

here which is its commitment. I thought that we should have had more proactive legislation and probably say that “the victim shall be provided with safe and adequate shelter”. So what you get is a commitment from the State instead of saying that they “shall not be housed in prisons or other detention facilities”. So, what are you committing yourself to? I have looked at the model legislation, and that is the wording that has been used; a commitment to proper housing and adequate shelter. Saying what you shall not do, does not say what you are committing yourself to.

Dr. Moonilal: The objective here at 37(3) is—

Mrs. Gopee-Scoon: And clause 37(4), if I may add.

Dr. Moonilal: Clause 37(3) and (4) is clear what the Government should not do. However, at clause 6(1) there was an issue raised by the Member for Arouca/Maloney. At clause 6(1)(b) the task force makes that commitment to provide assistance to victims that will include shelter.

Mrs. Gopee-Scoon: Did you qualify it? Let us go back to clause 6(1) then. The qualification is what is important, because these people cannot just be thrown into any shelters.

Dr. Moonilal: It says:

“to develop plans in consultation with representatives of civil society to provide victims of trafficking with appropriate housing, employment, educational, and training opportunities...”

So, there will be policies and so on regarding the assistance, the positive assistance, so to speak, but all this does is commit the State that the person will not be with criminals and so on.

UNREVISED

Mrs. Gopee-Scoon: Are you satisfied then that this is the same for children?

Dr. Moonilal: Yes.

Mrs. Gopee-Scoon: Obviously, they will not be put into prison and detention facilities and so.

Dr. Moonilal: Yes, but clause 6(1)(b) takes care of that entire policy that deals with the positive assistance.

Mrs. Gopee-Scoon: Okay.

Question put and agreed to.

Clause 37 ordered to stand part of the Bill.

Clause 38 ordered to stand part of the Bill

Clause 39.

Question proposed, That clause 39 stand part of the Bill.

Mrs. Gopee-Scoon: Mr. Chairman, it is just my view that the Minister of National Security is the one who is responsible for who comes in and who leaves the country and so on, but here you have included the Minister of Foreign Affairs. I am not sure if the Government will want to look at leaving the responsibility solely with the Minister of National Security. I mean, he may consult with the Minister of Foreign Affairs.

Dr. Moonilal: I understand the concern and I am familiar with it. The issue is that the foreign affairs Minister, while he has direct responsibility here, returning persons to another jurisdiction and so on involves invariably the assistance of the Ministry of Foreign Affairs through missions. It is really a coordinated activity in this context, and foreign affairs is already involved elsewhere, and that is why it was the Minister and the Minister with

responsibility for foreign affairs.

Mrs. Gopee-Scoon: It is just my view. I understand what you are saying and, surely, he could consult with the Minister of Foreign Affairs, but it is my view that the Minister of National Security is the one who is responsible for immigration matters and for who comes in and who leaves, et cetera and, therefore, it should remain under his domain. Of course, he may consult with anybody—the Attorney General and whoever.

Dr. Moonilal: That is correct. It is our view that once this involves cross-border issues, invariably it becomes a foreign affair matter as well.

Mrs. Gopee-Scoon: I do not see the necessity, but if you would not change your mind, what can we do?

Question put and agreed to.

Clause 39 ordered to stand part of the Bill.

Clauses 40 to 48 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendments, read the third time and passed.

7.20 p.m.

ELECTRONIC TRANSACTIONS BILL

Senate Amendments

The Minister of Public Administration (Sen. The Hon. Rudrawatee Nan Gosine-Ramgoolam): Mr. Speaker, I beg to move,

That the Senate amendments to the Electronic Transactions Bill listed in the

UNREVISED

appendix be now considered.

Question proposed.

Question put and agreed to.

Clause 2.

Senate amendment read as follows:

- A Delete the definitions of “certificate” and “certification service provider”;
- B In the definition of “Electronic Authentication Service Provider” delete the words “and includes Certification Service Providers”.
- C In paragraph (g) of the definition of “public body” delete the word “and” and substitute the word “or”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Mr. Speaker: Members, before we continue, may I make a suggestion for the consideration of this honourable House. There are some 65 amendments. With your leave, may I suggest that we ask the Clerk to take them in groups of 10. So she would read out 10 and any Member of the Opposition would have the right to comment on any of them. We would then put the entire 10 to the House for approval, rather than taking them one, one, one, one.

Mr. Imbert: Mr. Speaker, when this Bill was before the House there was a difference of opinion as to the approach that should be adopted to amend or make corrections to the legislation. At that time, the Government declined to go along with our proposal that this Bill be sent to a Joint Select Committee and we, therefore, declined to participate in any further deliberations. We are maintaining that position and declining to participate in the deliberations on the amendments.

UNREVISED

Dr. Moonilal: Mr. Speaker, given the declaration to decline from Members of the Opposition, may I recommend for even a speedier process, that instead of reading the text of the amendments, the Clerk be permitted to read the number of the amendments.

Clause 5.

Senate amendment read as follows:

- (a) Delete the words “the appropriate use of”;
- (c) Delete the words “authorities” and “agencies” and replace with the word “bodies” wherever they occur;
- (d) Insert after the word “;” the word “and”;

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 7.

Senate amendment read as follows:

- (1) Delete all the words after the word “retains” and replace with the following—

- “ —
- (a) documents;
 - (b) records; or
 - (c) information,

to use, provide, accept or retain these in electronic form.”.

- (2) In line 2, delete the word “in” and substitute the word “to”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree

with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 9.

Senate amendment read as follows:

In line 1 insert after the word “information” a comma.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 16.

Senate amendment read as follows:

In line 3, delete the word “message” and substitute the words “document, record or other communication”

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 19.

Senate amendment read as follows:

In subparagraph (b) at line 4, insert after the words “affect its” the words “legal effect, validity or”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 22(1).

UNREVISED

Senate amendment read as follows:

Insert after the word “concluded” the words “or a transaction undertaken”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 26.

Senate amendment read as follows:

- (i) In line 2, delete the words “information or a record in electronic form or”;
- (ii) Delete the word “address” and replace with the words “place of business” wherever it occurs.
- (iii) In the Marginal Note delete the words “information or record” and substitute the words “data message”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 30.

Senate amendment read as follows:

Delete all the words occurring after the word “integrity” and replace with the words “or conforms with the standard which the parties have agreed to by contract.”

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

UNREVISED

Clause 31(1).

Senate amendment read as follows:

- A. In subparagraph (c) delete the word “and”;
- B. In subparagraph (d) delete the words “detectable.” and replace with the words “detectable; and”
- C. insert after paragraph (d) the following:
“(e) such other criteria as may be prescribed by regulations.”.
- D. Insert after subclause (2) the following:
“(3) The Electronic Authentication Products referred to in the Schedule are the products which can be used to validate an electronic signature under subsection (1);
(4) The Minister may by Order amend the Schedule.”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 33.

Senate amendment read as follows:

- A. In subclause (1) –
 - (a) delete the words “the Minister or such authority” and substitute the word “an authority”;
 - (b) delete the words “prescribed by the Minister” and replace with the words “prescribed under this Act”;
- B. By inserting after subclause (2) the following:
“(3) An Order under subsection (1) shall prescribe—
 - (a) the powers and functions of the designated authority; and

UNREVISED

- (b) any other matter relating to the designated authority which the Minister deems necessary for the purposes of this Part.”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 34.

Senate amendment read as follows:

- A. In subclause (1) –
 - (a) insert after the word “Provider” the words “(hereinafter referred to as “the applicant”);”;
 - (b) delete the words “the Minister or”;
- B. In subclause (2) delete subparagraph (b) and replace with the following:

“(b) proof of accreditation of its operations.”
- C. Delete subclause (3) and substitute the following:

“(3) Where an applicant has valid prior accreditation from another recognised jurisdiction, proof of accreditation shall be information relating to –

 - (a) the name and address of the accreditation authority;
 - (b) the period of validity of the accreditation; and
 - (c) any other information required by regulations as may be prescribed.”.
- D. Delete subclause (4) and replace with the following:

“(4) Where an applicant has no valid prior accreditation, he shall indicate same to the designated authority who shall require the

UNREVISED

applicant to submit to an audit of his operations and systems to ensure compliance with the requirements of section 35 and any other standards which the Minister may prescribe by regulations.”.

E. Delete subclause (5) and replace with the following:

“(5) Where the designated authority is satisfied that the applicant has met the requirements of this Act the designated authority may issue a notice of accreditation to the applicant.”.

F. Insert after subclause (5) the following:

“(6) The Minister may make Regulations specifying the procedures for registration and accreditation.”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 36.

Senate amendment read as follows:

A. In subclause (1) –

- (a) delete the words “the Minister or” wherever it occurs;
- (b) delete the words “previously been accredited” and replace with the words “valid prior accreditation”;
- (c) delete the words “35” and substitute with the words “34”; and

B. In subclause (2) –

- (a) delete the words “the Minister or” wherever they occur;
- (b) insert before the word “prior” the word “valid”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

UNREVISED

Question proposed.

Question put and agreed to.

Clause 37.

Senate amendment read as follows:

Delete the words “as a qualified electronic authentication product” occurring after the words “classes of qualified electronic authentication products”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 38.

Senate amendment read as follows:

Delete the words “Minister or the”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 39.

Senate amendment read as follows:

Delete the words “the Minister or”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 40.

Senate amendment read as follows:

A. In subclause (1) delete the words “Minister or the”.

UNREVISED

- B. In subclause (2) delete the word “Minister” and replace with the words “designated authority” and delete the word “he” and replace with the word “it”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 41.

Senate amendment read as follows:

Delete the words “the Minister or” wherever occur.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 43.

Senate amendment read as follows:

- A. Delete the words “the Minister or” appearing in the chapeau.
- B. In subparagraph (a) delete the word “registration” and replace with the word “accreditation”.
- C. In subparagraph (d) delete the word “36” and replace with the word “35”;
- D. In subparagraph (e) delete the words “the Minister or”.
- E. In the Marginal Note, delete the word “Minister” and replace with the words “designated authority”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

UNREVISED

Question put and agreed to.

Clause 49.

Senate amendment read as follows:

- A. Delete the words “Minister or the”
- B. Delete the word “order” and replace with the word “require”;
- C. Delete all the words after the word “40”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 50.

Senate amendment read as follows:

- A. In subclause (2) delete the words “ministerial direction,”.
 - B. Insert the following new subclause (4):
 - “(4) An intermediary or a telecommunications service provider, during an audit, shall not be liable under the Copyright Act in respect of—
 - (a) the infringement of copyright in any work or other subject matter in which copyright subsist; or
 - (b) the unauthorised use of any public performance, the duration of which the copyright period has not expired.
- For the purposes of this section, “public performance” has the same meaning as in the
- Chap. 82:50 Copyright Act.”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 51.

Senate amendment read as follows:

- A. In subclause (1)(a)
 - (i) insert after the word “remove” the words “and secure”.
 - (ii) insert after the word “law” the words “or in accordance with established codes of conduct”;
- B. In subclause (1)(b) –
 - (a) by inserting before the word “notify” the words “in the case of criminal liability,”
 - (b) delete the words “the Minister or such person designated by the Minister (“the designated person”) and”;
- C. Delete subclauses (2) and (3) and renumber subclauses (4) and (5) as (2) and (3) respectively.
- D. In subclause (2) as renumbered:
 - (i) In line 3, insert after the word “otherwise” a comma;
 - (ii) In line 5, insert after the word “services” a comma ;
 - (iii) In line 6, insert after the word “record” a comma and delete the comma occurring after the word “action”;
 - (iv) In line 7, insert after the words “takes” and the words “in good faith” a comma;
 - (v) delete the words “, or as directed by the Minister or designated person under”;
- E. In subclause (3) as renumbered delete the words “subsections (1) to (3)” and substitute the words “subsection (1)”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

UNREVISED

Question proposed.

Question put and agreed to.

Clause 52.

Senate amendment read as follows:

A. Insert the following new subclause (1):

“(1) The Minister may develop codes of conduct and standards for intermediaries and telecommunications service providers for the purposes of this Act.”

B. Renumber existing subclauses (1) and (2) as subclauses (2) and (3).

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 53.

Senate amendment read as follows:

(2) Delete the word “authority” and replace with the word “body”.

(4) Delete the word “authority” and replace with the word “body”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 58.

Senate amendment read as follows:

In subclause (1), delete the word “based” wherever it occurs.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 62.

Senate amendment read as follows:

In line 3, delete the words, “acquiesced in” occurring after the words “assented to”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 63(3).

Senate amendment read as follows:

In line 3, delete the words “up to” occurring after the words “a fine” and substitute the words “not exceeding”.

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 65.

Senate amendment read as follows:

A. In subclause (a):

- (i) delete the words “by the Minister”;
- (ii) insert the word “or” after the word “Act ;” ;
- (iii) In subclause (b)—
 - a. insert after the word upon” the word “an”;
 - b. Delete the words “by the Minister”;
 - c. Insert a comma after the word “Act” and bring out remaining words to the margin.

UNREVISED

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Senate amendment read as follows:

Insertion of Schedule Insert after clause 66 the following Schedule:
“ Schedule

(Section 31)

ELECTRONIC AUTHENTICATION PRODUCTS USED TO
VALIDATE ELECTRONIC SIGNATURES

Electronic certificates”

Mrs. Gosine-Ramgoolam: Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

ADJOURNMENT

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

Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, April 20, 2011, at 1.30. On that day there is agreement that it will be Private Members’ Day. I will ask the Opposition Chief Whip to indicate the business for that day.

Miss Marlene Mc Donald (Port of Spain South): Mr. Speaker, I hereby give due notice to the Government that under “Private Business” we will be proceeding with Motion No. 4, and we intend to debate it through its entirety. We intend to bring closure to it on Wednesday.

Hon. Dr. R. Moonilal: There is a format for Private Members’ Day. The Opposition may have an intention, for whatever reason, but there is a particular format which the Government will be following, as we have done for several years in the Parliament.

UNREVISED

We will certainly engage in the debate on Motion No. 4 on the Order Paper. I want to indicate that there are over one dozen Members on the Government side who are extremely eager to participate in debate on this Motion, and it would be very difficult to prevent Members on this side from speaking on this very important and critical matter of public interest. There is no guarantee that we will end this debate on Wednesday.

Mr. Speaker: Before I put the question for adjournment, I want to inform this honourable House there was, in fact, a matter raised on the Motion for the Adjournment by the hon. Leader of the Opposition last Friday. A response is ready, I understand, but I crave the indulgence of the Opposition Chief Whip that we respond—when I say “we”, the Government that is, not myself; I think the Minister of Education is supposed to respond—to allow him to respond on Wednesday after the Private Members’ Motion, when Dr. Rowley, the hon. Member for Diego Martin West, would be present.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.31 p.m.