

*Leave of Absence**Tuesday, May 17, 2011***SENATE***Tuesday, May 17, 2011*

The Senate met at 1.30 p.m.

**PRAYERS**[MADAM VICE-PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

**Madam Vice-President:** Hon. Senators, I wish to inform you that the President of the Senate, Sen. The Hon. Timothy Hamel-Smith, is out of the country.

I have granted leave of absence to Sen. The Hon. Brig. John Sandy, Sen. The Hon. Therese Baptiste-Cornelis, Sen. Elton Prescott SC and Sen. Dr. James Armstrong who are all out of the country.

**VACANT SEAT**

**Madam Vice-President:** Hon. Senators, I have received the following correspondences from His Excellency the President, Prof. George Maxwell Richards T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MARY KATHLEEN KING

WHEREAS by the provisions of paragraph (e) of subsection (2) of section 43 of the Constitution of the Republic of Trinidad and Tobago, the President, acting in accordance with the advice of the Prime Minister, is empowered to declare the seat of the Senator to be vacant:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by the said paragraph (e) of subsection (2)

*Vacant Seat*  
[MADAM VICE-PRESIDENT]

*Tuesday, May 17, 2011*

of section 43 of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you, MARY KATHLEEN KING, to be vacant, with immediate effect.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 10<sup>th</sup> day of May, 2011."

**SENATORS' APPOINTMENT**

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: DR. BHOENDRADATT TEWARIE

In exercise of the power vested in me by paragraph (a) of subsection (2) of section 40 of the Constitution of the Republic of Trinidad and Tobago, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, do hereby appoint you, BHOENDRADATT TEWARIE, a Senator, with effect from 11<sup>th</sup> May, 2011.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 11<sup>th</sup> day of May, 2011."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

*Senators' Appointment*

*Tuesday, May 17, 2011*

/s/ G. Richards  
President.

TO: MR. RABINDRA MOONAN

WHEREAS the President of the Senate has temporarily vacated his office of Senator by reason of his absence from Trinidad and Tobago:

AND WHEREAS the Vice-President of the Senate is acting President of the Senate:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2)(a) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, RABINDRA MOONAN, to be temporarily a member of the Senate, with effect from 17<sup>th</sup> May, 2011 and continuing during the period of absence from Trinidad and Tobago of Senator Timothy Hamel-Smith.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 16<sup>th</sup> day of May, 2011."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: DR. VIDHYA GYAN TOTA-MAHARAJ

WHEREAS Senator the Honourable Brigadier John C. E. Sandy is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 40(2)(a) and section 44 of the

*Senators' Appointment*  
[MADAM VICE-PRESIDENT]

*Tuesday, May 17, 2011*

Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, VIDHYA GYAN TOTA-MAHARAJ, to be temporarily a member of the Senate, with effect from 17<sup>th</sup> May, 2011 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Brigadier Sandy.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 13th day of May, 2011."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: ARCHBISHOP BARBARA BURKE

WHEREAS Senator the Honourable Therese Baptiste-Cornelis is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, BARBARA BURKE, to be temporarily a member of the Senate, with effect from 17<sup>th</sup> May, 2011 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Baptiste-Cornelis.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 12th day of May, 2011."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and

*Senators' Appointment*

*Tuesday, May 17, 2011*

Commander-in-Chief of the Armed Forces of  
the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MRS PARVATEE ANMOLSINGH-MAHABIR

WHEREAS Senator Elton A. Prescott, SC is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, PARVATEE ANMOLSINGH-MAHABIR, to be temporarily a member of the Senate, with effect from 17<sup>th</sup> May, 2011 and continuing during the absence from Trinidad and Tobago of the said Senator Elton A. Prescott, SC.

Given under my Hand and the Seal of the  
President of the Republic of Trinidad  
and Tobago at the Office of the  
President, St. Ann's, this 13th day of  
May, 2011."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL  
RICHARDS, T.C., C.M.T., Ph.D., President and  
Commander-in-Chief of the Armed Forces of  
the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: PROFESSOR KARL THEODORE

WHEREAS Senator Dr. James Armstrong is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, KARL THEODORE, to be temporarily a member of the Senate, with effect from 17<sup>th</sup> May, 2011 and continuing during the absence from Trinidad and Tobago of the said Senator Dr. James Armstrong.

*Senators' Appointment*  
[MADAM VICE-PRESIDENT]

*Tuesday, May 17, 2011*

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 13th day of May, 2011."

#### OATH OF ALLEGIANCE

*The following Senators took and subscribed the Oath of Allegiance as required by law:*

Dr. Bhoendradatt Tewarie, Rabindra Moonan, Dr. Vidhya Gyan Tota-Maharaj, Archbishop Barbara Burke, Parvatee Anmolsingh-Mahabir, Prof. Karl Theodore.

**1.45 p.m.**

#### PAPER LAID

Annual audited financial statements of the Trinidad and Tobago Film Company Limited for the financial year ended September, 30, 2010. [*The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday)*]

#### ORAL ANSWER TO QUESTION

**The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Madam Vice-President, the Government is in a position to answer the question on the order paper.

#### **Trinidad and Tobago Police Service (Protection of Prime Minister's Residence)**

**62. Sen. Penelope Beckles-Robinson** on behalf of Sen. F. Hinds asked the hon. Minister of National Security:

Would the Minister state:

- (a) Whether the services of the Trinidad and Tobago Police were used for the protection of any residence occupied by the Honourable Prime Minister (other than the official residence), at any time after May 24, 2010; and
- (b) If the answer to (a) is in the affirmative, what is the address of this residence?

**The Minister of Housing and the Environment (Hon. Dr. R. Moonilal):** Madam Vice-President, I am authorized by Cabinet to provide the following response to this question. It is in the public domain that the Prime Minister, the Member for Siparia, the hon. Kamla Persad-Bissessar in the aftermath of the May 24, 2010 general election, did indeed stay at a residence in Tunapuna, the residence belonging to Maureen and Ralph Gopaul with whom the Prime Minister is acquainted.

The Prime Minister, at that time, graciously allowed the former Prime Minister and Member for San Fernando East, Mr. Patrick Manning to continue in occupation of the official residence of the Prime Minister—[*Interruption*]

**Sen. Ramlogan:** Awww.

**Hon. Dr. R. Moonilal:** —and graciously allowed the Member for San Fernando East to take his time to pack his bags and—

**Sen. Ramlogan:** His Georgie bundle.

**Hon. Dr. R. Moonilal:** —make a peaceful farewell to those residents at the Diplomatic Centre.

You will recall that the Prime Minister, before the election as then Member of Parliament, had also made an overture and had offered that the official residence of the Prime Minister and Diplomatic Centre may have also been used as the residence of the President of the Republic of the Trinidad and Tobago, given the problems faced by the President for several years at the official residence around the Queen's Park Savannah.

So in the context of an offer to the President, in the context of the gracious offer, which was accepted by the outgoing Prime Minister to remain at the Diplomatic Centre and at the residence, the Prime Minister in order to facilitate a very hectic engagement, public engagements schedule, meetings in Port of Spain as well as maintain a regular presence at the Office of the Prime Minister in St. Clair, chose indeed, to stay at times generally during the week, at a residence in Tunapuna.

The Prime Minister opted for this as opposed to another option that would have been available. Another option would have been for the Prime Minister to occupy and stay at an executive suite at the Hyatt Hotel or the Hilton Hotel, which would have incurred additional expenditure and greater injection of taxpayers' money. If the Prime Minister opted to stay at the Hyatt or the Hilton as other Ministers of Government have done over the years prior to May 24, 2010—one

may recall the former Minister of Culture, I think, using the Hilton Hotel for some considerable period of time. The Prime Minister in doing so also rejected not just a hotel, but any other residence which would have incurred taxpayers' money.

You will recall that during the period October 01, 2005 to December 31, 2007, the former Prime Minister and Member for San Fernando East, during I believe the construction of the Diplomatic Centre chose to occupy a property at No. 2 St. Vincent Avenue, Federation Park, a residence owned by a company, Vinfed Investments Limited. For that period, the State and the taxpayers incurred a cost of \$1,131,570 of taxpayers' money to accommodate the then Prime Minister and Member for San Fernando East at a residence in Federation Park.

At that time no one, including our very dear friend, Sen. Hinds, enquired as to who was the owner of that property. He was not interested in the fact that one Mr. George Joseph had an interest in that property and was not indeed interested in any matter related to Mr. Joseph; the taxpayers footed the Bill of \$1.3 million for that stay.

At the heart of this matter is a deeper issue that the Government would like to confront and put on record. When these questions started to flow from Sen. Hinds one was curious as to why these questions were coming one after the other about official residence, non-official residence, staying in south, and north and so on. Then another plot unfolded, and to confront the matter head-on, the Senator went on to make public statements to the effect that Government sought to hide the Prime Minister's stay in Tunapuna; that had never been the case. After May 24, weeks after, there were photographs in the press of the residence in Tunapuna where the Prime Minister stayed at times and particularly during the week, and on weekends would have gone to Charlo Village, Penal in the vicinity of San Francique, a place Sen. Hinds may be familiar with. The Prime Minister would go there on weekends to her own family's home.

There is now a link in the public domain made by Members, Sen. Hinds and others, concerning the residence owned by Maureen and Ralph Gopaul, and another matter of a contract at NP. No contract has been awarded at National Petroleum Company Limited. [*Desk thumping*] One asks the question whether or not the goodly Senator is suggesting that any business person or group of business persons who are acquainted with the Prime Minister or any politician are disqualified from accessing government goods and services or accessing contracts on offer by the Government of Trinidad and Tobago, that is the question. The person in question, the company in question, has been operating for eight to 10 years, and indeed has won contracts under the former administration. [*Interruption*]



**Sen. Beckles-Robinson:** Point of order.

**Hon. Dr. R. Moonilal:** But I am answering the question.

**Sen. Beckles-Robinson:** I am on a point of order 36(5); he is being irrelevant; all sorts of things about NP that have not being asked.

**1.55 p.m.**

**Madam Vice-President:** I think the question at this point in time—we would allow the Minister who has taken time from the Lower House to come and give an explanation. I am sure the Minister would explain and bring it around. At least put it into the context of the Prime Minister's residence. I think that is the question under consideration as to where she lived and that particular house. He is making reference to the house, in fact, in Tunapuna, so we will allow him. Minister, please continue. [*Desk thumping*]

**Hon. Dr. R. Moonilal:** Thank you very much, Madam Vice-President. I am merely answering the question in the affirmative, but giving Sen. Beckles-Robinson the benefit of an explanation as to the circumstances that led to this question being filed by her supportive colleague, Sen. Fitzgerald Hinds. I was indicating that at the heart of this question is another matter in the public domain which we would confront to indicate that no contract had been awarded at NP. The Prime Minister herself has not been and will never be involved in the issuance and award of contracts of state companies. But at the heart of this issue is really the question whether or not Sen. Hinds is attempting to use the same yardstick to measure every administration, including his own administration when he served in the government.

You see, Madam Vice-President, one should not brand everyone as corrupt or criminal. In this very Senate, the goodly Sen. Hinds, and in the newspaper, enquired whether the gentleman is a gang member, and then went on later to make allegations that suggested that there is some wrongdoing between a businessman seeking government goods and services, tendering for contracts, when none had been awarded. It may well be that Sen. Hinds conveniently forgets other issues in the national domain over the last year. It was not this administration, where a head of government appointed his wife as a Minister of Government as the first act in office. It is not this administration where Ministers in Cabinet had their family, their relatives, their spouses building houses and project managing HDC construction.

**Sen. Beckles-Robinson:** Madam Vice-President, again, I am on a point of order. Again, my honourable friend who is very seasoned and who knows the Standing Orders is talking now about the appointment of somebody's wife as a Minister. What does that have to do with the question before us?

**Madam Vice-President:** Hon. Members, I think you would recall that this is third round of questions pertaining to the same issue and, I think once and for all, it is the intention I gather, that the Minister would like to clarify the matter in all its aspects. So we would allow him for the benefit of the national community, so that you do not have, possibly additional questions or even supplemental questions. I think he is trying to bring the matter to a close once and for all, so I would allow him to bring it up. Continue in your contribution. [*Desk thumping*]

**Hon. Dr. R. Moonilal:** Thank you very much, Madam Vice-President. Let me continue with my response to part (a).

The Government's commitment and indeed policy commitment on these matters is that all business persons and groups of business persons shall have an equal opportunity to tender and to seek contracts of the Government, its agencies and state enterprises. We operate on the basis of transparency, correct procedure, fairness in the distribution of goods and services and, all citizens of Trinidad and Tobago who so qualify would be free to apply, free to tender. The Government is committed to a transparent and fair process, but we are not committed to branding persons as gang members and corrupt. Even before the award of contracts—it may well be that my very good friend is really reliving an earlier experience, when former leaders were alleged to have sold their cars to nefarious characters and so on, but nothing was said when under a former administration, the wife of an executive director of UDeCott was related to persons who sought and won contracts. I think it was his sarubhai.

**Sen. Ramlogan:** Yes. He will be “sorry bhai just now.”

**Hon. Dr. R. Moonilal:** It was his sarubhai who received—but the Attorney General has indicated it could be a “sorry bhai” in a few days. But those were the experiences and I do not think that the current administration should be measured by that Calder Hart yardstick. It should be measured by other activities of Government before that sought to corrupt the systems and the institutions of the Government.

So that in relation to this question, it is correct that the Prime Minister did for a time, and by August 31 or thereabout when the official residence was cleared by the former Prime Minister and when the necessary adjustments would have been

made, minor infrastructural work, decorative, whatever, proper cleaning, of course, would have been undertaken, the Prime Minister did move into the official residence.

Madam Vice-President, it is common knowledge that anywhere the Prime Minister goes or where the Prime Minister may stay, that the security service of this country would provide what they consider to be adequate security for the head of the government. So that when the Prime Minister did stay at Tunapuna, the police provided what they considered to be adequate security. When the Prime Minister visited her family home in Charlo Village, the police would again have provided security. It was not until December that the Prime Minister moved into her private residence in Philippine, which a Member elsewhere made into a scandalous development. That matter has now thankfully been put to rest. But it is common knowledge in the public domain that the private residence of any Prime Minister is protected and the security services of Trinidad and Tobago will put appropriate security in place, whether it is at Philippine, whether it is at Sumadh Gardens in San Fernando, whether it is at Bryan's Gate. [*Interruption*]

**Sen. Ramlogan:** [*Inaudible*] Franklin Khan, you know.

**Hon. Dr. R. Moonilal:** That was one of my saddest days. Madam Vice-President, wherever the Prime Minister resides, the Government and the police service would provide adequate security at the address. At this time it is common knowledge as well that the Prime Minister on weekends would visit her private residence and during the week generally would be at the official residence.

In response to part (b) we do not consider it prudent for security reasons, which I am sure Sen. Hinds being a former, very loyal police officer and Minister in the Ministry of National Security—[*Interruption*]

**Hon. Senator:** Junior Minister.

**Hon. Dr. R. Moonilal:** He does not like the word “junior”. Minister of State, not junior in the Ministry of National Security, under the distinguished Martin Joseph I believe. It would not be prudent to be disclosing in this Senate the address and family members' names and so on outside of the official residence of the Prime Minister. That may also be quite an invasion, but it is not considered prudent to disclose that address.

So, Madam Vice-President, in the interest of saving taxpayers' money, in the interest of convenience to the Prime Minister to conduct her work while allowing the former Prime Minister to remain at the official residence to move properly and

so on, the Prime Minister indeed did stay at times at a residence in Tunapuna. I am asking kindly through you, Madam Vice-President, that Sen. Hinds, our good friend, cease and desist from making or attempting to make really unfounded scandalous inferences from such a development.

Madam Vice-President, I thank you. [*Desk thumping*]

**Sen. Beckles-Robinson:** Let me take the opportunity to welcome the hon. Minister of Housing and the Environment because I was not aware that he was here to answer that question to the Senate. Having said that, hon. Minister in your answer you said it was to public knowledge as to where the Prime Minister was staying and that there were pictures in the newspapers with the house. So having said that, you are still saying at this time that it is not prudent to disclose the address?

**Hon. Dr. R. Moonilal:** Madam Vice-President, it is in the newspapers. I invite my friends opposite to go and look at the mailbox.

**Sen. Deyalsingh:** Supplemental question. Thank you, Madam Vice-President, thank you Minister for that bulldozing of an answer. You cleared a lot of ground and I hope that the same latitude would be given to me as was given to you. You mentioned that contracts under this Government will be awarded based on transparency, accountability and so on, and you seem to know that no contract has in fact be awarded even though that is not your Ministry. This is fine. Seeing that your answer was so all encompassing and that you seem to know the status of what is happening at NP with regard to contracts, are you in a position to say whether the person in competition with Mr. Dindial, CDS, who is the incumbent; are you in a position to state whether the person in competition for that contract has any experience in transport of petroleum products, have in fact a fleet of trucks already engaged in the transport of petroleum products that would give him some sort of advantage in this award?

Thank you.

**Madam Vice-President:** Minister before you answer, I would like to ask: Sen. Deyalsingh, I did not hear your supplemental question as to what he spoke about. What was the question?

**Sen. T. Deyalsingh:** The supplemental question was: in light of hon. Minister's wide-ranging response and his knowledge of matters pertaining to NP and that a contract was not awarded, does he know whether the person who is

vying for the contract has in fact experience in the transport of petroleum products; does he have a fleet of trucks already engaged in the transport of petroleum products that would lead NP to consider the award of a contract? [*Desk thumping*]

**Hon. Dr. R. Moonilal:** Madam Vice-President, I will engage the Senator and I will be given the same latitude. It is not my intention to clear the ground below your feet on this matter, but I want to indicate to you that clearly my good friend Sen. Deyalsingh has some intimate knowledge of that issue with Dindial. I do not know who the person is. So I am not familiar with the Dindial. I am familiar with the Chaguanas Development Authority (CDA). I am not familiar with the CDS. What I can say is that I can check on it for you to see what experience the company has, but they may have a little more than the Chairman of the PNM's wife who was "building houses". She was a teacher at Grant Memorial School and then became a contractor. They may have a little more. [*Desk thumping*]

**Sen. Deyalsingh:** Supplemental, Madam Vice-President. Are you saying that the company vying for the contract has experience in the transport of petroleum products? Is that the answer?

**Hon. Dr. R. Moonilal:** The company, from what I read in the newspapers—and I imagine Sen. Deyalsingh would have read the same newspapers, and would have no other information—in the newspapers it is stated that the company I think is a transport company. The spouse of the chairman of your party was a primary school teacher at Grant Memorial Presbyterian School, and then went on to project manage and construct homes, to which—they may be good homes; I do not know; I have not inspected them yet. I imagine that they would have had some experience. Maybe it is a question that you can re-file and we are sure to give you a comprehensive answer.

**Sen. Al-Rawi:** Supplemental question, should it please you, Madam Vice-President. I welcome the hon. Leader of Government Business to the Senate and thank him for his wide-ranging answers. If I may just enquire relative to the NP contract insofar as you have pegged it as being relevant to the Prime Minister's residence at times, could I please enquire of you whether a report has been submitted on the contract issue, if none has been awarded, to the Attorney General, as has been stated to be so in the public domain? Secondly, has the Cabinet in fact received a report on this issue?

**Hon. Dr. R. Moonilal:** Madam Vice-President, my very dear friend, Sen. Faris Al-Rawi, whom I think we missed on Sunday at this lively cricket match at Couva—we missed him. The Senator having served before I think on the HDC board—[*Interruption*]

**Sen. Al-Rawi:** With pleasure.

**Hon. Dr. R. Moonilal:**—with pleasure in the Ministry of Housing, would be aware that this is a matter for the Ministry of Energy and Energy Affairs and any report would be directed to the Ministry of Energy and Energy Affairs and not the Minister of Housing. But you are aware that matters with the Ministry of Housing, for example, malpractice by the board, or any matters dealing with the board Members and so on that reports would be submitted to the Minister of Housing.

**2.10 p.m.**

So I imagine that at the Ministry of Energy, matters dealing with the Board of NP—oh, I am comfortably responding—you would be aware from your service at the HDC Board—He was at Clico too?

**Sen. Ramlogan:** Yes, he was also at Clico board too.

**Sen. Al-Rawi:** No.

**Sen. Ramlogan:** Which one is it? CIB—Clico Investment Bank. He was a director of that bank.

**Sen. Al-Rawi:** Correct.

**Hon. Dr. R. Moonilal:** Madam Vice-President, the multi-skilled Senator would be aware that the proper direction for such a report dealing with NP would be the Minister of Energy and not the Minister of Housing and the Environment and matters of housing would be directed to me.

**Sen. Al-Rawi:** Thank you for the attempt at answering the question, Madam Vice-President. Perhaps the *Hansard* could be a little bit more real time and produce a transcription, maybe I could recommend to the Leader of Government Business in this House, because it would assist the Member in paying attention to the question. I did not ask him whether he had a report. I asked him whether a report had been submitted to the Attorney General, one. [*Desk thumping*] And two, whether a report had been submitted to the Cabinet. Regrettably, he is wasting time, so could he please listen and answer the questions, and in the course of that, I would just simply ask—questions; irrelevancies are not a habit of this House, respectfully, Madam Vice-President.

**Madam Vice-President:** Thank you. Before he responds though, I would like to indicate that it is the Chair's decision whether or not wasting time is part of any Member's contribution, and I will allow the Minister to answer the question as put.

**Hon. Dr. R. Moonilal:** Madam Vice-President, I could have been out of here 10 to 15 minutes ago. My friends opposite are wasting my time by asking such irrelevant questions, and then they are vex that I would not answer the question. Again, the question that you are raising is for the Attorney General, he is here all the time with you. Why do you not ask him if he has a report? Why do you ask me that? Surely, you know that. So let us not waste each other's time with further supplementals which are really not supplementals. [*Desk thumping*]

**Sen. Al Rawi:** Further supplemental. Is the hon. Minister, the Leader of Government Business with as much experience as he bears, not answering the question? He has come to this Parliament to answer the question. He has raised the issue of the NP contract himself as being centrally relevant to the answer which was asked by Sen. Hinds.

Madam Vice-President, you have in fact permitted him to answer the question in that way, allowing him the latitude to demonstrate relevance. He not having been overruled, it therefore being relevant, can he answer the question?

**Madam Vice-President:** While I allowed the hon. Minister to include parts of his contribution in reference to the contract as it related to the ownership of the house, it was not the substantive element in his contribution, and so it is really not the aspect for debate or question or further question.

I would like, if you do have questions as they relate to anything that he has indicated and you would like to file questions, please do so because really and truly the substantive issue was in response to the matter, it was not in response to any matter that is under the purview of the Ministry of Energy.

**Sen. Al Rawi:** Madam Vice-President, I thank you for your guidance which is always appreciated in demonstrating that my friend's answer was irrelevant on the NP issue. Thank you very much.

**Sen. Beckles-Robinson:** Just one last question to the hon. Minister. I just would like you to clarify whether the hon. Prime Minister stayed at the residence free of charge, in other words, absolutely no bills were paid, no rent, so that she was totally therefore at the pleasure of—I think it was the Gopauls you said.

**Hon. Dr. R. Moonilal:** Madam Vice-President, the State incurred no rental cost for the stay there, as the state incurred really a huge cost when the former Prime Minister decided to stay at Federation Park.

And since I am on my legs, I want to thank my friends opposite; I think we are coming up to the end of the question time which I regret so much.

**Sen. Al-Rawi:** You are welcome to stay.

**Hon. Dr. R. Moonilal:** I want to thank them for the opportunity to engage in this matter but really invite you seriously to direct your questions to the Minister of Energy, and in such circumstances as well, the Attorney General. The Minister of Energy, my colleague, would be very happy to be in your company as the Attorney General has always indicated that he is at your pleasure to answer each and every time. Thank you very much [*Desk thumping*].

**JOINT SELECT COMMITTEE REPORT**  
**Legislative Proposals**  
**(Adoption)**

**The Parliamentary Secretary in the Ministry of Energy and Energy Affairs (Sen. Kevin Ramnarine):** Madam Vice-President, I beg to move the following Motion standing in my name:

*Be it resolved* that the House adopt the Second Interim Report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and the repeal and replacement of the Central Tenders Board Act.

Madam Vice-President, pursuant to resolutions passed in this Chamber and in the other place last year—I think it was October and November—a Joint Select Committee was appointed on November 02, 2010 to consider the very elements of the Motion that I just read, that is to consider and report on Legislative Proposals to provide for Public Procurement and the repeal of the Central Tenders Board Act.

The chairman appointed for that committee is the hon. Member of Parliament for Caroni East, Dr. Tim Gopeesingh, who is also the Minister of Education. The committee submitted an interim report in February 2011, in the Senate; that report was submitted in this Senate on February 08, 2011, by my good self. At that time, the committee was granted a three-month extension to complete its mandate, that extension expired on May 07, 2011.

Since the extension was granted back in February 2011, the committee has met on seven occasions. During that time the committee continued its work in collaboration with officials of the Ministry of Finance and technical experts from the Office of the Chief Parliamentary Counsel. The committee was also pleased to receive and review submissions from the Joint Consultative Council (JCC), the



Trinidad and Tobago Chapter of Transparency International, the TT Chamber and the Trinidad and Tobago Manufacturers Association; those four organizations jointly submitted a report to the Joint Select Committee. We also received written submissions from NIPDEC and from the Caribbean Procurement Institute.

The last meeting of the committee was held on May 02, 2011, and at that meeting, it was decided that the Chief Parliamentary Counsel (CPC) would draft a report that contains a legislative framework for public procurement. Madam Vice-President, all Members of that Joint Select Committee are appreciative of the importance of this legislation to good governance, and the historic nature of what we are trying to achieve. There has not been a comprehensive overhaul of public procurement legislation in this country in a very long time.

What we are attempting to achieve therefore, is very significant and important to the people of Trinidad and Tobago, and it would provide a legislative solution that would increase openness and transparency while at the same time, modernising the system of procurement, and of course, lending to overall economic competitiveness.

The committee is still engaged in discussion with technical experts with respect to the preparation of a legislative framework, and as a consequence was unable to make its May 07, 2011 deadline. In light of this, the committee respectfully requests a further extension of four weeks in order to submit a final report to Parliament.

Madam Vice-President, I beg to move.

**2.20 p.m.**

**Madam Vice-President:** Hon. Senators, before I propose the question I would like to take this opportunity to welcome to this Senate, Sen. The Hon. Dr. Bhoendradatt Tewarie, Minister of Planning, Economic and Social Restructuring and Gender Affairs. Welcome Mr. Minister. [*Desk thumping*]

I would also like to recognize the acting appointment of our very own Leader of Government Business in the Senate, Sen. The hon. Subhas Panday as the Acting Minister of National Security.

I would like to add my congratulations to Members of the parliamentary representatives who took part in the parliamentary cricket team and the cricket match that we had at the Balmain Stadium on Sunday. It was an excellent event. I think hats off. In fact, this Senate was very well represented. Sen. Hinds and Sen. Dr. Henry did admirably well in the batting. [*Desk thumping*] I must say we did have an excellent turnout.

*Question proposed.*

**Madam Vice-President:** Anyone wishing to contribute may do so.

**Sen. Faris Al-Rawi:** Thank you, Madam Vice-President. I rise to make a short contribution on the Motion for the adoption of the Second Interim Report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and to repeal and replace the Central Tenders Board Act.

I have taken time to reflect upon the length of that description, because I am, at first task, to remind that we are dealing with two mutually exclusive Bills; one is a Bill and one is in fact a legislative proposal.

In the contribution on February 08, 2011, for the adoption of the first report, I rose to state that we should be cautious and we should disabuse ourselves of the practice of asking for extensions of time, which were not adequate. In fact, Sen. Abdulah, in his response to my contribution, said that he regretted the tone of my contribution. He later went on to note that we are colleagues well and that we have happily contributed in the joint select committee in singular purpose to achieve a proper legislative framework for procurement in Trinidad and Tobago, but he did take exception when I cautioned that we would be back before the House asking for another extension of time, as in fact we are doing today.

That is, in fact, the case, without going into the business of the committee, because we are dealing with a transformation of established procedures as they exist in procurement. It is not, for one moment, that Trinidad and Tobago is without a procurement system, far be that from the case. We in fact have an established procurement procedure and one which relies essentially upon the integrity of persons participating in the selection process. By that I mean specifically those persons who serve on the tendering committees.

I was very warmed that the Leader of Government Business, the Hon. Minister of Housing and the Environment should have come to this Senate today to reiterate the statements that the Government of Trinidad and Tobago, the People's Partnership, is intended upon ensuring fairness and transparency in process. It is regrettable that he has had cause to leave the Senate, because I would have wished him to hear part of this contribution, as it in fact focuses quite squarely upon some of the issues that he chose to mention in his perambulation of issues in answer to my learned colleague, Sen. Hinds. Madam Vice-President, by that I mean that, had he been present here, having stirred the fire in this Senate, he would, perhaps, have had an opportunity, with your permission I would think, to feed one of his colleagues or himself answer or participate with your leave, in coming to the core of public procurement as it currently exists.

I am cautious that we are asking for a one-month extension only, and I am cautious that in this second interim report, which I have, in fact, not had the benefit of participating in, because it was laid on Monday, May 02, when I had apologized for my inability to attend the committee then, on account of obligations at court. Had I been there, I would have done then, as I am doing now, I would be laying strong caution again that one month is not enough time to deliver what is intended to be delivered by this report. That being the case, it would have been important for us to have included in that report—with an imminent prorogation of Parliament intended on June 17—a savings clause. Because, as you are aware, section 75 of our Standing Orders, which deals with committee business, provides for reporting of committees. And, section 84 of our Standing Orders would have allowed us to have incorporated the practice of the House of Commons, as it relates to the savings of businesses of committees.

My cautious statements are made in the context of the disability which the committee has been labouring under, insofar as, notwithstanding promises from the Attorney General in particular, who has fled as quickly as the Leader of Government Business in the Lower House has—those promises by the Attorney General were that he would have come with a Cabinet-stated policy on public procurement. And, I again make serious complaint, as I did on February 08, 2011, when I rise to state now, as I did then and as I have stated in committee, that there is no statement of policy from the People's Partnership, as to its position on public procurement.

Why that is such a serious issue for me is that it is in the public domain right now, that the hon. Prime Minister has been reported in the newspapers as saying the business of the committee on public procurement should be accelerated. She in fact said that in answer to questions relative to the dismissal of Mary King as a Senator of this Chamber and as the former Minister of Planning, Economic and Social Restructuring and Gender Affairs. In stating that, one would have reasonably assumed that the Government would have articulated already, in the months between October of last year to present, and in nearly 11 months of work, one would have assumed that the Government of the People's Partnership would have been able to articulate a clear policy on public procurement, but that is in fact not the case.

The second concern that I have relative to the time frame is that the work of the committee is intended to review the facts and data that we complain about all the time as being essential to feeding policy, in particular the facts and data of the Ministry of Finance—they being the repositories of information, relative to

expenditure from all arms of Government, be they state enterprises or central government. Without the empiric data having come forth from the Ministry of Finance, in particular, the work of the committee, dare I say, is going to be seriously challenged because we are either going to end up with, on the one hand, a half-baked product put before the Parliament for debate, or a product which requires us to come back and ask for a further extension of time in a third interim report to this Chamber.

I am deeply concerned to rise on this issue as well because, in the public domain, there are actual statements as to how the existing system of public procurement is being implemented and managed by the People's Partnership.

The one that gives me most cause for concern lies, in fact, upon the contributions of the Leader of Government Business in the Lower House, when he just said to us that this Government is committed to fairness and participation and that everyone should have the opportunity to tender. But, that in fact runs very contrary to the statements in the public domain, when one considers reports on the Air Caribbean/CAL issue. I wish to state that, in my reading of the public utterances and newspaper coverage, in relation to the CAL issue, I note that Mr. Nicholas was the chairman of that board, quite properly, has come out in the public domain and said that he recused himself after having declared his interest and that he took no part in any decision, and I compliment him for that openly. What has been buried under the scandalization of a contract being awarded to a firm is in fact buried in one of the articles, which I wish to draw to your attention.

With your leave, I wish to quote from the *Trinidad Guardian* in its publication of May 15, 2011. It is reported in that newspaper article by Asha Javeed, what I consider to be the real heart of disproving the statements of the Hon. Leader of Government Business a short while ago. After a lot of commotion is made about whether Air Caribbean should have in fact granted a contract to a company in which Mr. Nicholas' family members have participation, I wish to push that aside and say that what really troubled me in that article—if I quote page A6:

“The Sunday Guardian was informed that another high-ranking board member lobbied during the tenders meeting for 21<sup>st</sup> Century, an insurance company based in Chaguanas, but the company was rejected on the legal advice of Gizelle Russell. She contended that the company was small and never undertook a project of the size of which CAL demanded.”

That seems quite proper up to there. One must look to experience when awarding a contract, and track record, obviously. But, what happens next? In quotations:

“Propaganda was perpetuated. Risk (Management Services) was said to still be associated with Guardian Holdings and its PNM-appointed chairman, Lok Jack. And then politics played off. The prejudice at the company is at the top. It was agreed that was not the direction the company should go,’ a company source pointed out.

‘We were given the impression that the political directorate would not approve of Risk Management Services because of the GHJ link so we left it out’, another source told the Sunday Guardian.”

Madam Vice-President, what I am driving to is the fact that the real issue, if one were to look at it from a public procurement perspective and as anchors in this Motion, is that the national attention is not really focused upon the fact that once you dare to wear a Balisier emblem as I proudly do, once you dare to say that you are not a party supporter of any one of the five members and principally the United National Congress, that you are to be automatically excluded and, if I use the term without Sen. Hinds being present, you ought to be blacklisted on account of your political affiliations.

If one were to reflect upon the fact that several hundred thousand people have voted for the People’s National Movement, is it for one moment acceptable that a statement attributed, I would use that phrase properly, to a board appointed by the People’s Partnership should for one moment disqualify a tenderer on the basis of political affiliations?

**2.35 p.m.**

Madam Vice-President, I cannot stand as a responsible parliamentarian in this Senate and allow that to escape attention. You see that is in fact repeated if one were to look at the issues surrounding the National Petroleum contract. There is littered in every newspaper for several days now commentary relative to a purported award of a contract to someone who has been stated a short while ago to be a close member of the Prime Minister.

Now, Madam Vice-President, I do not support the fact that everyone who knows a person who is in power should be automatically excluded from work, that is not the case. We must allow for proper procedure to be applied and I am speaking to existing procedure whilst we are dealing with the development of procurement legislation.

The point in relation to the National Petroleum contract is, that it is conspicuous that the Leader of Government Business, the man who sits next to the Prime Minister who was authorized by the Cabinet, as he said he was, to come and

answer a question for the Minister of National Security, a question which you, Madam Vice-President, pointed out had been asked on many occasions. It was only after drilling and beating by Sen. Hinds that the issue was eventually answered, or an attempt at an answer was offered by as high ranking official as the Leader of Government Business in the other place.

**Madam Vice-President:** Senator, I think with respect to the other manifestations of questions they were attempted, and I think it had to do with the format of the questions and I think each person who came to give their answer, gave it in accordance with the question posed.

**Sen. F. Al-Rawi:** Thank you, Madam Vice-President. That is quite correct, because that is why I in fact used the expression that this was the third or fourth attempt at asking the question. It is disingenuous if one were to hold the mantel of transparency that we just saw demonstrated by the Leader of Government Business in the Lower House, to say that the Government has always been prepared to answer the question. If so, in as wide a perambulation as was just permitted the Leader of Government Business, someone would have answered the question already, because they could have said, well, we understand what the wider issue is, and we will answer it as the Leader of Government Business just did. He said, well I understand that the real issue is the NP connection, and so I am going to answer this, even though we had said to him that the question was not being answered and that he was going out of bounds. I am grateful that he in fact condescended to providing an answer to a real issue which we had to beat him for.

On the NP issue as it relates to public procurement, and as it relates to this Motion, I am speaking to process again and I am speaking to the implementation of existing tendering processes and existing public procurement procedures. If one were to appreciate the pre-action protocol letter issued by Martin George on behalf of the objector to the alleged award of the contract, you would see that the issue in the public domain is currently whether someone with as little a track record as has been alleged to have been laid, ought to be the beneficiary of a contract. Because we are seeing, Madam Vice-President, when you look to the Air Caribbean Airlines issue that someone with a proper track record such as GHL Risk Management Services is being excluded solely on the basis of an alleged link with Mr. Arthur Lok Jack, and he being purported to be a pure PNM man, as if he has no morality of his own to demonstrate his impartiality in the running of business. The complaint that I make of this Government is that you cannot preach transparency, transparency, transparency and fairness, fairness, fairness, when you are intent on excluding persons simply on the basis of political affiliations.

Madam Vice-President, what if Mr. Lok Jack were as frequent a changer of political parties as my friend Sen. Moonan is? What if Mr. Lok Jack had changed his affiliation from the UNC, to the PNM, to the NAR, to the PNM, to the COP as my learned friend Sen. Moonan has said? Just by way of example. Is Mr. Lok Jack's affiliation to Guardian Holdings meant to debar someone's participation and legitimate expectation of fair treatment in process? That is the complaint that I make, I am talking to process—process in fact still echoes so warmly in these Chambers, Madam Vice-President, because that was the substance of debate yesterday in the House, when we complained about process of the Committee of Privileges.

Madam Vice-President, the hon. Leader of Government Business happily noted that I was very pleased to have served on the board of HDC. Do you know why I was pleased to have served on the board of the HDC? Because I am on record and have demonstrated the fact that anybody who sought to obtain procurement, be they by way of services or contracts, for building of houses or provision of legal services—they were treated fairly. So much so, that when I had the pleasure of arranging legal representation for the HDC in the Uff Commission of Enquiry, I had the pleasure of retaining a known UNC lawyer to represent the HDC. A gentleman who is in fact before the commission of enquiry on the 1990 coup, a man who ran Ramesh Lawrence Maharaj's campaign, Madam Vice-President. That is proof in the pudding and that is that you put actions in and you do not only talk. So I am happy that he had cause to mention that I served with pleasure on the board of the HDC, and worked with all of the inefficiencies that present themselves, because I never had cause whilst inefficiencies prevailed to bulldoze people's lands without having consulted them or sent in a social impact survey. I do not have that dubious honour as the Leader of Government Business does with his yellow backhoe embroidered on some of his HDC shirts.

Now, Madam Vice-President, on the issue of procurement, no amount of legislation that we debate; that we bring for report to this Parliament and stimulate discussion on; be they legislative framework proposals or otherwise, is going to ensure that you are given a fair shot, because regrettably this Government has not demonstrated that under the current procurement procedures. How is one to accept that? If we hear the Leader of Government Business come to this Senate and tells us that the Cabinet has authorized him to come and speak of an NP issue, and that no contract has been awarded—and yet he then tells me it is the Minister of Energy to answer that question. When he has raised the issue, authorized by Cabinet—section 75 of the Constitution creating a Cabinet there being collective responsibility after discussion—the audacity to come to tell Members of this

Senate that you must direct your questions to the Minister of Energy when it is a live, current issue, is as good as what he has repeated yesterday, it is ducking and running, Madam Vice-President.

On the issue of procurement, where is the guarantee by way of demonstrated action from the Members opposite, that there is transparency? May I ask my learned friend, Sen. Emmanuel George, under the existing transparency and the existing processes, where is the existing process for the appointment of a CEO at WASA? Has it been advertised? What is the result? Who considered it? What are the terms and conditions of employment? Let me put this at rest, take the wind out of anyone's sails lest they come to say this after—I do not care if somebody stands after me to say PNM this and PNM that. You came to Government on the horse of establishing a better process.

**2.45 p.m.**

The hon. Sen. Ramnarine stood on February 08, 2011 to say that the People's Partnership promised in its manifesto to deal with laying public procurement measures on the table for discussion within 30 days of coming into office and he said done.

So we are discussing it without policy that is not done. We have existing laws and rules and procedures which govern public procurement and the procurement of the services of a CEO is one of them. So, where is the application, number one, of your promise that you would do it better; and, number two, of existing rules and regulations?

I joined the PNM in this Senate in opposition. I am now 40 years of age. I am not bound by any anchor of 54 years, five years, four years or eight years or UNC participation to say that I must drown without change. I am here to change it. But when a government comes on a self-proclaimed high horse to tell us that they are going to do it better, where is the public procurement for example, in WASA? Where is the public procurement even going to arise, if you have not appointed boards? How does one procure without a board? Trinidad and Tobago Company Limited, if one were to use that example, is being run in several aspects without a board. Several entities are yet to be appointed; some only recently appointed. When you are talking about procurement, how do you procure without a board?

When you are procuring, you are meant to be engaging in the spending in a legitimate, transparent fashion of the revenue of Trinidad and Tobago. We had laid last week the Report of the Auditor General on the Public Accounts of Trinidad and Tobago for the financial year ending 2010. We would have seen in that statement what spending is. So procurement being relative to economy



through expenditure by Government is the third horse as Sen. Ramkhelawan called it, the consumer sector being one; the private sector being another, and the government sector being the third.

We entrusted, with the passage of the budget in September of last year, this Government with its full wish list. We said we will support their budget, not only because it was a replication of PNM policies in main when you looked at the heart of it, but because we said the country is going through a difficult time and we would allow them the liberty to engage in deficit management. The sum of \$7 billion precisely; but what are we seeing without boards that trigger procurement procedures? We are seeing a flat economy. We are seeing the economy of Trinidad and Tobago being given a statement that \$500 million out of \$7 billion has been spent to date; Public Sector Investment Programme (PSIP) expenditure.

How do you kick-start an economy without launching projects? Do you want to know why contractors have not been paid and stimulation not effected? Because you have not spent the money that was approved for it. So, are we in the process of dealing with public procurement to trivialize the issue that procurement is only one arm of economic management? Procurement does not only ensure that austerity happens through transparency and accountability; but public procurement is inherently tied to expenditure and the People's Partnership cannot be given a get-out-of-jail card as it relates to its obligation to run this country in an efficient and positive fashion.

Madam Vice-President, I do hope that the Government is taking careful note of its obligation to the people of Trinidad and Tobago. I do hope it takes careful note that whilst we are discussing procurement reform, it still has an obligation to uphold the law; to apply rules and regulations as they exist; and that it cannot deviate away from transparency; one, because we are watching and it is our obligation to point it out and we will; and two, because it owes it to the people of Trinidad and Tobago, having arrived on its high horse of transparency that it would do it better; its task is to do it better and it cannot delay in that process.

Madam Vice-President, I wish to state for the record relative to the Motion itself, that it is my belief, unless we are railroaded in the committee stage, that we need to come back in a third interim report; that we will, if prudence prevails, be asking for an extension of time and a savings provision for the work of the committee to be adopted by a future appointed committee and that that would be apposite to Trinidad and Tobago's best interest.

Madam Vice-President, I thank you for the opportunity to make this contribution.

**Sen. Basharat Ali:** Thank you very much, Madam Vice-President. I rise to make a contribution specifically on this public sector procurement regime and I am going back, with your permission, to my contribution on the Appropriation Bill, 2007, on Monday, October 16, 2006. I am going to read through it quite extensively because that was a subject I addressed in a good part of my contribution. Here I go.

**Madam Vice-President:** Senator, could I ask that you, because it is a previous contribution made in the Senate—could you extract from it rather than read extensively?

**Sen. B. Ali:** I do not know that I can extract from it. I really cannot. It flows. It is not long. Other people have spoken about it. I am not handling any other thing. This is all I am doing to say what my position is on public procurement. I think, particularly for the benefit of new Senators, it would be worthwhile.

Madam Vice-President, you can stop me if you think I am going for too long. It is the heart of the matter. I start from square one. I am reading from *Hansard*, Monday, October 16, 2006, my contribution:

“I would like to spend some time on the public sector procurement regime. I looked at the timeline for this. Budget statement 2005 said that a Green Paper was out for public comment and the targeted implementation was in June 2006 for the regime. Then we come to budget 2006; the White Paper had been laid in Parliament in September and the new procurement regime was to be in effect for the fourth quarter fiscal 2006. Today in the budget statement”—the current one—“the new regime is expected early in the new fiscal year;—A promising record on the regime. I am not satisfied.”

I went on to say:

“Let me remind the Senate what the basic principles of the new regime are:

1. Value for money;
2. Greater public accountability; and
3. Promotion of greater transparency.

One cornerstone is the establishment of the regulatory body, a statutory body with parliamentary oversight under section 66(A) of the Constitution...We are already into fiscal 2006/2007, so when can we expect this legislation to come to Parliament, enacted and proclaimed? There is a question mark to whoever may wish to field it. In the meantime, we are

experiencing a flurry of spending by the special purpose state enterprises: UDeCott, Education Facilities, Nidco, et cetera. It is probably in the order of \$5 billion to \$10 billion. We are seeing embarrassing delays in the delivery and cost overruns in individual projects.”

I went on. I said:

“Looking at these principles, value for money to start with, I looked at the rapid rail project. It is a project of concern to many of us. As a registered professional engineer, I am appalled by the process of implementation of this project. The comprehensive National Transportation Study was expected to be completed by consultants”—probably—“by the end of September”—that is 2006—“The lead consultant, Parsons Brinckerhoff from Utah, has been with this project for a long time. I note that a subset of this study, the Mass Transit System Study, was commenced in August of 2005 and the highlights were given in the document.

I am running out of time so I am unable to read it, at this stage. But what bothered me was that in June we had an allocation of \$30 million for this phase III—I do not know what this phase III is—plus another \$15.9 million to expand the national transportation study to include implementation of a rail system; all this for \$46 million. What is the cost of phases I and II of this study? I do not know.”—and I still do not know—

**Madam Vice-President:** Senator, I am going to ask you, Senator, and all Members in particular to refer to Standing Order 35(1) confining your contribution to the matter under this particular debate. I am going to reiterate what I asked at the very beginning of your contribution. You are making reference to a prior contribution made on another Motion. It may have been similar, or a Bill during a debate. I would ask that if you are to prepare for this particular debate that you sum up the points that you made or make reference to it, but you are really reading and repeating points in another debate. I would ask that you look at Standing Order 43(1)—repetition of either your own arguments or any other Member, whether it be in this particular Bill or any other. You may wish to sum it up so that you can tie it in to this particular interim report.

**Sen. Al-Rawi:** Just for a point of clarification, regrettably, I was not a Member of this Chamber in 2006 and so, in the heart of discussing this issue, I would have wanted to be regaled by arguments offered previously; whether from someone else or the hon. Senator himself does not make a difference to me. For your kind consideration, Madam Vice-President.

**Madam Vice-President:** I refer Senators to recall from *Hansard* any documents of any contribution made by any Member in the past. However, I feel it is inappropriate at this time to recall an entire contribution made in this same House during 2006. I feel that it is unfair that we should subject the Senate to a repetition in totality of a contribution that Sen. Ali made. I am asking that you sum up your points. Certainly, I am not going to deny you the opportunity to make a contribution towards this.

Sen Al-Rawi, if you would like to see what Sen. Ali spoke about in 2006, I direct you to the *Hansard* so that you can get a copy of his contribution.

**3.00 p.m.**

**Sen. Al-Rawi:** Madam Vice-President, on a point of privilege. There being a general privilege attached to Members' ability to articulate their views in this Chamber in an unfettered fashion; that being a general precedent of privilege, not wishing to traverse, your direction, Madam Vice-President, or rather your guidance because you have not directed squarely, but I am just trying to understand how five minutes of contribution so far, is a review of an entire debate. Just for your guidance, Madam Vice-President.

**Madam Vice-President:** Sen. Al-Rawi, I would like to ask that you refer directly to what Sen. Ali indicated as his intention. He is going to read his previous contribution, and I take that. I can always ask for *Hansard* to bring that to me so that I can review it. But as far as I understand, Sen. Ali has indicated to this entire House that he intends to read his entire contribution from his previous contribution of 2006. [*Crosstalk*] Senator, could you please continue.

**Sen. B. Ali:** Thank you, Madam Vice-President. I am frustrated. In fact, I am frustrated. I say it very, very plainly. I am frustrated by that statement because someone can come and speak for half an hour on nothing that relates to public procurement, and here I am trying to explain where I stand. Madam Vice-President, do you know when I got this notice that we were going to do this Motion? [*Crosstalk*]

**Sen. Cudjoe:** Last night!

**Sen. Al-Rawi:** Last night!

**Sen. B. Ali:** Last night! So, if you ask me, when was I supposed to do preparation for it—[*Interruption*]

**Madam Vice-President:** I do not wish to frustrate you but, certainly, if you had prefaced your contribution by saying that you got this at a later stage or at a later point and you would like to make that your interest—in fact, if you had come

to me simply before, a few minutes before and indicated that in light of the late arrival of the document that you would like to read from your contribution, maybe we would have discussed it before.

But again, I am going to ask that you do not go back to review your entire contribution in 2006 and that you summarize the points, so that it is relevant to today's debate. And at least, it is timely and valid to today's debate because you will also make reference as you have done in the six minutes that you have started—you have made reference to some of the things that have been in the past and may have been concluded. So, it is just a matter of guidance. I think in your own experience you would know that.

**Sen. Al-Rawi:** Madam Vice-President, on a point of privilege. Yes, Madam Vice-President, I know that it may be vexatious for one to rise on a point of privilege and that the right of advocacy does not prevail in this Parliament. But forgive me, I bring it from another experience.

Madam Vice-President, I did witness that Members of this Senate are permitted the ability to demonstrate their relevance under Standing Order 35 after some 20 minutes of delivery in a question. I was sure, from my understanding of what I have been listening to attentively of the hon. Senator, that he was going to draw those dots. So, on a question of privilege, I only ask; are we not to be meted out with the same favour as offered to the Government Bench, Madam Vice-President? [*Desk thumping*]

**Madam Vice-President:** Senator, I think you have misunderstood. I am not sure if I am not being clear. I am simply directing that it is inappropriate for any Member, any Member, to take wholeheartedly, a contribution that was made in 2006 and indicate to this Senate that you are prepared to read your contribution from 2006 into the *Hansard* record of today as your contribution for this particular Motion.

I have not, in anyway, indicated that the Member cannot speak, or he cannot make or he cannot enjoy the privileges afforded to any other Member, any Member in this House. I take umbrage to that. I really did not do that and I have simply asked that Sen. Ali put his points together as in a valid and timely contribution to this particular debate. I am going to ask him to continue in that vein.

**Sen. Al-Rawi:** Madam Vice-President, just one more intervention. Lest it be left on the record, I mean to cause no umbrage or disrespect to the Chair and, in particular, you as the Vice-President of this Senate. If I have indeed caused any

discourtesy or demonstrated any discourtesy, I humbly apologize. I am, just for the benefit of my inexperience in this Parliament, curious about the rights of privilege as I have framed them, because sometimes it does come across to those new to these Chambers that there seems to be sometimes a different yardstick. There seems to be, Madam Vice-President. Thank you.

**Madam Vice-President:** Sen. Ali?

**Sen. B. Ali:** Thank you, Madam Vice-President. I am not satisfied, I can tell you that. There is something that has been close to my heart for a long time and I feel that I should have had the opportunity to say so. [*Crosstalk*] I said it four and a half, almost five years ago, so why can I not repeat what I said then? Nothing has been done in the period. [*Desk thumping*] That is the point I am trying to make. Nothing has been done, except we have come forward with the Bill now, with a Joint Select Committee looking at the matter. And that is my problem because I am not going to get into a hassle, okay, I will leave out what I have to say about Parsons Brinckerhoff. [*Crosstalk*]

**Hon. Senator:** But you should not.

**Sen. B. Ali:** Well you see Parsons Brinckerhoff was employed by the former regime, and they did a lot of nonsense. They spent a lot of money. They produced a report which we have never seen. The Central National Transportation Study has never been seen by anybody else and I am sure if Member Imbert were here, he would have said so.

But that is what we had, we had people like that, Parsons Brinckerhoff. And I was saying in my contribution here that they—

...“are not immune to dissatisfaction. In fact, they were fired from a project in August 2004, and they had been sued by a metro agency of the Saint Louis County; their case came up in January 2007”.

These are people who were employed by us and who dragged out money from us. That is why I am saying, Madam Vice-President, I speak here as a professional engineer, not as a parliamentarian debating any matter. I speak here as a professional engineer as someone where this whole matter has been close to me; close to my heart. And this is why I want you to read it.

I was here, Madam Vice-President, during the first boom and I can tell you a lot of these things happened. It is all here what I intended to read. You see, I just go back to,

“Mr. Vice-President...”

Now I am saying Madam Vice-President.

“I intended to make a statement about myself and my personal experience in the energy sector in the first boom. I have to contract it”,—the statement—“because my time is up. I found that apart from what we had then, I see a parallel in this period.”

I am talking about 2006.

“Apart from the inflation of the costs, et cetera, there was a lot of interference then, but not by the people you expected to lobby. There was collusion between contractors,”

—tell me they do not have that still—

“but you could not do anything about it, because you could not go back. Everybody was so busy; you could not go back, otherwise you would lose your contract schedule and be open to penalties from not being able to deliver your product”.

And I go on, Madam Vice-President.

“So, I urge that we get this system in place as soon as possible, because if you ask me whether there was corruption at the time I would say undoubtedly. Some even said that I was corrupt, but I have to say that I left early, I came out with clean hands and remain to this day, poor and civil”.

I still remain poor and civil up to this day, and I can still come here and say what I am saying.

Madam Vice-President:

“I join with the Transparency Trinidad Institute in asking—they are demanding, that we have this legislation enacted and proclaimed at the earliest opportunity”.

And that is why I am so passionate about this. It is almost five years and we are just into the stage of getting the Joint Select Committee in motion. And so, I strongly support this except that we are taking a long time. If you have been waiting as long as I have been to get a procurement regime in place, I always say when you delay it so long by the time it is passed you have nothing to procure and all the dirtiness has gone past.

That was my contention. I still contend the same, and that is why we are seeing today all these projects—I will not call them out. Each day there is a new project, and that is because we do not have the law in place; the proper legislation in place.

**3.10 p.m.**

So, I support then the Transparent International Institute, I support them again and I support them still that we get this implemented as soon as possible. I would like to support the Joint Select Committee as appointed. I have two Members on it; Sen. Helen Drayton and Sen. Dr. Rolph Balgobin and I chose them because I know they have the capability in this field. So, we are committed. We on this bench are committed. I do not know about anybody else, but I often talk to my people about this. We are committed to it, and we are willing to spend the time on it.

I agree with the extension. I will support the extension except that looking at the timeline, four weeks will finish on June 05, 2011, and I do not know whether we will get sufficient time then, but I see the suggestion has come that we will be able to save it until the next session, because let us be practical, we are not going to get there in this session. So whatever we do in the JSC let us save it and then we have to kick-start it again and get it done.

So, Madam Vice-President, I beg to formally support the Motion before us, and I wish the JSC all success in getting to the stage of this interim report. Thank you. [*Desk thumping*]

**Sen. Helen Drayton:** Thank you, Madam Vice-President. As a Member of the committee I, of course, support the Motion. I would just say a few words, and that is that it may appear that it is taking a long time, but let me assure this honourable House that this committee has held several meetings. We have done some very serious work. We have been engaged in much dialogue on the two legislative proposals that we were mandated by Parliament to examine.

Now, we have spent many hours reviewing and researching a wide range of materials, including the report from the UDeCott Commission, and we have interrogated the proposals with the objective of coming to the point where there could be a substantive report to shape meaningful and relevant legislation.

I think that there is general agreement that we want legislation that is robust, that is practical and which promotes accountability and transparency as well as cost-effectiveness among other factors. We want a system that would provide



standards that are appropriate to the various sectors that must be served by good procurement legislation.

Procurement is a lever for economic development and for national competitiveness. It is a critical and very important piece of legislation, and given the fact that it has taken so long, and nothing has come to Parliament before now in terms of legislation; we might as well take the time that is needed to get it right.

We need to consider the requirements of other important stakeholders. There is always the thought and belief that procurement matters have to do, for instance, with construction, but it is not limited to construction dollars. We are talking about substantial funds and substantial public moneys which are spent on goods and services in education, national security, utilities, health sector, works and transport and the energy sector, each of which has unique requirements. It is important that we scrutinize what those requirements are to inform the input into a legislative framework.

Let me say I have tremendous regard for each and every Member of the committee chaired by hon. Minister Dr. Gopeesingh, and I appreciate having the opportunity to work on this very important piece of legislation. I want to take this time to extend appreciation to the wonderful work of the support staff, and if I may mention, the Chief Parliamentary Counsel—[*Desk thumping*]—Senior Counsel Mrs. Blake for her dedication, patience and conscientiousness.

I thank you, Madam President. [*Desk thumping*]

**Sen. Shamfa Cudjoe:** Thank you, Madam Vice-President. I, too, support this Motion to extend the time given to the committee to do its work. I also agree that more time would be needed, and I support having some kind of provision to allow this work to be carried into the next session, because I do not think that we are going to finish it in this session.

Now, Madam Vice-President, I support this Motion and I encourage the promotion of any measure and any steps taken to strengthen procurement legislation in our country. I think that public procurement is an area which leaders, political parties and governments grapple with, especially as it relates to integrity in public life. Now, I think this is where the difficulty is, being able to walk the walk as strongly as you talk the talk.

Madam Vice-President, there is always temptation when it comes to public procurement. There is no one political party that can say, “We have a squeaky clean record as it relates to integrity in public life, as it relates to procurement.”

The UNC has its tales; the PNM, we have our own tales, and the People's Partnership is going quickly ahead. So, I hope that the committee place some more focus on enhancing integrity as it relates to public procurement.

Madam Vice-President, public procurement is not an entity by itself. It includes utilizing the available resources to get projects done at a reasonable time and at a reasonable cost. So, we need to not just review the legislation, but strengthen the agencies and the supporting systems that help us to deliver projects in a reasonable time frame more effectively.

Now, Madam Vice-President, I want to bring to this House that the action, or should I say the inaction of this Government has caused significant problems especially for Tobago and the Tobago House of Assembly as it relates to public procurement, and this has to do with boards. For instance, the MTS board is still not in place after one year, and many of our projects have been stymied.

I know, for instance, the community mall—we have a community mall project that was supposed to help to further engender entrepreneurial activities in Tobago, and because of the MTS board not being in place as yet, that project cannot take off. Even the Scarborough Library that this Government has criticized us so much for and said that we have spent so long doing the Scarborough Library Project, we cannot move forward with the Scarborough Library Project, because the MTS board is not in place. They have reached to the point to save face, this Government has taken the Scarborough Library Project and put it under the Central Tenders Board. So, Madam Vice-President, procurement is just that, procurement. We must have the systems and the agencies to support it, and to deliver our projects in an effective manner.

Now, another issue treating with the role of boards in public procurement is, recently we would have heard about the back and forth with the Tobago House of Assembly and the Government as it relates to the TRHA board, and this has stemmed from a controversy over who is in charge of the TRHA, and who is in charge of the health services in Tobago, when the Fifth Schedule of the Tobago House of Assembly Act already clearly states that the Tobago House of Assembly is responsible for the delivery of health services in Tobago, but we have a going back and forth, confusion and discrepancy as to who manages health services in Tobago, to the point that we are having problems now in submitting the names for the board.

The Chief Secretary would have had the list of names hand delivered to the Office of the Prime Minister on April 13, 2011 and the Permanent Secretary in the Office of the Prime Minister would have responded and said that she would have

received the list of the names. Last week in a press report the Prime Minister told the nation that the THA has to submit its list through the Minister of Tobago Development. Why are we going through all of this to get the same list which is already at the Prime Minister's office and the Permanent Secretary has already stated that she has received this and it is there? And now we have to take it through another route? All of this is getting in the way of setting up the board so that our health services could be effectively delivered in Tobago. So, Madam Vice-President, as I said before, procurement is just that, procurement. We must have the political will, the systems and the infrastructure to get the work done as we would like.

It is important to note also that whilst in the area of public procurement we hear the Government boasting and saying that so many new projects are being done in Trinidad, but not one new project has been started in Tobago by this Government; not one new project for Tobago. You hear about an additional, I think it is \$15 or \$150 million being taken out of the national purse to do more projects in Trinidad and nothing for Tobago. So, these are things that we have to take into consideration, and we cannot let political differences get in the way of delivering services to our people.

I think another important thing to note is that while it is important to review projects and contracts that were issued by the past government, of course, the People's Partnership, a new government, has the right to do so, but we have tried to not let that kind of thing get in the way of delivering our projects and having our projects done. For instance, the Roxborough Police Station, the Old Grange Police Station and the Roxborough Gas Station, all these are projects that were issued by the past government, and when this Government came into power it said, "We are going to review these projects. Hold up, wait, we are going to review these projects." This is one year later, and to this date these projects have not started. We are still awaiting the services that are related to these projects.

So, Madam Vice-President, I support extending the time, but there is much more to be done. I support strengthening the legislation. I hope that we put more focus on enhancing integrity in public life, especially as it relates to public procurement. I support this Motion, Madam Vice-President. Thank you very much. [*Desk thumping*]

**Sen. Dr. Rolph Balgobin:** Thank you, Madam Vice-President. I would just like to say a few words in support of the Motion brought here by my esteemed colleague, Sen. Ramnarine. I would like to begin by saying that nothing in Trinidad and Tobago, with the possible exception of crime, is more contentious

than the issue of public procurement except that, of course, we often use a different term to treat with issues around public procurement, and the term most commonly employed in the media would be corruption, but that is what this joint select committee is about. It is about the prevention of corruption, through the development and implementation of a comprehensive framework that deals with the spending of public funds. I rise to say this, because notwithstanding what the text of the Motion says, I believe that the public at large, the citizens of Trinidad and Tobago, deserve an explanation as to why we are asking for yet another extension.

The answer is that this is an extremely complicated issue that requires a sophisticated set of mechanisms to treat with. You have state agencies, state enterprises, state-funded organizations, ministries and all of these form part of a modern-state system that has galloped ahead of whatever was contemplated when the Central Tenders Board Act was originally passed years ago. Added into that mix is globalization, trade agreements, that can shape what we are allowed to do in spending public funds and, by extension, what we are not permitted to do by way of discrimination for example, against foreign suppliers and so on. You see that we are dealing really with quite a complicated landscape.

**3.25 p.m.**

But, Madam Vice-President, what I would like to do as well, is to appeal to the national community and to call for some restraint. It occurred to me over recent weeks certainly, and it is a development that has, I think, overtaken us in the last few years, it has become too easy to call someone a thief and everybody is calling everybody else a thief. That is the easiest allegation to throw at someone, that they are a thief. And one of the easiest places to have that allegation stick, is a government, whichever government, or a politician. I think there is a notion that has been allowed to take root that politicians are by nature dishonest and are therefore prone to corruption or in local terminology, to being a thief. And to be sure in our history as a young nation, that reputation is at least partially deserved.

There is some justification for it, however, I do think that we have to be careful and exercise a greater degree of restraint because not all people in public life are thieves. Certainly, the majority I think are not, and I think that there are a lot of people who genuinely care about Trinidad and Tobago who are trying to do the best job that they can. [*Desk thumping*] We need to be careful, Madam Vice-President, and so I have appealed to the public and to the media, we ought to be careful so that we do not find ourselves, at least to someone reading the headlines of our newspaper, looking as if we are lurching from crisis to crisis, from

allegation to allegation, from one corruption-related scandal to another. And in fact, I can tell you, Madam Vice-President, as you well know, it is very easy for somebody who is not doing anything to make a person who is doing something look like they are doing something improper. It is the privilege of the lazy. [*Desk thumping*]

So I think we ought to be careful. This is a complicated environment and when we are thinking about public procurement, we should not be thinking about just protecting public funds. I would ask the public to note that we must also be concerned with the protection of individual directors, individual officers of state enterprises and innocent companies that are doing business with the State, but who, for whatever reason, can find themselves at the centre of an imbroglio that is of a competitor's manufacture. It is very easy for someone losing a bid, losing a tender to launch an allegation of corruption against someone who has won a contract fair and square.

I would ask that the public keep these things in mind in considering what we are asking for, what appears to be on the surface an innocuous motion, because the people whose lives are devastated by the allegation and the taint of corruption, fade from public view but they have to live there and their families have to live with the consequences of that, long after we forget about them.

I would ask that the Joint Select Committee be permitted to continue its work. I would support in full Sen. Ramnarine's Motion and I would also ask the national community to exercise some patience and some restraint while we endeavour to craft something that is modern, logical and meaningful that can help us deal with the kinds of challenges that a modern, young democracy has to face. Thank you. [*Desk thumping*]

**Sen. Terrence Deyalsingh:** Thank you, Madam Vice-President, as I rise to contribute on the Second Interim Report of the Joint Select Committee, appointed to consider and report to Parliament on the legislative proposals to provide for public procurement and disposal of public property and the repeal and replacement of the Central Tenders Board Act.

Madam Vice-President, before I begin, I must congratulate and welcome my friend, Sen. The Hon. Dr. Bhoendradatt Tewarie, to this honourable Senate. [*Desk thumping*] I think his stature and intelligence will redound to the benefit of Trinidad and Tobago, so I welcome you warmly.

I take a baton passed by Sen. Dr. Rolph Balgobin, where he spoke about the image of politicians as being corrupt, and I want to stand here now and say and agree with him, that it is all too easy for the public to take a very broad brush and

paint us all as corrupt. My knowledge of Sen. The hon. Subhas Panday, I may disagree with his politics, I may disagree with his style of debate from time to time, but I can never say I have heard anything about him being corrupt. The same can be said for Sen. Danny Maharaj, I do not know him that long, I could not say I have heard even the slightest whisper or rumour of corruption, same thing with Minister Collin Partap, and many others on that side—many others on this side.

The point I am making, Madam Vice-President, is where we as politicians run into trouble is when we do not follow our own principles of transparency and accountability. Because in public procurement, and I am going to make this statement again in this House because I have made it in the past when we debated the doctrine of recent complaint; I made the statement again when we were debating the anti-crime legislation. There are some things you cannot legislate on, and I made the point over and over, you cannot legislate on good parenting. Agree?

**Sen. Al-Rawi:** Agree.

**Sen. T. Deyalsingh:** I am making the point here again, you can repeal the Central Tenders Board Act how much you want, you can bring how much procurement legislation you want, but until we as responsible citizens, especially Members of the Lower House who have been elected, until they adhere to certain ethics and principles, Acts of Parliament make no sense.

**Sen. Al-Rawi:** Well said. [*Desk thumping*]

**Sen. T. Deyalsingh:** Madam Vice-President, it is not for me to stand here and accuse the Government or anybody on that side of corruption because they can do the same across here. That gets us nowhere and nowhere very fast, however, Sen. Al-Rawi made an excellent point. We are here now in 2011, this Government has a 29/12 mandate and I do not think this Government realizes the trust that has been put on them as a result of that 29/12 mandate.

When you move from a government with 26 seats to 12 seats in Opposition and the Opposition that had—how many seats before—increasing theirs to 29, that tells me, Madam Vice-President, that the public has sent a very clear message and the message is that we are looking for a responsible government, we are looking for a transparent government and we are looking for good governance. And that was part of the their campaign theme. It is part of the manifesto that was principally written by our good friend, Sen. The Hon. Dr. B. Tewarie.

But, Madam Vice-President, you can accuse the PNM of anything and everything from now until we move to the new location and come back here, or until 2015, for the next election, it does not absolve this Government from what has gone on in this country over the past two weeks over procurement, it does not, especially when the former Sen. The Hon. Mary King, who was the President of Transparency International, who was described as incorruptible would damage her reputation for what?—a \$100,000 contract.

**3.35 p.m.**

You cannot pass legislation to get people to act responsibly. What was more disturbing about that whole Mary King issue, “Mary gate” or “King gate”, were the accusations, claims and counterclaims of “who knew what” and “who knew what when”. We on this side knew about this contract since November 2010. We knew about it; I spoke about it with my colleagues, but, of course, we had no proof. Former Sen. Mary King is claiming that documents were sent to the hon. Prime Minister to declare her interest. The hon. Prime Minister is saying something differently, but that is not the point. The point is the Government knew about it since November 2010, and did what, nothing; just like former Sen. Mary King who said that she thought it best to do nothing.

If that is her personal position, that is fine, but what is the position of the Government when you know about a serious conflict of interest and you do nothing? You cannot pass laws against that. That is where transparency comes in. When the hon. Dr. Moonilal was here, talking nicely about transparency, the question is, “Does it not apply to you?” It is nice to espouse principles and throw them on somebody else, but the funny thing about principles is that when they become inconvenient to you is when you find an excuse not to abide by them.

Madam Vice-President, “Mary King gate” throws up a much more significant failure on the part of the Government. Dr. Moonilal fled, because when we were asking him supplemental questions he said, “Why do you not ask the AG?” Well the AG is never here to ask him. [*Desk thumping*] The AG treats this Chamber with total disdain and disrespect, because he is never here, and he is the Government’s principal legal advisor. He is never here for us to pose questions.

**Sen. George:** Madam Vice-President, on a point of order. The goodly Senator is criticizing the AG wrongfully. The AG is here very often, you cannot say he is never here. That is wrong.

**Sen. Al-Rawi:** Where is he now? He is hardly ever there.

**Madam Vice-President:** If you wish to clarify, Sen. Deyalsingh, as in “here” meaning here in the Chamber or here in the Parliament building.

**Sen. T. Deyalsingh:** Madam Vice-President, I thank you. The hon. Attorney General is seldom in the Parliament. You could take that how you want. You could say if he resigned, was relieved or was fired, “ah doh care”, because that Government has a way with words. I am saying that the hon. Attorney General is seldom here for us to pose these questions; fact of life. “If yuh doh like it, then get him to stay here, so he could participate in the proceedings.” That is it; simple.

**Sen. Al-Rawi:** Or appoint a new AG.

**Sen. T. Deyalsingh:** The point I am making is that I do not like to refer to what the AG said, has purported to have said or has reported in the newspaper, if he is not here, over the Mary King issue on the procurement of services to put up a website, for a contract of \$100,000. The correspondence was flying between former Sen. Mary King, the Attorney General and the hon. Prime Minister from November of last year. The hon. Attorney General is on record in the newspaper as saying that he found nothing wrong with the documentation. He said that over the Easter was when alarm bells started to ring. That is fine.

The Government sought to do nothing about it, but what is disturbing about transparency and accountability, which was the horse this Government rode through their election campaign, is a quote in the newspaper by the hon. Attorney General when he said that the media exposure was the last straw. So my question is, “If the Mary King issue never broke in the *Sunday Express*, what would have happened, what would the Government have done about Mary King? It leads me to think that the hon. Attorney General’s words could be translated to mean that if it was not for media exposure, nothing would have happened. That is the point I am making, Sen. George, when I said that the hon. AG is never here. He is here sporadically, and I am loath to quote him when he is not here. That is the point I am making.

What is the position of this Government to deal with corruption of procurement? Is it that they would deal with it only when it comes in the public domain? That is how his words could be interpreted by a reasonable person, by the officious bystander, by the man in the maxi-taxi in Siparia. That is how his words could be interpreted.

Madam Vice-President, what pains me also in the Mary King issue on procurement—and I go back to my point that there are certain things you cannot legislate on—is that all of us as Senators have been given senatorial stationery. I



have not used any to date. But when a Government Minister uses her senatorial stationery to attempt to procure a house for her son, whether she was independent or not, to me does not sit well. She may have moved from the Independent Bench to the Government Bench, but when she fell, all the kings' horses and all the kings' men could not put Mary King together again.

After all I am saying, you can pass how many Acts you want, transparency counts a lot from the appearance of bias or the non-appearance of bias. When Dr. Moonilal attempted to answer the question on where the hon. Prime Minister stayed or did not stay, I am asking you this question, or putting it to this House, especially the honest people I have identified by name: do we need an act of Parliament? Do we have to come here to say that if you are an incoming Prime Minister and you stayed by the home of somebody, and then a year later that person gets a \$40 million contract, or may get a \$40 million contract, or the possibility exists that he may get a \$40 million contract? What is that officious bystander supposed to think? What is the man in the maxi-taxi in Matura supposed to think?

We hear that the Prime Minister stayed at a certain house. You would only stay there, as incoming Prime Minister, if you have a relatively close relationship to a person. You stay for free, according to the honourable—the State did not pay, but you are paying for it now. You are paying for it now. Madam Vice-President, \$40 million is a whole lot more than the \$1 million Dr. Moonilal spoke about. This is what I am saying: the appearance of bias. It is not that friends and family of Government or Opposition—[*Interruption*]

**Sen. Maharaj:** Madam Vice-President, just a point of clarification. Dr. Moonilal, MP for Oropouche East, indicated that no contract was given. So what is Sen. Deyalsingh imputing by saying that we are paying for it now? What is he insinuating by this, improper motives by the Member?

**Sen. T. Deyalsingh:** I said that the contract may have—I never said it was, but if that is what you wanted clarified, the contract may or may be in the pipeline, I do not know. It is in the public domain. The point I am making is that if we are serious, the appearance of bias is what the country is looking at.

This Government has no moral authority to speak about corruption, when you have this appearance of bias. I am making the point because Ambassador Makandal Daaga, as quoted in the *Newsday* of May 17, if I may just quote briefly:

“To loud cheers from MSJ supporters...”—I am assuming Sen. Abdullah is an MSJ supporter—“in the hall, Daaga declared, ‘In my whole 40, or 50, or 60

years, I have never heard so much of corruption in my land as I have heard in this country over the last few days.”

This is a coalition member of this Government.

**Sen. Moonan:** “He was talking about all yuh.” [*Laughter*]

**Sen. T. Deyalsingh:** No, Senator; that is a very poor attempt at repartee. [*Crosstalk*] Maybe I should read it again:

“Speaking on Saturday...”—and this is not about us. This is *Newsday* Tuesday, May 17, 2011—“at the founding congress of the Movement of Social Justice (MSJ) at Palms Club San Fernando, Daaga called on the Government to ‘open our jail doors, and just pack them in.’”

Is he referring to me or to you?

“To loud cheers from MSJ supporters in the hall, Daaga declared, ‘In my whole 40, or 50, or 60 years, I have never heard so much of corruption in my land as I have heard in this country over the last few days.’”

This is 2011, days not years.

The article continued:

“He said the corruption continued in TT because the country never dealt with it as they should.”—true—“People are stealing money as if they have invented it;...””

He is saying your Government invented money to steal it. I will not bother to go on. The point is, the days for saying “all ah we tief”, “done”, because you promised better, and we are here to hold you to that promise. [*Desk thumping*] But you have not done better; you have not done better.

When you look at the way boards are operating, those who are supposed to procure goods and services, it leads me to wonder what is going on with boards. The hon. Minister of Energy and Energy Affairs says she has no information of what the board is doing, and that is fine. The Attorney General is supposed to report.

The CAL board is giving out awards and contracts. WINTV, Mohan Jaikaran, seems to be the recipient—I do not know what market share WINTV has in Trinidad and Tobago, but when you look at the sums of money it is getting from the CAL board, it is absolutely phenomenal. I do not think their market share is any bigger than TV6, CNC3. Was any interest declared there, I ask?

But the whole issue of the CAL board and procurement goes a lot deeper, because the infighting that is going on between boards and Ministers has to end. Because you have Mr. George Nicholas taking out full page ads in newspapers— [Sen. Deyalsingh displays newspaper page]—criticizing his colleague, the Minister of Finance, saying he is not able to sign final documents, much to the annoyance of our Jamaican colleagues because of the reticence of the Minister of Finance to agree to the settled versions. This is the *Newsday* of Tuesday, May 17, 2011, Sen. Moonan, so this has nothing to do with PNM. This has everything to do with your Government. So your repartee about PNM falls flat again.

**3.50 p.m.**

This is today, not 10 years ago. Today! Today! Do you understand the importance of this? Right. Do you have any idea what our international standing is like because of actions of this Government as it relates to SIA, boards—

**Sen. Al-Rawi:** We are about to get blacklisted.

**Sen. T. Deyalsingh:**—passing of the FIU Bill? I know I cannot mention the FIU Bill here because I will be called on a Standing Order, but the Government has a very rude surprise with that FIU Bill which has been before this Parliament three times, and has to come back again. That was not PNM.

Madam Vice-President, this Government rode into office on a 29/12 mandate. Hundreds of thousands of people voted for them. They won the elections fair and square, fair and square; I have no problems with that. What I have a problem with is the squandering of the goodwill that has occurred since May 25 to now, one year later. The words of Ambassador Makandal Daaga ring true, “never in 40, 50 or 60 years have I seen so much of corruption”. Madam Vice-President, I thank you.

**The Parliamentary Secretary in the Ministry of Energy and Energy Affairs (Sen. Kevin Ramnarine):** Madam Vice-President, before I start my contribution I want to say how humble I am to be a Member of the Parliament of Trinidad and Tobago and share the Senate with Dr. Bhoë Tewartie, former Principal of UWI. We served together on a Cabinet-appointed committee some 12 years ago, and then I met him again at the University when I was on the student guild and he was Principal and as destiny would have it, we are back together in the Parliament. Madam Vice-President, Dr. Tewartie would be very familiar with the management thinker, Peter Senge. Peter Senge wrote a book called the *Fifth Discipline* and he said that, “there were no bad people, there are only bad systems”. And that really hits to the heart of what Senator—

**Sen. Hinds:** There are bad people.

**Sen. Panday:** Oh, he has arrived.

**Sen. K. Ramnarine:** Welcome, Sen. Hinds. And that hits at the heart of what some Senators were saying, that you cannot legislate morality.

**Sen. Abdulah:** He just admitted who is bad.

**Sen. K. Ramnarine:** Madam Vice-President, what we thought would have been a very simple debate, turned out to be almost, I think, two hours was spent in this Parliament discussing the merits and demerits of public procurement. And listening to some of the contributions, in my wind up—and I will try to be as brief as possible, I know we have a packed agenda—the debate meandered from WASA, to CAL, to WINTV, to NP to all sorts of state enterprises, and I think I have to respond to some of the things that were said in the course of the debate.

First of all, I want to speak about this issue of the Government not having a policy position in the joint select committee. The joint select committee was established and the terms of the joint select committee are laid out at the beginning of the report. The joint select committee was set up really to review existing legislation and to make recommendations, and in that regard, one of the core purposes of the joint select committee was to engage in pre-legislative scrutiny, and then arrive at a position. As Sen. Drayton pointed out in her contribution, that is what we were engaged in when we were looking, as she had mentioned, at the various reports of the Uff Commission, at the different models and so on.

Sen. Al-Rawi went on to say that he thought that one month was not sufficient, given what had happened in the past three months. Well, first of all, I want to say that we had some challenges in the joint select committee—and it is no fault of Sen. Al-Rawi—and those challenges had to do with finding a quorum because we need to have—I think it is at least one Opposition Member to constitute a quorum, and one Member of the joint select committee who is the Leader of the Opposition who was noticeably absent every Monday morning because I understand he was holding some press conference on Charles Street.

**Sen. Abdulah:** Instead of doing Parliament's business. Instead of parliamentary business.

**Sen. K. Ramnarine:** I understand that he had some standing press conference on a Monday morning. So, Madam Vice-President, at our last meeting which was on May 02, 2011, Sen. Al-Rawi was unavoidably absent on that day, we had the good fortune of having in the latter part of these joint select committee meetings

the experience of the hon. Member for Diego Martin North/East, Mr. Colm Imbert, he had joined us coming down to the end and also provided some input with respect of the use of the European procurement rules, which he recommended that the committee look at. And with respect to the time frame of one month, the committee on May 02—and your Member of Parliament for Diego Martin North/East was there, agreed that one month would be a sufficient time frame in which to report. With respect to the pending proroguing of Parliament in a few weeks time, it would be necessary and we agreed that the report should have a savings clause that would allow the report to be used in the Second Session of the Tenth Parliament.

Madam Vice-President, the debate has been very wide ranging and we heard about the economy—which is a pet peeve of mine, being a former economist in a multinational natural gas company—and we would have noted that, if we looked at the Monetary Policy Report, that inflation in this country has declined for the third consecutive month in March 2011. [*Desk thumping*] And although he is not here, that has a lot to do with the work that is being done by the hon. Minister of Food Production. [*Desk thumping*]

Madam Vice-President, the composite index, which is the index that is used to measure activity on the Trinidad and Tobago Stock Exchange, has grown by 7.5 per cent in the first quarter of 2011. So what does that mean? It means that the economy is beginning to show a pulse after almost 24 months of stagnation, due in part to the policies of the previous government and due in part, of course, to the global economic crisis. [*Desk thumping*]

No, I think you all misunderstood what I was saying, I said the stagnation of the economy from 2008—2011 was as a result of the policies of the former government. And, Madam Vice-President—

**Sen. Abdulah:** The PNM only hears what it wants to hear.

**Sen. K. Ramnarine:** And, Madam Vice-President, when we were in the joint select committee meeting—and Members here would testify to this—we had some excellent contributions by the JCC, and the JCC in collaboration with the Trinidad and Tobago Chapter for Transparency International, the TTMA and the TT Chamber, they put together a very good report, and I want to publicly congratulate them for the hard work they had done. One of the interesting statistics they had presented to us, was that public procurement accounts for approximately 60 per cent of gross domestic product in Trinidad and Tobago. So, it is a very significant component of the national economy.

Looking at some of the contributions that were made, as I said the contributions in the debate from the Opposition meandered into all sorts of places—WINTV, I do not know how they reached in this—but when we looked at—and Sen. Al-Rawi said that he does not care if somebody stands up and talks about what happened between 2002 and 2010, but I think it is important to put on the record. There is something in philosophy called epistemology, which is how you know what you know and when we look at the period 2002—2010—I am from East Trinidad as I have said many times, and, Madam Vice-President, talking about the efficiency and effectiveness of contractors—and it is relevant to procurement—the Churchill Roosevelt Highway, the dualling of the Churchill Roosevelt Highway is something that was a great bugbear for many people.

**4.00 p.m.**

This is the dualling from the O'Meara lights down to Santa Rosa Heights. That took approximately six years and it languished for six years and you would drive to the East on a weekend and you would see huge mountains of aggregate opposite Santa Rosa Heights and you are wondering where did these hills come from. It is a credit to the Minister of Works and Transport who has recently completed the dualling of that highway. [*Desk thumping*]

Madam Vice-President, my colleague is here, Minister Fazal Karim, he would on another occasion tell you about some of the things that they are unearthing as they go through the University of Trinidad and Tobago and a lot of the procurement policies of the UTT. In my own sector there is the gas-to-liquids project which is a project now of great notoriety in the energy sector, there are cost overruns—[*Interruption*] Yes, that is a Petrotrin project; on the waterfront, there are cost overruns; Sen. Cudjoe would be very concerned, I would assume about the fact that we do not yet have the Scarborough Hospital. But during the term of this Government—and you said that not much is happening in Tobago so I want to, on behalf of Sen. The Hon. Fazal Karim, invite Sen. Shamfa Cudjoe on Friday morning in Canaan Tobago to the opening of the MIC Centre in Canaan, Tobago. [*Desk thumping*] So, Sen. Cudjoe, you are invited to the opening of the MIC Centre in Canaan Tobago; please come.

Then, of course, I have to talk about our good friend Sen. Deyalsingh, who is always very passionate when he speaks; he said that we have a 29/12 mandate and we are fully aware that we have a 29/12 mandate and we recognize the trust that the people of Trinidad and Tobago have vested in us, and at no point in time do we intend to deviate from that path. [*Interruption*] That is really the reason for having this entire debate.

On that point, I wanted to say that reputation of companies is a very critical thing. The reputation of a company is estimated to be about two-thirds of its share price and if you want an example of that, look at what happened to BP last year with that oil spill. So, when we come into the Parliament we must be very careful of how we tread on the reputation of private citizens. I wanted to make that point in connection with what has been said in this debate with respect to the Gopaul family from Pasea.

**Sen. Deyalsingh:** I called no names.

**Sen. K. Ramnarine:** Well, names were called prior to you.

**Sen. Deyalsingh:** I cannot call any names.

**Sen. Hinds:** Do not worry “Gopaul luck eh Seepaul luck”. [*Crosstalk*]  
[*Laughter*]

**Sen. K. Ramnarine:** So, Madam Vice-President, in winding up my contribution, in summarizing for this Motion, I would first of all like to say thank you to all the Members of the Senate who are Members of this committee, even those who had poor levels of attendance. Sen. Al-Rawi is not one of those; he actually carried the weight of the Opposition on that committee. The same cannot be said of his colleagues. I would also like to thank those organizations that took the time to submit contributions to the joint select committee, in particular of course, I mentioned before the JCC and there is also NIPDEC and there is also the Caribbean Procurement Institute.

I would be failing if I did not mention the sterling work of the Parliament staff in the persons of Mrs. Lily Broomes and Mr. Julien Ogilvie. So, Madam Vice-President, on behalf of the Chairman of the Joint Select Committee, Dr. Gopeesingh, I would like to thank all those people who contributed to what we were doing and the Chief Parliamentary Counsel over the last six months.

Madam Vice-President, I beg to move.

*Question put and agreed to.*

*Report adopted.*

#### ARRANGEMENT OF BUSINESS

**The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Madam Vice-President, we did not anticipate that this debate would have gone so long, in the circumstances one of our Senators has to be elsewhere early, so I humbly ask leave of the Senate to commence debate on the

*Arrangement of Business*  
[SEN. THE HON. S. PANDAY]

*Tuesday, May 17, 2011*

Bill entitled an Act to Provide for the Protection of Personal Privacy and Information and later on we would go on to the Trafficking in Persons Bill.

**Sen. Beckles-Robinson:** Who is the Senator?

**Sen. Baptiste-Mc Knight:** Just like that?

**Sen. The Hon. S. Panday:** Sen. Karim—otherwise I would have to start the Trafficking in Persons Bill, go to this and come back.

**Sen. Beckles-Robinson:** You cannot just change.

**Sen. Baptiste-Mc Knight:** You cannot just change.

**Sen. The Hon. S. Panday:** No, we would go for about two or three speakers.

**Sen. Beckles-Robinson:** You cannot just do that.

**Sen. The Hon. S. Panday:** Nooo, no, no, no, with the greatest respect; with the greatest respect, we said that we would have started with the Trafficking in Persons Bill, however, that would have been at 1.30 p.m.—2.00 p.m. and we would have gone with the Trafficking in Persons Bill until about 7.00 p.m. or 8.00 p.m. and then start this one. If it is the desire of the Senate that we—

**Sen. Baptiste-Mc Knight:** It is the desire of the Senate.

**Sen. The Hon. S. Panday:**—start the Trafficking in Persons Bill. Okay, let us go and we would start this at 9.00 p.m., maybe 8.00 p.m. or 9.00 p.m. tonight. *[Interruption]* We could start at 10.00 p.m.

*Assent indicated.*

#### TRAFFICKING IN PERSONS BILL

[Second Day]

*Order read for resuming adjourned debate on question [May 03, 2011]:*

That the Bill be now read a second time.

*Question again proposed.*

**Madam Vice-President:** Those who spoke on May 03, 2011: the mover of the Motion, Sen. The Hon. Brig. John Sandy, Minister of National Security; Sen. Faris Al-Rawi; Sen. Basharat Ali; Sen. The Hon. Emmanuel George; Sen. Terrence Deyalsingh and Sen. Dr. James Armstrong. Any Senator wishing to join in the debate may do so at this time.



**Sen. David Abdulah:** Thank you very much, Madam Vice-President, for allowing me to speak on this very important piece of legislation. You read the long title of the Bill so I would just abbreviate it as the Trafficking in Persons Bill, 2011.

As other colleagues who spoke at the earlier occasion on this piece of legislation have indicated, human trafficking is a very odious activity and therefore this Bill seeks to address what is really required in the Constitution of Trinidad and Tobago and I just want to read one part of the preamble to the Constitution of Trinidad and Tobago which says:

“Whereas the people of Trinidad and Tobago—

- (b) respect the principles of social justice and therefore believe that the operation of the economic system should result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity;”

Madam Vice-President, in those words of the preamble we have identified what our society should look like, the society of Trinidad and Tobago, and we have said there that labour should not be exploited or forced by economic necessity to operate in inhumane conditions. What we are addressing in terms of human trafficking is really seeking to ensure that the provisions of the Constitution are given effect by legislation to ensure that those who may be subjected to trafficking, that they could be compensated, that they could be protected and that those, most importantly, who engage in trafficking are dealt with, with the full brunt of the law.

There is no doubt about it that we not only have to protect the citizens of Trinidad and Tobago as we affirm in the Constitution, but we have to protect other citizens or citizens of other countries who may happen to be within these shores, that the laws of Trinidad and Tobago, that the vision of the type of society that we wish to have must apply equally to, not only our citizens, but also to others who may be within our shores. In addition to that, we have to ensure that our citizens themselves are not subject to being exploited in other countries by being trafficked elsewhere.

So this piece of legislation is very, very important, quite apart from, of course, the importance of being consistent with the United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children and

*Trafficking in Persons Bill*  
[SEN. ABDULAH]

*Tuesday, May 17, 2011*

supplementing the UN Convention Against Transnational Organized Crime and for matters connected therewith or incidental thereto. In other words, Madam Vice-President, quite apart from what is required under the United Nations Protocol, we, ourselves, as responsible citizens and as responsible legislators ought to want this legislation passed because it is in our self-interest so to do. It is consistent with a vision of our society as articulated in the preamble to the Constitution.

We also have to recognize, Madam Vice-President, that the issue of decent work which the International Labour Organization has identified as its priority agenda, decent work agenda, that we as a member state of the ILO ought to be ensuring that the provisions for decent work are implemented. If you have human trafficking, if you have the kind of exploitation of workers, in particular women, children and so on, then we would be going absolutely contrary to the decent work agenda and we would be violating our own commitment to the ILO as part of that very important international agency. And so this piece of legislation and the issue of human trafficking ought to have been addressed a very, very long time ago.

In that regard, Madam Vice-President, in Sen. Deyalsingh's contribution in the Senate on this particular piece of legislation he sought to try to portray or give the impression that a lot was happening with respect to introducing legislation on human trafficking and that somehow or the other the change in Government in 2010 has caused a delay in the implementation. I just want to say that is not so at all. The issue of human trafficking given its odious nature ought to have been addressed as a matter of extreme urgency when it was first identified as something to be brought forward in the legislative agenda some four, five years ago. We therefore, in the People's Partnership Government are very pleased on the one hand that we could bring this legislation and therefore address this particular problem, but we are saddened at the same time, because there ought not to be in modern civilized society anything such as the trafficking in persons and it is a reflection of a system, not just in Trinidad and Tobago, but a global system whereby labour is exploited and the most vulnerable of those who labour are exploited in this way for profit that we should have to address this matter at all.

In fact, as Sen. The Hon. George, Minister of Public Utilities pointed out when he spoke, that really the issue of trafficking in persons is as old as slavery and it is very sad that this still exists in modern societies in the 21st Century.

Sen. Deyalsingh did address some of the data on human trafficking and he had the same data that I have, the UN Global Initiative to Fight Human Trafficking data. What that data points to, Madam Vice-President, is the fact that the majority

of the victims who are trafficked are in fact the most vulnerable in our societies, the global societies, and therefore, of the 2.5 million people who are estimated to be in forced labour, half of them are children—the majority are between 18 and 24—that 95 per cent of those victims of human trafficking experience physical or sexual violence during trafficking; 43 per cent are used for forced commercial sexual exploitation, and of those 43 per cent of the victims 98 per cent of them are women and girls.

**4.15 p.m.**

So what we see in this whole issue of human trafficking is that the most vulnerable are the ones who are the most exploited. Therefore, as a society that seeks to judge itself on the basis of protecting its most vulnerable, we have a responsibility to ensure that our most vulnerable are protected and that the citizens of other countries that are extremely vulnerable are not taken advantage of here in Trinidad and Tobago, either as a point of destination or as a transit point of people who are being trafficked. It is very clear that this issue of human trafficking has as its roots the economic motive of profit.

Sen. Deyalsingh pointed out, it is estimated that over US \$31 billion is made in profits annually from human trafficking. In other words, it is an extremely lucrative activity for those who are engaged in it and we have to ensure that this economic activity is shut down. We talk about moral authority and so on; this issue quite apart from its moral imperative also has an economic dimension and we cannot allow that crass, crude accumulation of capital—because this is the most crass, crude means of accumulating capital, the exploitation of people in virtual slavery—and cannot allow, in any form whatsoever, this kind of activity to be taking place here in Trinidad and Tobago.

Therefore, in this regard, Madam Vice-President, I want to congratulate my colleague in the Senate, the Hon. Minister of National Security, Brig. John Sandy, for bringing this piece of legislation to the Parliament of Trinidad and Tobago, with the urgency that he has done to ensure that we deal with this very odious crime of trafficking. It is very clear, Madam Vice-President, that the legislation has been crafted in a particular way to establish a policy-making body, the National Task Force, an implementing body, the Counter-Trafficking Unit, and then thirdly to provide mechanisms for support and assistance to victims of trafficking.

So we can see the philosophical underpinnings of this particular piece of legislation addressing the various mechanisms that are necessary to ensure that the country is on top of this crime of trafficking; first of all, by seeking to have at

*Trafficking in Persons Bill*  
[SEN. ABDULAH]

*Tuesday, May 17, 2011*

the level of the National Task Force a very inclusive participation of civil society and so on, as well as those who have responsibility at the level of the Government for directing the work against trafficking. I think it is very commendable that the legislation seeks to have at that policy level a very broad-based participation in the National Task Force and that should be led by the Ministers of Government. I think the fact that the Ministers of Government are identified as being Members of the task force, is an indication of the seriousness of the Government to deal with the issue of trafficking. Therefore, the stamp of support at the very highest level of the Government by key Ministers of the Government: Attorney General, the Ministers responsible for Foreign Affairs; Labour; Social Development; National Security; and Justice. In addition to that of course, it would involve other persons who have—including appropriate non-governmental organizations—the relevant expertise who would be part of the task force and therefore, it is a national effort to deal with what is a national issue and is not in any way a partisan issue and should not be made a partisan issue in the least bit.

Then the counter-trafficking unit which would ensure the implementing of the policies and would have certain powers and so on to deal with those who engage in trafficking. Of course, the criminal offences and related provisions are, some might say, severe but I do not think that one can have a penalty that is too severe for a crime that is as dastardly as that of human trafficking. One cannot punish someone too much for seeking to engage children and traffic children, and to engage them in the sex trade and so on. One cannot punish too much persons who seek purely for crass, crude profit, the exploitation of women and young boys and so on. Therefore the penalties as proposed in the legislation relate to the nature of the offence and reflect, I think, or ought to reflect the abhorrence that this society demonstrates for the crime of trafficking, having ourselves had the experience of being trafficked, given our own historical experience of slavery in this country.

So, Madam Vice-President, I think that the crafting of this legislation has addressed the key issues dealing with the crime of human trafficking. Obviously, colleagues in the Senate might identify particular areas that can be tightened up in terms of language, and I am sure that in the committee stage those things will be considered.

I just want to make the point however, Madam Vice-President, that the issue of human trafficking is quite closely related to that of the treatment of migrant labour. Often there is a very fine dividing line between what can be considered as migrant labour and what might be, in fact, people who are being trafficked and

therefore, are working in conditions of indenture, of semi-slavery almost. I think that in this regard, we must make the point that migrant labour is also a major issue of concern.

So, I wanted to identify the fact that migrant labour has been put on the agenda, the national agenda, by a number of trade unions in this country for quite a number of years. Very sadly, when we raised it, it was treated with complete disregard, one could even say contempt, by the last government. That was an indication that really, they were not concerned about decent work; they were not concerned about the conditions of migrant workers and one could almost extrapolate that to say, that if you are not concerned about the conditions of migrant workers, if you are not concerned about decent work, then it will be very easy to be complacent about the issue of trafficked labour, the fact that there is a fine line between migrant labour and trafficked workers—people who are trafficked.

I recall writing in February of 2007, in my then capacity as President of FITUN, to the Minister of Labour identifying a newspaper article which had appeared in the *Express* of Friday February 09, 2007, where more than 30 workers contracted through the Shanghai Construction Group gathered at the company's gated housing compound on Saddle Road, San Juan, and attempted to speak with the press. They identified in that newspaper article concerns that they had and the Minister of Labour did not seem to have much concern. He said that there was no evidence at the time of workers being exploited. Then on August 25, 2009, as reported in the *Trinidad Guardian*: "Chinese workers protest at Embassy..." I want to quote, one worker through a translator who said:

"We have not been paid overtime since we started work over 12 months"—I suppose it was ago—"The workers, who have been employed to work on various projects, also said they had not been given meals for two days.

One worker explained that their contractual agreement stated that meals, housing and transport were to be provided by Trinity Housing. Another worker said the contract also stated that they were being paid a basic rate of \$16.20 per hour for the first 120 hours per fortnight."

Madam Vice-President, my calculation is, fortnight is two weeks, and therefore, they were working 60 hours per fortnight when the minimum wage legislation of Trinidad and Tobago provides for a standard work week of 40 hours. So that would mean that they were working at least 20 hours overtime.

*Trafficking in Persons Bill*  
[SEN. ABDULAH]

*Tuesday, May 17, 2011*

“After that they were entitled to \$20.50 per hour, which they said they have not been receiving”.

The article continues:

“When contacted, Basil Ali Group Chief Operating Officer of Rahael Holdings Ltd, parent company of Trinity Housing, said he was not aware of the situation as he had just returned to the country.”

Madam Vice-President one could only wonder, speculate perhaps, why this issue of migrant labour was not of concern to the government at that time having regard to the fact that Rahael Holdings Limited, parent company of Trinity Housing, has a link with a former Minister—he was not a Minister in 2009, but with a former Minister of that PNM administration.

And then, later on in October we were shown on the newspapers, *Guardian* of October 14, 2009, police officers standing guard over Chinese workers at the side of the south-bound lane of the Solomon Hochoy Highway. They said they wanted to—these were employed with Beijing Liujuan Construction Corporation. They said that they wanted to go home after claiming that the company had failed to pay them for two months work.

Work stops”, this is the *Express*, Wednesday October 14, 2009, “Chinese workers claim no pay for two months.” “Two months work stops.” “We want to go home”, and so on. The Oilfields Workers Trade Union took up this particular issue. And suffice it to say that the then Minister of Labour made this statement in the Lower House when he said that—I want to quote from *Hansard* of Monday, October 19th, the Hon. Rennie Dumas speaking. He said:

“What is happening, Mr. Speaker, in fact, is by the arguments we make by defamations,...”

He was saying these incidents of the Chinese labourers were defamation.

“by the way we treat ourselves and discuss matters, we behave as if our conventions, our laws, our systems are not robust enough to manage issues that (may) arise in Trinidad and Tobago.

I want to assure you, Mr. Speaker, that the laws of Trinidad and Tobago, the conventions we follow, the systems we have and certainly, the administration available to the Ministry of Labour and Small and Micro Enterprise Development is quite capable of managing the issues that may arise in labour in Trinidad and Tobago.”

Madam Vice-President, that clearly was not the case. It could not have been the case that the laws and conventions and systems were robust enough to manage issues that might arise in Trinidad and Tobago. Because the Trafficking in Persons Bill would have been passed by that administration or had the Trafficking in Persons Bill been passed by that last administration, then perhaps, the Minister of Labour could have stated this quite categorically. He was completely and blissfully unconcerned about the conditions of migrant workers, and by extension, worse yet, the conditions of persons who were trafficked. He went on to say that:

“...the suggestion that the working conditions of these workers are dangerous, deleterious... is a total falsehood”.

I want to contrast that, Madam Vice-President, with the statement made by the Hon. Errol McLeod, Minister of Labour in the Lower House on Monday, April 18th on this very issue, when he said that, and I quote:

“...I wish to advise that the ILO 144 committee which is under the purview of the Ministry of Labour and Small Micro Enterprise Development, has been mandated to immediately examine Convention 143....”

Convention 143 of the ILO deals explicitly with the issue of migrant labour and is one of those conventions that Trinidad and Tobago has not ratified. So when Minister Dumas, as he then was, was saying that we had done everything necessary—all the conventions we follow—he was not saying the truth in reality, because Trinidad and Tobago in 2009 had not ratified the ILO 143 Convention dealing with migrant labour.

**Madam Vice-President:** Hon. Senators, it is 4.30 and we will take the tea break and resume at 5.00. This sitting is now suspended until 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

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

**Madam Vice-President:** Hon. Senators, Sen. Abdulah, you were on your legs. By my calculation you have 22 minutes remaining for the first part of your contribution. [*Desk thumping*]

**Sen. D. Abdulah:** Thank you very much, Madam Vice-President. I wish to assure you that I do not intend to use all of those 22 minutes because this, really, as I was saying earlier, ought to be a very straightforward piece of legislation in terms of its intent to deal with what is a dastardly and odious crime, that of trafficking in persons.

When we took the tea adjournment I was making the point that there is an important convention, the ILO Convention, No. 143, which deals with migrant workers, which convention was, in fact, agreed to by the ILO way back in 1975. Now, that was almost 40 years ago, and for all of that time Trinidad and Tobago did not seek to ratify this particular convention, which convention is very important in terms of addressing the conditions and problems that migrant workers face.

Perhaps in earlier times we, in Trinidad and Tobago, did not think it necessary because it might have applied more to European countries where there is significant migrant labour, maybe the United States and Canada, and so on, where there is large migration of labour. But knowing our history would have suggested that this was important, because Trinidad, more so than Tobago, has really been a society built upon waves of successive migrations into Trinidad, and if time were to permit I would have gone into some of those waves of migration. We have always had within our national shores, people from other shores, primarily from the Caribbean. But in recent times—and I am sure that from anecdotal evidence—we all are aware that there are people from not even within Caricom, that the issue of persons coming in through the Caricom agreements as skilled persons and so on, working here, that people outside of those skilled areas or from outside of Caricom are, in fact, working in Trinidad and Tobago as migrant workers. So it is something that needed to be addressed very, very urgently.

Then in 2004 the ILO, at its annual conference, adopted a multilateral framework on labour migration, and while this framework is non-binding, it does give very important principles and sets out guidelines for a rights-based approach to labour migration. So the issue has been there and was not being addressed and the PNM government did not seem to be concerned, because as far as the Minister of Labour at the time in 2009 was concerned, he said that the conventions and our laws and our systems were robust enough to manage all the issues that may arise, when that clearly was not the case. He did not seem to have any empathy whatsoever for those migrant workers, the Chinese workers, in his contribution on that particular debate.

You know, he was basically saying that this is a matter that is blown way out of proportion, in his contribution to the House of Representatives debate on a definite, urgent matter on Monday, October 19<sup>th</sup>. He contrasted with what the current Minister of Labour and Small and Micro Enterprise Development said, and I want to quote from his contribution again of Monday April 18, 2011 when he said that, and I am quoting now. There was a newspaper story:



“...where there were some three persons of Indian origin, continental Indians 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.

Human trafficking and migrant labour, though not the same, go hand in hand, where the latter 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.”

So here it is that the People’s Partnership Government, as expressed by the Minister of Labour, is saying that the issue of migrant labour and the abuse of the rights of the migrant worker is one of grave concern to us, and sought to have it addressed immediately.

Then he went on to talk about the fact that Convention 143 on migrant workers has not been ratified, and compare this to the Minister of Labour in 2009 who said that the suggestion that the working conditions of these workers are dangerous, deleterious and such, that you can associate with the dramatic words of slavery, et cetera, is a total falsehood.

So we are very concerned on this side about the issue of decent work, about the conditions of workers, generally, whether they be nationals of Trinidad and Tobago, whether they be nationals of other countries. We are very concerned about implementing—and very committed to implementing—the decent work agenda, committed to ensuring that the rights of migrant workers are protected, and we are also very concerned about the crime of human trafficking, and this is why we have brought this particular piece of legislation, the Trafficking in Persons Bill, 2011 to this Senate and why we are seeking to have it passed, and why we are seeking the support of all the hon. Members of this Senate.

We are sure that the society would be a better society for us having passed this piece of legislation and that we would have moved some way, not fully, perhaps, because one cannot solve all problems by legislation, but in the absence of legislation, in the absence of systems, in the absence of giving the law enforcement agencies the tools with which to address crime, then we are really facilitating and encouraging the crimes to take place. Therefore, by the passage of this legislation we will go a step forward in the direction of achieving the kind of society that we have identified for ourselves in the Constitution of Trinidad and

*Trafficking in Persons Bill*  
[SEN. ABDULAH]

*Tuesday, May 17, 2011*

Tobago, where we said that we respect the principles of social justice and that labour should not be exploited or forced by economic necessity to operate in inhumane conditions.

Thank you very much, Madam Vice-President. [*Desk thumping*]

**Sen. Shamfa Cudjoe:** Thank you, Madam Vice-President. It is a pleasure to be given the opportunity to make a contribution to this debate. Before I get into my contribution I find it rather interesting that Sen. Abdulah would say that the previous government was complacent in treating with issues related to migrant workers, therefore, that means that we were not serious about dealing with human trafficking. So on that note, I want to remind Sen. Abdulah, and this honourable Senate, that it is the previous administration that would have drafted this Bill, the Counter-Trafficking Bill, which has now turned out to be the Trafficking in Persons Bill. We would have taken significant steps and made strides towards complying with the standards and the regulations necessary for human trafficking. [*Desk thumping*]

It was the People's National Movement administration that facilitated the setting up of the International Organization for Migration in Tobago, and we would have conducted several programmes with the International Organization for Migration to treat with migrant workers and migration. Even the STEC Programme—S-T-E-C—treated with strengthening the capacity of Trinidad and Tobago to bolster our capabilities of the Immigration Division and other law enforcement agencies. There were several programmes set up for knowledge transfer and capacity building; we trained over 710 of our public servants and people within our country to treat with these issues. There were daily training modules. We also pushed to retain the IOM office here. On June 29, 2009, Trinidad and Tobago was admitted as a member of the IOM. In November 2009, the Task Force was appointed by Cabinet to begin work on this whole issue of human trafficking, and this very Bill that we speak about today was drafted under the People's National Movement. [*Desk thumping*]

So I do not know if Sen. Abdulah read the report and did sufficient research, but it is here all over the records. When you read the *Hansard* contributions of the Lower House you can see it; even if you check the newspapers you could see the establishment of the committee and the work that was done by the committee. I want to go a little bit further even on that, where in the 2010 report of the Trafficking in Persons Report for the US Department of State, I want to quote the report saying that the Government of Trinidad and Tobago is making significant efforts to comply and to combat human trafficking.

This is the June 2010 report. It says:

“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 trafficking action plan and organized three subcommittees: one to draft the legislation, one to develop victim assistance policies, and a third to raise public awareness;”

So I do not know what Sen. Abdulah is talking about. He needs to emerge from the red room and get with what is going on right now.

So we find ourselves here today, not just to give effect to the United Nations protocol to treat with human trafficking, but we are also here today to prevent being ostracized by the United States Department of State and by the rest of our friends in the international community for failure to comply with international standards and regulatory requirements to treat with human trafficking. The last report was June 2010, so I guess we are expecting the 2011 report in June 2011. I think the reporting period is somewhere around mid-year 2010 to mid-year 2011, so we are really trying to get with the programme and not be ostracized or do not have to be threatened by the international community.

I must say, like I have said before when we were treating with the Financial Institutions Bill, it is a little bit humiliating to be placed in this position. I think that we, as developing countries, especially as one of the more developed countries in the Caribbean, have to get to a point where we see about our business and treat with protecting our citizens on our own, without having to wait to be threatened by the international bodies and our friends in the international community.

This Bill “seeks to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime and for matters connected therewith or incidental thereto.” Sen. Abdulah would have mentioned before that human trafficking is a heinous crime; it is a very lucrative business where people are forced from their communities to do the kind of work that we would not otherwise do for such low pay and in such precarious positions.

### **5.15 p.m.**

It is important to note that the victims of human trafficking are predominantly women and children, some of the most vulnerable people in our society. We would hear the news headlines talk about women being trapped in the sex trade,

*Trafficking in Persons Bill*  
[SEN. CUDJOE]

*Tuesday, May 17, 2011*

young girls being sold to wealthier families, boys being kidnapped or trafficked into dangerous areas of the ocean to do fishing, young boys trafficked into being child soldiers, and working in mining and other dangerous forms of employment.

Madam Vice-President, I call this a perverse commercialization of humanity. At the end of the day I look at this as a lucrative business, I think we need to look at this whole issue of human trafficking as a business with their supply side factors and demand side factors.

On the supply side we have issues like poverty, lack of education, lack of opportunities for women and children, and generally people trying to find a better lifestyle.

Whilst on the demand side, we cannot ignore the demand side of business people who prey on these vulnerable people in search of cheap labour, and we have to look at also the people who purchase the services of these people who are being trafficked. In our case, I would like to say the male sex buyers, the people who contribute to the prostitution business, who purchase service from a prostitute and other forms of sexual exploitation. I think in order for us to treat with this issue of human trafficking, we have to look at both sides of it.

Now the adoption of the UN protocol is very important, however, the protocol—like many other United Nations protocols—has no teeth; if I do not adopt it what will happen? But the Trafficking in Persons Report, and this diplomatic tool that was instrumented by the United States Department of State that is the measure that comes with sanctions.

This Trafficking in Persons Report, it boasts of being the most comprehensive mechanism for measuring and monitoring how countries respond to human trafficking, and the measures that we take in combating the issue of human trafficking.

As I examined the report, I looked at countries in Asia for example, Burma and Thailand, they have a problem with trafficking for the purpose of forced labour especially for fishing. I looked at African countries, stories being told everyday on CNN about young men being trafficked to be child soldiers. But I found something particularly interesting about the countries of the Caribbean, we have one thing in common, and that is trafficking for the purpose of prostitution for sexual exploitation. It is said that this is very closely linked to tourism, where tourists come to the Caribbean with the idea of getting loose and indulging in the lure of sea, sand and sex.

So we have criminals who prey on these vulnerable people, and lure them into the business of prostitution and sexual exploitation. We also hear stories in these reports; they speak about stories where young girls and young boys—it is a new case especially in Jamaica where young boys are sold by their parents to wealthier families, and then they are used in sexual exploitation and those kinds of activities.

As I looked at the report I found it very interesting that Trinidad and Tobago was being mentioned under the reports for other countries, for instance Colombia, Venezuela, Barbados, Suriname, Guyana, and the report reads, that criminals in these countries link with brothels and pimps in Trinidad to carry out their prostitution business. Let me read what the report said:

“Sex traffickers primarily organized criminals form partnerships with pimps and brothel owners from Trinidad and Tobago...lure women to Trinidad...with offers of legitimate work...” and then they are forced to work “in strip clubs, massage parlors, some private residences” as domestic workers “and “entertainment clubs” which operate as brothels.”

So we are being seen around the world as this nation that has a huge appetite for prostitution, for sex and for sexual exploitation. As I would have mentioned before this business of human trafficking especially for sexual exploitation has a demand side and a supply side. The supply side involves people who do not have access to a better standard of living, and a lack of opportunities for women; the demand side especially including men who buy sex.

So I do not know how we are going get a hold, how we are going to control that part of the it. I looked in the newspapers in doing my research, and I saw customers of brothels giving their story as to the kind of people that they meet when they go to these brothels, and it is businessmen. It is not the young criminals that we are accustomed talking about, they cannot afford that kind of service.

So we really have to take a close look at ourselves. So as much as we come here and we condemn human trafficking, and prostitution and that kind of thing, it is our kind of people that go out there and purchase that kind of service, and many times it is the big businessmen and the wealthier people in the community that run that kind of business. So we have to look into that.

I came cross on April 10, 2011—just like Sen. Abdulah went back into 2009, 2007 and read newspaper reports, this is an issue last month which shows you that this is a long-standing problem for us. So it does not make any sense to come

*Trafficking in Persons Bill*  
[SEN. CUDJOE]

*Tuesday, May 17, 2011*

here and say well, it is under the PNM we had a very terrible case of prostitution and human trafficking, this is a problem for us here in Trinidad and Tobago, all over the world within the Caribbean and it is nothing new. What is new is the volume of people being trafficked, so this is not exclusive to PNM leadership or UNC leadership. April 10, 2011, this is what Joel Julien reports—the name of the article is “Bar or Brothel?” Questions over councillor

While Government has signaled its intention to deal with the issues of human trafficking, sources have revealed that the vice-chairman of a regional corporation is the owner of a business described as a “place of interest.”

Raymond Cozier successfully contested the Mayaro/Guayaguayare electoral district as a candidate for the United National Congress in last year’s July 26, local election.

He was sworn in as the vice-chairman of Mayaro/Rio Claro Regional Corporation on August 10, last year.”

And lower down in the article it says:

“The business was often raided by police who would haul away to jail mostly South American women who entered the country illegally.”

And later on in the article it talks about the women admitting that they were brought here to be prostitutes and then it gives the ages of the women involved from age 22 all the way up to 42.

What is interesting is that they were charged for having tampered passports. I would get to that issue later on as to how the officials, and how the police treat with victims and identifying victims. So this problem spans all administrations, all countries, all regions, so we cannot come here and politicize it.

Now let me get back to the issue of adopting the protocol and adopting measures to treat with human trafficking.

### **5.25 p.m.**

Now, I am looking at the Trafficking in Persons Report 2010 and the measure that is used by the United States—what is being reported on are the actions taken by Government; not so much the magnitude of the problem in the country, but the actions taken by Government and that is the reason we are here in the first place debating this topic today.

Now the Trafficking in Persons Report places countries in different tiers. Tier 1 would be the best performing; Tier 2 would be the countries that are trying to meet the minimum standards; Tier 2 Watch List is the countries that are trying to

meet the minimum standards and would have made commitment in the past to improve their measure of treating with trafficking, but did not do it and are now sort of on the way to being in Tier 3. That is where your sanctions are imposed. You are cut off from funding and international aid from the United States and other international bodies. So, again, it is not the magnitude of the problem or the volume of people being trafficked, but the actions, lack of action, the inaction of Government to treat with the issue.

Madam Vice-President, I will tell you what the report says about Trinidad and Tobago:

“...is a destination, source and transit country for women and children subjected to trafficking in persons, specifically forced prostitution, and children and men in conditions of forced labor. Some women and girls from Colombia, Dominican Republic, Venezuela, and Suriname who had been in prostitution”—rings—“in...brothels and clubs have been identified as trafficking victims. Trinidadian trafficking victims have also been identified in the United Kingdom and the United States. 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 (of) victims to the Caribbean and South American....”

Now, Madam Vice-President, the report goes on to explain the issue and, later on it says—the fact that we are now being looked at, it does not have to do with us having this problem of being a source, destination and transit country. A source country because of people not being able to access some opportunities; a transit country because of our very location in the Caribbean and human trafficking being so tightly linked to trafficking, to illegal trade in drugs and ammunition; and a destination country to feed that great hunger for sex and sexual exploitation. That is not the reason why we were placed on a watch list, but because of the action or inaction of Government to treat with human trafficking. So, this is what the report says:

“Trinidad and Tobago is placed on Tier 2 Watch List because the government did not show progress in prosecuting and punishing trafficking crimes and protecting trafficking victims, whom the government often jailed and deported.”

So with that said, the issue is what are we doing to fight human trafficking; what are we doing to control this problem? We need to show to our brothers and sisters in the Caribbean, in the international community and moreover the US

*Trafficking in Persons Bill*  
[SEN. CUDJOE]

Tuesday, May 17, 2011

Department of State, that we are doing something about this problem. Again, like I always do, I am not trying to be destructive, I am not trying to belabour the point of OPVs, but offshore patrol vessels are critical to the national security of our nation [*Desk thumping*] and to the national security of our citizens. When you read the newspaper reports, most of these women say that they have been brought in, not through regular borders, they come in through the porous borders of Tobago, the porous borders of Trinidad and most of them do not even have passports. So, some of the stories are being told that they were brought in by boats. One of the newspaper articles mentioned the different areas that they came in. So, the issue of offshore patrol vessels is critical in fighting crime.

For Tobago, specifically, I know that port security is another issue that we must treat with. We know that the fast ferry between Tobago and Trinidad was an idea of the Tobago House of Assembly that we would have gotten from one of the islands in the Bahamas, and what that offers is a faster movement of people between Trinidad and Tobago. Tobago has several porous areas on our border that can be very, very conducive to trafficking. So the issue of port security, having a proper passenger manifest, having the proper scanning equipment, these are issues of national security. I am not particularly under the remit of the Tobago House of Assembly, but under the Sixth and Seventh Schedules maybe that is something the Minister of Tobago Development can treat with, instead of running up and down trying to cause trouble in the Tobago House of Assembly. [*Desk thumping*]

**Sen. Panday:** Madam Vice-President, Standing Order 35—[*Interruption*]

**Sen. Hinds:** Standing Order 35 what? Your name should be 35. Everything is 35, 35, 35!

**Sen. Beckles-Robinson:** She is going good! [*Interruption*]

**Sen. S. Cudjoe:** Thank you, Madam Vice-President. [*Crosstalk*] Do not worry with Sen. Panday—that is true. This issue of port security and having scanners, the passenger manifest and treating with those issues relating to Tobago—also, the problems that our fishermen face, is when they are out at sea at nights they are being threatened by other fishermen from Venezuela. They have arms and ammunition. We call on this Government to do something about that. [*Desk thumping*]

Now, Madam Vice-President, you would recall, I think it was my very first contribution in this Senate or my budget contribution—no, not the budget, I think it was the first one, where I spoke about—[*Interruption*]



**Sen. Al-Rawi:** The state of the economy.

**Sen. S. Cudjoe:**—the state of the economy—[*Interruption*]

**Sen. Hinds:** Who filed that?

**Sen. S. Cudjoe:** Sen. Mary King would have filed that Motion. [Interruption]

**Sen. Hinds:** Where is she?

**Sen. S. Cudjoe:** The issue I am dealing with is that on June 24, 2010, the Chief Secretary would have written a letter to the Prime Minister asking for a meeting to treat with these issues of national security and other critical areas that are important to Tobago's development. That was June 24, 2010, when I delivered the budget speech—[*Interruption*]

**Sen. Panday:** Hon. Senator, would you kindly give way? As a result of that letter, the hon. Minister of National Security and heads of divisions met with the representatives of the THA at Mount Irvine Hotel, where we discussed the matters and steps have been taken, for example, the police station, the remand and the fire.

**Sen. Hinds:** Fire station built, police station built.

**Sen. S. Cudjoe:** Thank you, Sen. Panday, and that raised a very, very important point. The letter that was sent to the Prime Minister included issues of national security and several other issues that are critical to Tobago's development and, I want to urge this Prime Minister that the Tobago House of Assembly Act speaks to communication and meetings being held between the Prime Minister and the Chief Secretary of the Tobago House of Assembly. [Interruption]

**Sen. Panday:** But you do not want to [*Inaudible*] with the Minister for Tobago Affairs. No!

**Sen. S. Cudjoe:** If the Prime Minister wishes to meet with the Chief Secretary, the Chief Secretary cannot send someone. The same way, if the Chief Secretary requests a meeting with the Prime Minister, the Prime Minister should not send someone.

So, Madam Vice-President, that letter was sent on June 24th. The Office of the Prime Minister—actually, before my speech on the budget in September of 2010, the Prime Minister spoke to the Chief Secretary about admitting, that, yes, she had received the letter. To this date, the meeting has not happened. In a press

activity last week, the Prime Minister informed the people of Tobago—looked at us dead in the face and told us—“I could not meet with the Chief Secretary because I was busy running up and down.” So these are the kinds of meetings, the kind of engagements that are critical in treating with national security issues as they relate to Tobago.

Tobago is currently engaged in talks in relation to constitutional reform. Maybe one day, not maybe one day—very soon, we will get to the point where we do not have to wait on Trinidad to get OPVs. We are going to get our OPVs ourselves. We would not have to wait on Trinidad to send police here, send police there, ask the coast guard to look out at this course; we will get to the point where we will be able to do that ourselves and treat with our own national security issues. [*Interruption*]

**Sen. Panday:** So you are breaking away from Trinidad, then?

**Sen. S. Cudjoe:** Another issue that this Government needs to consider is in the absence of OPVs, we need to look at ways to strengthen the coast guard to operate in the meantime. We need to know what this Government’s plan is. Are we going to have an OPV; and if so, when—I have been asking that from day one—and how many?

Madam Vice-President, treating with human trafficking calls for a specific kind of training of human resources and this is why I questioned the dismantling of SAUTT. I refer to an article in the newspaper speaking about SAUTT being dismantled by August 31. We come here time after time and speak about setting up a new unit, when there are persons who were already trained; hundreds of thousands of dollars spent in training this human resource to treat with these issues. The issue of dismantling the SIA, regional cooperation, as it relates to intelligence in dealing with these very sophisticated kinds of crimes. We also need to look at strengthening the Immigration Division. I spoke to some officers in the Immigration Division as it relates to human trafficking and illegal immigrants and the opinion of these officers is that the investigation unit in the Immigration Division is very weak—that is the division that is responsible for treating with illegal immigrants and people of that nature.

In looking at the report also and looking at documents from UN.GIFT, we find that there are rogue officers in the system that help in the human trafficking process. We know here in Trinidad and Tobago that we have some very good officers, but we also have officers who abuse their power within the service and

may be involved in dubious activities. So we need to find a way to strengthen the good ones and to weed out the ones that are not doing what they are supposed to. [*Desk thumping*]

Madam Vice-President, a critical matter in treating with victims of human trafficking is that we have to first know how to identify victims of trafficking. Most times in the police service because of their zeal to treat with illegal immigrants, they go to brothels, strip clubs and bars and arrest everybody, not being able to determine who are the victims of human trafficking

**5.40 p.m.**

Madam Vice-President, most times, Government and the police officers are quick to confiscate people's credentials and just deport them; and send them back home. I refer to a December 04, 2010 issue of an article in the *Trinidad Guardian* where—it is an article written by Shastri Boodan and it is called “Panday calls for crackdown on brothel.” And this article records Sen. Panday—

**Sen. Hinds:** Which one? Which one?

**Sen. S. Cudjoe:** Sen. Subhas Panday.

**Sen. Hinds:** Subhas Panday or Basdeo Panday?

**Sen. S. Cudjoe:** The Acting Minister of National Security.

“Panday appealed to the police to raid brothels frequently and ensure illegal immigrants were nabbed and deported.” [*Desk thumping*]

**Sen. Hinds:** Yes. What about the one in Mayaro?

**Sen. S. Cudjoe:** Madam Vice-President, these are issues that we need to treat with. In too many cases, victims are treated as the criminals in the matter, and we need to find a way to train these officials, how to treat with these victims.

One key part of it is identifying the victims. Most times, victims need to be directed to a place where they can get the kind of assistance that they need. Most of the women that are being trafficked here are from South America and they speak Spanish and other languages. We can have people who do translating, direct them to social services, direct them to different places, protection services, where they can get help.

Madam Vice-President, in doing my research, I came across the library notes of October 2010, when the House of Lords was debating this issue on treating with public officials. The note speaks about the need to train a variety of public

*Trafficking in Persons Bill*  
[SEN. CUDJOE]

*Tuesday, May 17, 2011*

officials, health service workers, social workers, building inspectors, health and safety inspectors and others about the various indicators of forced labour and where to find help if they suspect someone has been trafficked. And instead of punishing these victims, we need to punish the employers, and find a way to find the people who promote this kind of business and prosecute and punish them as required by the report.

Now, I see Part V—I commend this Bill because Part V speaks specifically to providing assistance to the victims, and that was one of the areas that we needed to improve according to the report; that is Recommendations 4 and 5 of the report. We need to improve our witness protection programme so that some of these same victims can be afforded legal aid to fight their cases and be used to help to solve the crime. We need to come up with a victim’s protection programme.

Madam Vice-President, the United Nations Office on Drugs and Crime Framework for Action and the Protocol expressly states that:

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

In everything that we do, we have to be mindful of the implication. Very recently, in September 2010, this Government awarded laptops to the secondary school students—a very commendable project. As a matter of fact, that project would have moved us about 16 points on the technology index, and I applaud the Government for that. But, one concern that I have and the thing that I did not applaud them on is that, today—this is one year after—in July/August of last year, the Government was boasting about training teachers and implementing ways to fit the use of these laptops and this new technology into the curriculum of secondary school students. To date, we still do not have enough electricity ports at the secondary schools, not enough teachers trained, no Internet access at the secondary schools. This whole—[*Interruption*] I will get to that.

**Sen. Panday:** A bustle of computers.

**Sen. Beckles-Robinson:** You are inviting the Senator, your good friend?

**Sen. Panday:** Sure!

**Sen. S. Cudjoe:** Madam Vice-President, this whole issue of—I will go and I should be giving him the invite instead of him giving me the invite. [*Desk thumping*] Madam Vice-President, this is not a part of the curriculum.

I want us to listen to this, Madam Vice-President. When we first spoke about this whole implementing of these laptops in secondary schools, we were told at first that each laptop would have been valued at \$4,000. Then later on, we heard that each laptop is valued at \$12,000, and people went into uproar and said why, and we were told it was because of the sophisticated software that is going to be downloaded to the laptops for the secondary school students. Now, I would want to sound the alarm that even with that sophisticated software, there is no software on the computer to protect the children from seeing porn. In these days of Wi-fi—

**Sen. Hinds:** And human trafficking!

**Sen. S. Cudjoe:**—and human trafficking; in these days of Wi-Fi and file sharing, you go somewhere and you open up your computer and you get access to a specific network, everything that the people on that network can see, you can see it too. So secondary school students now have free open access to so much pornographic material at school. I am not saying this because I heard about it; I am saying this because I know.

**Sen. Hinds:** And it is deliberate!

**Sen. S. Cudjoe:** At the secondary school that I went to, parents have been complaining: how do we get this off the students' laptop? Because once you go to one site, sometimes it comes with a different virus that will keep porn, keep coming to the laptop—

**Sen. Hinds:** Pop-ups, pop-ups.

**Sen. S. Cudjoe:**—the different pop-ups, so parents are complaining. Some of the teachers do not know how to configure the laptops, they do not know, they were not trained to do any of that kind of thing. So this sophisticated software that tripled the price of these laptops, Madam Vice-President, I want to know what happened. So we need to find a way to protect our children from this kind of material because traffickers are out there in different forms, sending messages to children. Do you want to be a model? Do you want to be a pop star? Do you want to get a scholarship in the US? Just click here. And then you find people going abroad for interviews to get scholarships and never coming back. So, Madam Vice-President, we have to do better as it relates to protecting our children, our secondary school children.

Now, as the UN protocol said, ratification and establishing the law, implementing the law, is not all. Article 9, Part 5 of the very protocol that we are trying to give effect to today, it reads:

*Trafficking in Persons Bill*  
[SEN. CUDJOE]

*Tuesday, May 17, 2011*

“Parties shall adopt or strengthen legislative or other measures, such as educational, social and cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation... especially women and children, that leads to trafficking.”

It goes on further to speak about the importance of having a sound economy and creating the kind of environment where women and children feel comfortable to live, comfortable to strive with a great deal of opportunities available to them. Now, women and children are key target groups and many times, if your economy is not strong enough and there are not enough opportunities, they fall prey to these traffickers.

One key issue in reducing human trafficking, we need to find a way to increase real choices for women and children and to improve access to education. I am proud to say that Trinidad and Tobago is not so much of a source country because of the kind of life that women and children in Trinidad and Tobago enjoy. I want to say the People’s National Movement created an environment where women and children were well taken care of. I can list programmes that women from all different backgrounds of life could have taken advantage of—the GATE; free education; the HELP loan; the On-Job-Training (OJT).

**5.50 p.m.**

In Tobago we have a programme called the PAM programme. This is for young girls who get pregnant in school and go to learn to do something in the meantime while they are pregnant, like braiding hair and cooking. It is just to keep them employed while they are pregnant. After that, the Division of Social Services would try to get them back in school. We have several success stories where young women have moved on to college. That programme also comes with a training programme for the men who have gotten them pregnant. We created opportunities for young women to flourish, feel comfortable, excel and thrive in Trinidad and Tobago.

I speak about YTEPP, CCC, business development and also the Unemployment Relief Programme (URP) for persons who are not academically inclined. I want to put on record what we now know as the CEPEP programme started as the Community Environmental Programme in Tobago. I remember when that started it was advertised and promoted as a programme, so that women can be the head of their household to stand and take their rightful place in their household. I am surprised as to what the CEPEP programme has turned out to be today, where CEPEP employees are being fired left and right. To this date, not a cent has been transferred to Tobago from the \$8 million that was allocated to Tobago for our

CEPEP programme. As much as we implement this kind of legislation, ensuring that there are enough opportunities for our women and children and for women to stand their ground in their household and put food on their table, we have to make sure we have a sound economy.

Another important thing is that the PNM had put an end to the sugar daddy culture that I now see re-emerging. Some might want to call it a sugar mama culture—[*Interruption*]

**Sen. Hinds:** Oh Lord, that sweet!

**Sen. S. Cudjoe:**—where people got their education under the People's National Movement and we got our jobs because we earned these jobs. Belize speaks about a sugar daddy culture and very soon, if we do not stop or slow down, Trinidad and Tobago would appear in that report of having a sugar daddy and sugar mammy culture. [*Interruption*]

**Sen. Hinds:** Sugar Jack.

**Sen. Al-Rawi:** A fairy godmother.

**Sen. S. Cudjoe:** It is important to note that Hon. Sen. King—how do I refer to her now—former Sen. King would have boasted that Trinidad and Tobago has been voted the third best country in the Commonwealth for girls to be born. However, we still have our work to do. Women still have a way to go in participating in politics and decision-making. She said this—[*Interruption*]

**Madame Vice-President:** Hon. Senators, the speaking time of the hon. Senator has expired.

*Motion made:* That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. S. Panday*]

*Question put and agreed to.*

**Sen. S. Cudjoe:** Thank you, Madam Vice-President. Thank you so kindly, Sen. Panday. Former Sen. King went on and boasted about Trinidad and Tobago being the third best place for women to live in the Commonwealth after New Zealand and Barbados. After she boasted, she forgot to say thank you to the People's National Movement who made that possible. [*Desk thumping*] We have numerous programmes for young women and young people to further their education. For those who are not academically inclined, we implemented training programmes. I hope that this People's Partnership does not drop the ball.

The UN.GIFT, which is the acronym for United Nations Global Initiative to Fighting Human Trafficking, spoke glowingly about women in politics playing a significant role in treating with issues that affect women and children. In most countries you would find women are ministers of social development, education and that kind of thing. The UN.GIFT promotes that women play a significant role in politics and in Parliament and encourages governments to have more women in politics. They said that women bring a softer more caring side to governance. *[Interruption]*

**Sen. Panday:** That is our Prime Minister.

**Sen. Hinds:** At all!

**Sen. S. Cudjoe:** They are more devoted. *[Interruption]*

**Sen. Beckles-Robinson:** “Why yuh doh say like our Vice-President?”

**Sen. S. Cudjoe:** Women are more devoted to dealing with matters that affect the social fabric of our nation, employment, education—*[Interruption]*

**Sen. Hinds:** There is more unemployment under this Prime Minister.

**Sen. S. Cudjoe:**—crime, putting food on the table. These are the things that we look to women in Parliament for, but not this People’s Partnership Government—bulldozing people’s property left and right. Women are expected to promote honesty and transparency in government.

**Sen. Hinds:** “Doh expect dat from dis Government.”

**Sen. S. Cudjoe:** Not this People’s Partnership Government. Honesty? Transparency? As Sen. Deyalsingh said earlier, Makandal Daaga, one of the leaders of the People’s Partnership, said it is the most corruption he has ever seen in his 50 or 60 years of politics.

**Sen. Al-Rawi:** A man of honesty.

**Sen. S. Cudjoe:** With this People’s Partnership anything goes, anything goes, anything goes, as long as they do not get caught.

**Sen. Hinds:** He is window dressing.

**Sen. S. Cudjoe:** On a more serious note, women are supposed to make a difference. That is why it is very important. I remember when we started this Tenth Parliament, there was a section, I think, in the *Newsday*, highlighting the women and that they were expecting a more caring side. I looked forward to that and I was happy about being a part of that, even the Government’s side. It is



important for this Government to shine, because it is the first time in our nation's history that women have gotten the chance to step up, show up and show out. What we do here would pave the way for so many other women in politics. This People's Partnership Government is making a mess of it.

I looked at the recent issues of former Sen. Mary King, who was the "Queen of Transparency" in our country. The Minister of Energy who is supposed to pose a clean face, now has issues of her own to explain, as it relates to that NP contract.

This Minister of Tobago Development, which some people in Tobago like to call "the Minister of Tobago Destruction"—*[Interruption*

**Sen. Panday:** No, that is not true!

**Sen. S. Cudjoe:** Yes, that is what they say.

**Sen. Panday:** PNM Tobago?

**Sen. S. Cudjoe:** Since getting into Government, it has been nothing but confusion; from taking the salute at the Independence Parade to every minute pulling out section 75(1) of the Constitution to remind us that at the end of the day the Cabinet can do what it wants, so the Tobago House of Assembly does not matter. We expected different from a woman in politics.

And last but not least, the Prime Minister—every minute she does not know anything. She does not know anything. She does not know about Mary King. She does not know about the NP contract. "She doh know about Reshmi." There are so many unanswered questions. We did not expect this from women in Government.

**Sen. Al-Rawi:** She spoke on four Bills in the Lower House.

**Sen. S. Cudjoe:** There are so many unanswered questions. We would like to know how the matter of the NP contact got to the Cabinet without going through the line Minister. How did this draft Bill from the Tobago Organization of the People get to the Cabinet for constitutional reform and the Tobago House of Assembly Bills cannot get to the Cabinet? Does a political party have an express way to the Cabinet over the Tobago House of Assembly? These are questions that our woman in Parliament has to answer.

Earlier Sen. Ramnarine invited me to the opening of the MIC in Tobago on Friday. I will be there. I said earlier, I should be giving Sen. Ramnarine the invite, because all the work for the MIC building happened under the People's

*Trafficking in Persons Bill*  
[SEN. CUDJOE]

*Tuesday, May 17, 2011*

National Movement. That is our project. You just happened to be in place at the completion of the project; just like so many other projects where this Government just happened to be in place at the end of the projects. [*Interruption*]

**Sen. Panday:** Why?

**Sen. Maharaj:** That is why you got voted out.

**Sen. S. Cudjoe:** And you would get voted out just now, play with it.

Madam Vice-President, the People's Partnership—and it is the same for many projects. I listened to our woman Prime Minister say to the national community last week Monday on Mother's Day—the question was asked to the Prime Minister: “If you could have done something differently in your first year, what would you have done?” She said: “I would have done more for Tobago, but do not worry Tobago, I will be here next week—”

**Sen. Panday:** Thursday.

**Sen. S. Cudjoe:**—which is this week, “to hand out—”

**Sen. Panday:** Seventeen buses.

**Sen. S. Cudjoe:** Tell me, 17 buses and several other things. Then she went on to refer to Tobago as a local body like a regional corporation—a woman Prime Minister. This is the kind of—this is the way that this Government sees Tobago; every now and then. She thinks that all that is necessary for Tobago to sit down and shut up is to just hand out something every now and then. Just hand out hampers. Just like the children of Soweto; just hand out hampers and that would shut up Tobago. We are way past that. I look on in awe as this Government just wait and just stand in place when projects are finished to say: yes, we have done it, and they cut the ribbon.

I looked at this female Prime Minister speak about the renaming of the Arthur Napoleon Robinson Airport. That started in the Tobago House of Assembly. [*Interruption*]

**Sen. Panday:** By the minority leader.

**Sen. S. Cudjoe:** In the Tobago House of Assembly. You should be ashamed! The more hurtful thing about it is that she said: “I will be coming to Tobago to rename the ANR Airport.”

Yesterday I heard the hon. Minister of Works and Transport, Jack Warner now coming to say: “I apologize on behalf of the Prime Minister. This is really a Tobago House of Assembly project and I humbly apologize.” This Government needs to take a page out of the book of Mr. Jack Warner, Member for Chaguanas,

in dealing with Tobago matters. He, at least, had the manners to say I apologize. The country could only take this many apologies, but I look on in awe as this Government, chaired by a woman whom we expected better from; somebody representing women in leadership in Parliament and politics. This Government stumbled over itself week after week, from blunder to blunder and misstep to misstep.

So much has happened that we do not even—you know what? So much has happened that maybe having so many negative issues work out to the benefit of the Government, because the population cannot—[*Interruption*]

**Sen. Al-Rawi:** Dizzy.

**Sen. S. Cudjoe:**—keep up with the foolishness that is happening. They are dizzy in the foolishness that is happening. You cannot keep up. They do not give you enough time to solve an issue. Reshmi issue is still wide open. Former Sen. Mary King issue is still wide open. We expect so much better from a woman in politics.

It is on that note that I call on our Prime Minister and her Cabinet to act swiftly. We are losing our women. We are losing our children. We need to hear a word on the OPVs, word on our secret intelligence, the soundness of our economy, good governance and transparency; all these things that contribute to making a comfortable environment for women and children to prosper.

I urge this Government to use its mark to create its own legacy and to build institutions for the development of this country and not every time that we get a chance to bring a new Bill to the Senate, one that is critical as this, there is always some provision to form some new unit or some new institution so that friends and family could get employed. You do not run a country like that.

On the issue of legislative agenda, I wrap up. I urge this Government to present to us a legislative agenda. This is not to be mischievous. I will tell you why. This whole issue of human trafficking is an organized crime; a gang-related activity, pretty much. I remember us passing the legislation on anti-gang and we had a schedule of the different criminal activities that might be conducted by a gang or organized crime. Human trafficking is a very important one that should have been placed on that schedule. If we had a list of the Bills to be brought to this Parliament, then we would have been able to say include human trafficking under your schedule.

*Trafficking in Persons Bill*  
[SEN. CUDJOE]

*Tuesday, May 17, 2011*

Another thing is that the 2010 trafficking in persons report speaks to doing public awareness campaign. We need to do public awareness campaigns on criminal activity, on gang violence and we could incorporate all of that into one campaign if we have some clear, concise and comprehensive plan on what this Government is doing. This is one year later. They still have no plan. We are still dizzy.

We all have a legal and moral obligation to fight human trafficking. We have a legal and moral obligation to also support this legislation, because it would all contribute to improving national security and protecting our citizens, and remember that this trafficking in persons report treats with the action or inaction of the Government. We need to stop the talking, get up and get and do what is necessary. Do not wait to be threatened by an international body to treat with your own issues of national security. We are bigger and better than that. The PNM had placed this nation on a steady uphill route to becoming a better developed country and this Government has changed the direction.

**Sen. Maharaj:** That is why the public put you out.

**Sen. S. Cudjoe:** At the end of my contribution—[*Interruption*] No “seagalism”, please. With that said, Madam Vice-President, I thank you.

**Sen. Hinds:** Well done. [*Desk thumping*]

**Sen. Helen Drayton:** Thank you, Madam Vice-President. This Bill on trafficking is another important piece of legislation. Apart from several technical issues, I certainly support the Bill. Trafficking is slavery. It is a distinctly different form of slavery, but an equally virulent strain that has emerged from every continent and every single city of the world and certainly it is a brutal crime. It is a crime that has reached epidemic proportions. My research indicates that over 800,000 persons are trafficked annually, persons of every origin, and it has reached the point where it is 1,000 per cent more than the peak time transatlantic slavery of the 18<sup>th</sup> Century.

**6.10 p.m.**

Now, of course, I am making no comparison with the 400 years of brutal intergenerational slavery of the years gone by. Back then it certainly was not trafficking, I do not think there is any comparison, when victims were chained and packed like sardines and held in ships head to toe, toe to head. And back then there was no more activism, there was no morality where that crime was concerned, there was no advocacy from the church, there were no laws, there were no human rights activists and the victims had no protection.

So that, in fact, it was law, because the victims were deemed to be property. So that there should be some reluctance, when in passing, the suffering of over 17 million of our ancestors is put in the same realm. I believe that it might be put there innocently, that does not mean to say, as I said before that trafficking is not barbaric. I think the experience and unbroken spirit of our ancestors should be reflection, and maybe then, there will be greater reverence and meaning in the celebration of Emancipation; a spirit of renewal, progress and greater community spirit.

Now, in getting back to this Bill according to an FBI report it states that people,

“...are trapped in lives of misery—often beaten, starved and forced to work as prostitutes or to take grueling jobs as migrant, domestic, restaurant or factory workers with little or no pay...”

Of course, they are speaking about the United States in that particular report and it says that they,

“...are working to stop human trafficking not only because of the personal and psychological toll it takes on society, but also it facilitates the illegal movement of immigrants across borders and provides a ready source of income for organized crime groups and even terrorists.”

Now, I think it was Sen. Abdulah who made mention of a story we all read about in the newspaper about three men who said they were being exploited and who wanted to return to India, and what struck me about that story, is that it said that their passports were taken. Now, this is usually some sign that abuse is taking place, and certainly that sort of abuse is recognized in this legislation, because no employer has a right to hold an employee's passport which, of course, is to restrict movement, something against our democratic Constitution and which goes against the grain of fundamental human rights.

I wonder, therefore, whether there was an immigration or police investigation and if so, exactly what was the result; and if it was true, why have we not heard more about it? So that at least other persons who are inclined that way, if that name is revealed, would think twice about it.

Now, I mentioned this situation in the context of the broad definition of human trafficking in the UN's Convention. And in the final analysis just as it happened in that case, I think it is watchful customers, it is neighbours, it the citizenry generally who are the best ammunition against modern day slavery.

*Trafficking in Persons Bill*  
[SEN. DRAYTON]

*Tuesday, May 17, 2011*

The criminal syndicates, criminal enterprises and organized crime, they are facilitated by the increase in world trade, expanding world trade, they are facilitated by information technology, they are supported by local and international networks, and networks which are often fronted as legitimate business; and legitimate business operated by all ethnic groups. And the most aggressive of these criminal enterprises operating internationally, and I want to quote verbatim the FBI report which anybody can google and get the information. This report says:

“These criminal enterprises are African enterprises, Asian enterprises, Eurasian, Italian organized crime, middle eastern criminal enterprises and sports bribery programme.”

Those are the exact words of that report.

Now, it is instructive that this Bill on Human Trafficking has followed on the heels of the FIU Bill, a very necessary situation since given the level of crime in this country, it is not unreasonable to assume that human trafficking is part of the landscape.

Now, these laws FIU, trafficking, kidnapping are necessary not just because we have signed international conventions, but because as a nation we have already identified crime as our major burning issue, because it deprives lives and the country of socio-economic development gains. So while, therefore, we are bringing new legislation I believe that criminal activity such as trafficking can be detected by departments and agencies of Government if they are working efficiently.

And I want to draw the example that the same way during the course of enforcing traffic regulations, the police will pick up a number of people who are wanted on outstanding warrants, or who are in the process of criminal activity, it is the same way that I think systematic checking of businesses will reveal unlawful situations that may very well point to serious crime, such as money laundering and trafficking.

### **6.15 p.m.**

Where there are businesses operating throughout Trinidad and Tobago, if the public agencies are efficient, they will detect that no NIS is being paid; they will detect that staff are being paid below the minimum wage; they will detect that there is little regard for health, safety and industrial laws and they will pick up that they are not deducting taxes monthly. It is such vigilance that will lead investigators in some instances to other serious issues. I would not be surprised if a number of these same businesses are also laundering money.

Let me hasten to emphasize—I am not saying that employers who are not paying NIS on time and not meeting other statutory guidelines are engaged in syndicated or criminal networks. All I am saying is that it is no secret that the chances are high that human trafficking thrives in countries wherever you find prostitution, casinos, small arms, drugs, corruption and such extreme other vices and, of course, where you have poor working conditions in certain business sectors. When you add to that our porous borders; when you add to that our poor environmental habits and low tolerance for law and order, then I think we would agree that we have all the ingredients that will be conducive to a serious crime such as human trafficking.

I think what has to happen is proactiveness on the part of the government agencies to ensure that the working conditions are satisfactory; that the statutory requirements are being met and that illegal immigrants are dealt with as warranted.

Now, I have to say that if there is one thing that parallels crime in Trinidad and Tobago it is public service inefficiency and the myriad of problems in the administration of justice. When you examine all these laws that we are bringing; all these laws that are necessary, it comes to naught unless the government departments and agencies are staffed with the right skills, improved productivity and implement systems that support the legislation. I am pointing this out because in all these laws there is the requirement of senior appointments to be made by the Public Service Commission, which, based on all that we have heard, is not properly equipped to do so in the context of their outdated terms of reference, some of the systems, the necessary skills and the compensation which attracts and retains suitable talent.

In saying that, let me repeat what I have said on other occasions. I am not blaming hard-working, patriotic citizens in the public service.

#### **PROCEDURAL MOTION**

**The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Madam Vice-President, I beg to move that the Senate continue to sit until the completion of the Bill before the honourable Senate and the other Bill, the Data Protection Bill.

Although I have said “the completion”, Sen. The Hon. Brig. Sandy is not here, so we will go some distance into the Bill and start the other one. Although I say “until the completion”, I say that to get cover.

**Madam Vice-President:** The question is that the Senate continue to sit until some completion of both Bills; the one currently before this Senate and the Data Protection Bill. [*Interruption*] As the Leader of Government Business indicated, Sen. The Hon. Brig. Sandy is not here to close off on the Trafficking in Persons Bill, so we will have to stop at some point and start the Data Protection Bill as indicated on the Order Paper.

*Question put and agreed to.*

#### **TRAFFICKING IN PERSONS BILL**

**Sen. H. Drayton:** I was saying that I am certainly not putting the blame on hard-working, patriotic citizens or the Public Service Commission. In some instances, they certainly deserve a medal. Be that as it may, it is undeniable that a system that was designed to take care of public business 50 years ago cannot be relevant in the same or nearly the same incarnation 50 years later, where you are not talking about 8,000 employees but over 80,000 as I understand it.

So it is not the idea that the Public Service Commission is not valid; it certainly could be an effective instrument; but from all that we have heard, how it is currently structured and staffed, it is an anachronism; it is a relic from the past, which is probably where most of its current systems should be buried.

I think that it is necessary to say that over and over because we cannot be bringing legislation saying that persons to staff the various units to enforce those laws must be public officers and we do not have the capacity to do so in an appropriate time span that would give effect to these laws.

Moving to the penalties in the Bill, I believe that in most instances these are in proportion to the crime of human trafficking; but I want to mention certain clauses, clause 14. This concerns me when it is looked at in the context of other legislation that we have brought. A person guilty of assaulting or obstructing a police officer in the exercise of duties under this Bill, which is preventing human trafficking, preventing slavery or related offence is liable on summary conviction to imprisonment for three years.

I do not see how that can make sense when we dealt last week, for instance, with the Anti-Gang Bill and under clause 5 you have some idiot saying he is a gang member when he is not; he steals a cellphone and he is liable for 10 years. One is dealing with the most heinous crime against humanity; so you are assaulting a police officer and three years. I want to recommend that, at least, the liability should be 10 years.



What is the definition of trafficking? While it is defined in the Bill as the transport of persons by means of coercion, deception or consent for the purpose of exploitation, with exploitation defined as slavery among other things, it is also the illegal trade in human beings for the purposes of reproductive slavery, commercial sexual exploitation and forced labour.

In many respects, it is worse than kidnapping, since the victim is subject to many years of abuse. There needs to be some comparison here when you are looking at the sentencing guidelines. In distinguishing between both, kidnap victims are kept for shorter, brutal periods of time and often are killed. In the case of trafficking, it is equally brutal; probably more brutal for a long period of time; sometimes more than 10 years—in some cases the victims die—and if they survive, they have just the same emotional scars and pain.

I cannot understand why, under this proposed legislation, human trafficking in itself is not treated as a capital offence as we have treated kidnapping. Why is it not subject to no less than 20 years and, if we refer to clauses 16 and 17, it certainly does not make sense. It is worse than kidnapping in many respects. It is highly organized crime. It is the epitome of gangsterism. It is the most expert form of gangsterism, yet we are treating it in itself as a lesser offence, in terms of the sentencing guidelines, than kidnapping.

Under clause 7, I suggest the inclusion of the Ministry of Health and the Children's Authority. Under the legislation dealing with child abduction, that unit falls under the Office of the Attorney General, but we need to consider whether the Children's Authority has a role. I think it should have a role in the care of child victims of trafficking since special skills are needed for traumatized children.

Under the same section, I questioned the wisdom of the Minister of National Security being a Member of the task force, if the Minister is the recipient of the task force reports that he would have to table in Parliament. The Counter Trafficking Unit is also in the Ministry of National Security so, in both cases, the Minister already has jurisdiction as the head of the Ministry of National Security. So it appears to me that it is himself supervising himself. We need to look at that.

Under clause 12, which deals with the task force's responsibility for public awareness, I would have preferred that it be mentioned specifically, public awareness of the nature of trafficking and events and signs that may indicate the incidence of trafficking. This is how we have to educate the public on the nature of trafficking. The awareness programme mentioned here speaks to awareness of sex tourism and trafficking is not limited to sex tourism.

*Trafficking in Persons Bill*  
[SEN. DRAYTON]

*Tuesday, May 17, 2011*

As I mentioned previously, an enlightened public may very well be the best guard against the incidence of human trafficking so I urge that we look at the language under clause 12.

I support the Bill and recommend consideration with respect to increasing the penalties mentioned earlier.

I thank you.

**Sen. Prof. Harold Ramkissoon:** Madam Vice-President, the Government of the day, in its continued legislative blitzkrieg on crime has brought to this honourable House the Trafficking in Persons Bill, hereafter referred by me simply as the human trafficking Bill.

I thank you, Madam Vice-President, and fellow Senators for giving me the opportunity to make a contribution in this House. I congratulate Sen. The Hon. Brig. Sandy for piloting the Bill and those Senators who have made contributions. We have listened with deep interest.

As you have heard, human trafficking is a heinous crime. It is today's form of slavery. Millions of men, women and children are victims of human trafficking which, crudely speaking, as you heard before, is the recruitment, transportation, transfer, harbouring or receipt of persons for the purpose of exploitation using such means as threat, force or fraud. Men are normally trafficked for forced labour while women are mainly trafficked for sexual exploitation.

I looked at a recent BBC documentary aired last Tuesday just after our session and I was amazed at what I saw on that documentary. It was a documentary on human trafficking. Women who work in the sex industry are told when to sleep; when to start work; where to go; how to dress, which means that they are stripped of their basic human rights apart from the mental anguish and sometimes the physical violence they experience.

While most victims come from Asia and from the former Soviet Union, human trafficking is a growing regional problem in Latin America and in the Caribbean. Here in Trinidad and Tobago, we have witnessed the disappearance of several persons in recent years. In July 2009, the mother of one of my son's friends disappeared after journeying to the Licensing Office to do a transaction; sudden disappearance of individuals with no clue as to what happened.

**6.30 p.m.**

Madam Vice-President, can you imagine the pain and suffering of their loved ones. There is the agony of no closure. Are these victims of human trafficking?

The case of three Indian nationals, recently, living in substandard conditions and working for a businessman who reportedly seized their passports, borders on human trafficking. And it is, I understand, being investigated.

Across the world in Thailand, Burmese workers, as young as 18 years old, fleeing from the widespread poverty in Burma were enslaved on Thai fishing boats, working 18 hours a day, day after day, for 4 years. This, Madam Vice-President, is human trafficking that no one can tolerate.

Madam Vice-President, there is a public perception in the absence of hard facts, that human trafficking is beginning to take root here in Trinidad and Tobago. And so, this Bill is most timely. We need to nip the problem in the bud.

Madam Vice-President, heinous as it may be, human trafficking in one form or the other existed almost from time immemorial. Slavery is one such form, and unlike what many may think, it did not start with the slave trade from Africa to the Caribbean and the Americas, in the latter part of the 16th Century. As far back as 8,000 BC the Libyan people enslaved a tribal people.

Slavery was practised in just about every major civilization and empire: the Greeks; the Ottomans; the Egyptians; the Assyrians, all practised slavery. In fact, some empires as we know have been built with blood, sweat and tears of slaves. During the 5th and 6th Centuries BC, Athens had 80,000 slaves, three or four slaves per household. Greek slaves though, Madam Vice-President, were not your typical slaves—they were able to do anything, except practise politics. This meant that they performed the duties of cooks; of teachers; of accountants; of jewellers; of physicians and consequently the Greeks had a lot of spare time on their hands, a lot of spare time. And this explains why when there was any issue of the city state, whether it is a major issue or a minor issue, the Greeks would rush to the marketplace to debate and discuss these issues of the city state.

And by the way, Madam Vice-President, the famous philosopher Plato had five slaves. Aristotle did not have any slaves but one of his best friends had thousands of slaves.

Slavery, Madam Vice-President, troubled the conscience of many and was officially abolished, as we know, in the US in 1865. Mauritania was the last to do so in 1983, and criminalized it only four years ago in 2007. Slavery has been one of the blots in the sometimes dark history of mankind, and sad to say, it continues today but in a reduced and slightly varied form.

Let me come now to human trafficking today, Madam Vice-President. It is again for forced labour, sexual exploitation and, to an increasing extent, for internal organs; both within and across national boundaries. It is today—and

*Trafficking in Persons Bill*  
[SEN. PROF. RAMKISSOON]

*Tuesday, May 17, 2011*

somebody mentioned this—the fastest growing transnational criminal industry in the world, and the third most lucrative after drugs and guns. And it affects nearly every country in the region. In today’s newspaper, for example—I think it was the *Newsday*, there was a bit of news; I think it was sub-headlined:

“8 arrested for human trafficking...”

And these people were involved in an international human trafficking ring.

Within a given country trafficking flows normally from the rural to the urban areas or the tourist areas, as we know, in Jamaica. With respect to across national boundaries, trafficking flows, mainly, from developing countries which we call the source countries to the developed countries or the destination countries. Trinidad and Tobago is mainly a destination country. Many are trafficked into Trinidad and Tobago less so out of Trinidad and Tobago.

Madam Vice-President, due to the clandestine nature of this type of crime, figures and statistics are not easily and readily available and when they are, they are not always reliable. Some figures have been quoted earlier, so I am not going to repeat too many of these figures. These are UN figures. You heard the figure 800,000 people are trafficked across borders from 127 countries; 80 per cent are women; 50 per cent are minors, under 18 years. If trafficking within borders is included, then between two to four million people are trafficked annually. The trafficking industry—and you heard this figure also mentioned before—generates profit of about \$32 billion annually.

Let me emphasize again, Madam Vice-President, that a clear picture of human trafficking is yet to emerge, unlike the case of the drug trade. With respect to the Caribbean, and in particular Trinidad and Tobago, there are even fewer data and studies. Thus, this could be an area of focus for our universities and certainly for SALISES headed by our goodly Sen. Prof. Watson. In fact, at the July 2010 UN General Assembly Meeting, member states committed themselves to conducting research and collecting data on human trafficking working closely with the United Nations Office on Drugs and Crime.

One undated paper coming from the Mona Campus of the University of the West Indies and written by Elizabeth Thomas Hope, reveals, among other things, the following:

1. That the Dominican Republic is the major centre of human trafficking in the Caribbean. Thousands of their women are to be found in Spain, Switzerland, and in smaller numbers in Panama, Aruba, Curacao and even here in Trinidad and Tobago.

2. There is trafficking into Trinidad and Tobago from Guyana—and we all know this. Trafficking for sexual exploitation has been perceived as a more widespread and pressing problem in the Caribbean region.

And Sen. Cudjoe alluded to this fact, I believe. Madam Vice-President, let me stress that the Caribbean's geographical position between North and South America and between the Americas and Europe makes it a natural hub for the movement of drugs, guns and people.

**6.40 p.m.**

Madam Vice-President, I do lend my support to this Bill, which seeks to bring Trinidad and Tobago in line with the United Nations Protocol on Human Trafficking. This protocol, historically, was adopted by the UN in Italy in 2000, and it came into force in 2003, and by 2009 it was signed by 117 countries.

My comments on the Bill, Madam Vice-President, are really minor. The penalties to me seem to be a bit harsh although I can live with them. For example, an individual who commits a typical offence has to pay a fine of not less than half a million dollars and serve a prison term of not less than 15 years. In addition though, if there are aggravating circumstances, then the person can get an additional 15 years, which means that an individual can face up to 35 years in prison. Like Sen. Dr. Armstrong, I ask the question, what is natural life? If natural life is 25 years then, should we not have natural life as a combined sentence for the normal offence and one under aggravating circumstances? So that is a question I would like answered if we need to modify clause 21.

I say that the punishment is a bit harsh, because when you look at what is happening in some of the other jurisdictions, the punishment is not so severe. For example, in Colombia, a few years ago, two traffickers were sentenced to nine years in prison. By the way, in Colombia, they have started seizing the properties of human traffickers.

Madam Vice-President, drug, guns and human trafficking seem in some cases to be interconnected in the sense that criminals are reportedly involved in two or three of these activities, and it therefore begs the question, will it therefore not be more effective cost-wise and otherwise to bring all three under one umbrella? I merely ask the question.

I now want to make the following observations. This Trafficking in Persons Bill is being rushed through Parliament to avoid the embarrassment as you heard, I think Sen. Al-Rawi and Sen. Deyalsingh indicated, to avoid being demoted to

*Trafficking in Persons Bill*  
[SEN. PROF. RAMKISSOON]

*Tuesday, May 17, 2011*

Tier 3 from the current position of Tier 2, and the possible sanctions that go with that. As I said, we are currently on Tier 2 on the watch list with nine other countries in the region, and if we do not pass this legislation then we can end up on Tier 3.

The question I want to ask, Madam Vice-President, is Trinidad and Tobago a signatory to any of the international conventions on human trafficking?

**Hon. Senator:** All!

**Sen. Prof. H. Ramkissoon:** The reason I asked that question is that when I looked at the United States Congressional Research Service Report on Trafficking in Persons in Latin America and the Caribbean—I looked at the 2009 report and the 2006 report—under the list of countries in Latin America and the Caribbean Status Report, I do not see the name of Trinidad and Tobago, and that is why I asked the question. So, I am glad to hear that we are signatories to all the conventions and protocols so far.

The second point I want to make is, about three weeks ago we also had to rush the FIU Bill to meet another deadline, and I understand we are going to be blacklisted.

Thirdly, the work on the Data Protection Bill started in 2001, about one decade ago, and we are also trying to rush this through Parliament. We cannot continue in this vein. We really need to get our act together, be it at the governmental level, the national level or the international level. We need to stop the blame game and honour our commitments, particularly our international commitments and do so in a timely manner.

In fact, Madam Vice-President, with your permission, I go a bit further and appeal to all to help arrest the indiscipline that seems to be spreading to every sector and every level of our society. Open warfare between ministries is symptomatic of that indiscipline that pervades and threatens the very progress of our society. Like many citizens, I am deeply concerned.

Let me now talk about global and local responses to human trafficking. The strategies to deal with human trafficking are still evolving and so much is still unknown. If you do not fully understand the nature and extent of a problem, it is very difficult to deal with it effectively. Data and knowledge informs strategic interventions. The situation with respect to human trafficking can be best described by a statement made by the secretary of the United Nations Office on Drugs and Crime and I quote:

“The crisis we face of fragmented knowledge and disjointed responses intensifies a crime that shames us all.”

What is required, therefore, is effective mechanisms for estimating the number of victims and an ongoing analysis of the data. In Trinidad and Tobago, for example, do we know the number of missing persons over the last couple of years? I have been trying to get this figure from a number of sources and nobody seems to have this figure.

We now know that in 2009, 11 persons were trafficked and nine persons in 2010. The Hon. Minister of National Security gave those figures last Tuesday. I would like the hon. Minister in his winding up to tell us if these persons are trafficked out of Trinidad and Tobago; the figure that he gave. Do we know the number of persons in the human trafficking industry? Who are the traffickers? Do we know the number of gangs, if any, involved in the human trafficking industry? Do we know if criminals are shifting from kidnapping to human trafficking? I ask these questions because kidnapping seems to have peaked, I think in 2005 at 280. There were 101 in 2006; 40 in 2008; 137 in 2009 and last year, 112.

Even though the legislative framework for human trafficking has been relatively new, globally there are some encouraging results. Madam Vice-President, 73 countries have reported, at least, one conviction per year; 47 countries have reported at least 10 convictions over the last four years. In Trinidad and Tobago, we need to educate, inform and advise people as to what they can do to avoid becoming victims.

In addition, legislation could be effective if accompanied by appropriate intelligent work. The Government will also need to work closely with the following:

- (1) The Missing Persons Association. There is an NGO now in Trinidad and Tobago called the Missing Persons Association.
- (2) The International Organization for Migration.
- (3) The United Nations Office on Drugs and Crime which is responsible for implementing the protocol. We need to use their expertise and their recently published toolkit to combat trafficking in persons.
- (4) We need to work closely with the United Nations International Global Initiative to Fight Trafficking (UNIGIFT),

*Trafficking in Persons Bill*  
[SEN. PROF. RAMKISSOON]

*Tuesday, May 17, 2011*

based on a simple principle and I quote:

“Human Trafficking is a crime of such magnitude and atrocity that it cannot be dealt with successfully by any Government alone—it requires a global multi-stakeholder strategy that builds on national efforts throughout the world.”

Madam Vice-President, I should point out that this Bill does permit these types of cooperation with NGOs within the country, with other governments and international organizations. This is critical in our battle against human trafficking.

I briefly want to turn to the contributory factors. What are the factors? There are, in my view, three factors:

- (1) Poverty in the source country, normally developing countries, for example, the Dominican Republic.
- (2) Demand for illegal services and cheap labour, normally the destination of developed countries, for example, the USA and Spain.
- (3) The traffickers that prey on vulnerable groups in our society.

With respect to the demand in other countries, there is not much we can do about that. It is like the drug trade, we do not have any control over the demand in the USA and developed countries.

With respect to traffickers, the proposed legislation should assist. It should also help with the demand in our country, and that leads us to the third contributory factor which is poverty and something which I have touched on so many times in this honourable House. There is much we can do here.

The official figure puts poverty in Trinidad and Tobago at 17 per cent. One can safely add, at least, another 3 per cent. This means that one out of every five persons in Trinidad and Tobago lives below the poverty line, and they do so in a country with the highest GDP per capita in the Caribbean, in other words, the wealthiest country in the Caribbean.

We need, Madam Vice-President, as Sen. Dr. Armstrong and I myself have repeatedly said in the past, to take the bold step to restructure and re-engineer our flawed society. Are we prepared to take on this challenge or do we really have an alternative?

I now turn to the case of Trinidad and Tobago. From my vantage point, how do I see the human trafficking problem in Trinidad and Tobago? Let me start by



quoting sections from a *Guardian* newspaper report of December 20, 2008. That is over two years ago. The article is entitled “Warning! There are human traffickers out there” written by one Miss Yvonne Baboolal, and I am going to quote some sections of it. It says:

“A chilling warning is being sent out to mothers of young daughters, to women in general, and even sons to be on the lookout for human traffickers in T&T.

Men owing drug lords are being lured into capturing humans, who will be sold for payments of their debts.

A well-placed police source believes, though, that the trade is in its early stages.

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

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

The clandestine local trade, which operates through a well-organized network and is supported by several powerful agencies, is linked to an international human trafficking ring.

The trafficking also includes young women who are being brought into the country from Venezuela, Colombia and Guyana.

A US Government of State report of 2007 said virtually nothing has been done by the Trinidad and Tobago Government to combat human trafficking.

Jamaica is much more active in combating human trafficking.”

Madam Vice-President, as I see it, human trafficking is not yet a major problem in Trinidad and Tobago and, therefore, in my respectful view, there is no need to panic. However, we cannot afford to be complacent. We need to keep an eye on our children. Our women and young girls need to be cautious of fraudsters offering seemingly attractive jobs and the opportunity to travel abroad.

While the proposed legislation will act as a deterrent, because of the harsh penalties, its main purpose, in my view, at this time, is to signal our intention to

*Trafficking in Persons Bill*  
[SEN. PROF. RAMKISSOON]

*Tuesday, May 17, 2011*

continue to be a responsible member of the international community by joining in the fight against the near-global problem of human trafficking described by the University of Puerto Rico expert on human trafficking and writer, Prof. Jorge Duanyas, and I quote:

“...one of the most sordid features of population movements in contemporary Caribbean.”

Thank you very much, Madam Vice-President. [*Desk thumping*]

**Sen. Rabindra Moonan:** Thank you very much, Madam Vice-President, for giving me this opportunity to make a very short contribution on the Trafficking in Persons Bill, 2011. Before I get into the Bill, I just want to take this opportunity to offer my sincere congratulations to our new Minister, Sen. The Hon. Bhoendradatt Tewarie [*Desk thumping*] and his presence in the House this afternoon. I am sure that he will add to the Government's stocks, and his contributions will, in fact, elucidate a lot of people in this country.

I also want to pay a very special recognition to my former lecturer, Prof. Karl Theodore, who I may not have seen for the last 40 years and he does not look a day older. [*Desk thumping*]

### **6.55 p.m.**

Madam Vice-President, this Bill seeks to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime and for matters connected therewith, and incidental thereto.

Madam Vice-President, I will not go through repeating all the definitions which have been given here already, because I do not believe that duration necessarily equates quality, so whilst others may have taken an hour, I will just want to follow people like Sen. Prof. Harold Ramkissoon, who in a very short discourse summed up and gave us a history of 8,000 years to this day. And when I was a student at Naparima College in the 1960s and we did West Indian History, never did I think that the day would have come when I would have seen the relevance of the slave trade. We did it because it was History and we wanted to pass a subject and it never had an emotional attachment to us, and here it is in 2011, we are called upon to legislate on this new form of this modern form of slavery. And this is real, it has been happening, but we took it for granted.

Madam Vice-President, the Bill goes on and there are certain explanations in Part V, clauses 15, 16, 17, 18 and it gives the definition of recruiting, inciting, fines up to \$500,000, and so on. It has been said in this Parliament by a number of people that we are rushing through this legislation because of fear of being blacklisted. And that is quite correct. [*Desk thumping*] That is quite correct, because this is a government which on next week Tuesday, will only be one year in office and we have had to come in and in one year to correct certain things which took the last government more than ten years to achieve. [*Desk thumping*]

And Prof. Harold Ramkissoon made the point and when he was saying that this Bill was being rushed through because we may be blacklisted, in their haste to beat the table and the other side applauded and then Sen. Prof. H. Ramkissoon said, that the Data Protection Bill was in the work since 2001, they did not applaud then. [*Desk thumping*] It takes this Government to bring these things into fruition. This Government is working, this Government is delivering. [*Desk thumping*] For too long we have been coming here and hearing the other side speaking about—in fact, they do not speak.

They said we must not speak about what the PNM did, we must speak about what we are doing and then they lure us into a sense of comfort and when we do not speak, they come and they say, we have done this, we have done that, we have done—“we couldda, we wouldda, we shouldda”. Madam Vice-President, we did. [*Desk thumping*] That is what this Government is all about.

Madam Vice-President, as we get into this Bill, when I was doing some research and I went into Google, it was amazing that at the first touch on human trafficking, there were 10,720,000 pages in 1.2 seconds. I have a slow computer and that is to tell you the amount of literature we have on this particular subject. And it is something which is evolving, we cannot get to the end of it, because as Sen. Prof. Ramkissoon and others have said, we do not have all the data. But as a responsible Government we are committed to complying with the international demands to be part of the countries which legislate against human trafficking.

Madam Vice-President, as we go on to human trafficking, we are aware that there are checks and balances in the international arena, and it is not that we just pass legislation and we leave it on the books because organizations throughout the world are looking at us as to what do we do.

In fact, I have a definition here, the “Anti-Trafficking Policy Index”, and this comes from “Human Trafficking-Research and Measurement” and it is in Wikipedia. And it says,

*Trafficking in Persons Bill*  
[SEN. MOONAN]

*Tuesday, May 17, 2011*

“The ‘3P Anti-trafficking Policy Index, created by Axel Dreher and Seo-Young Cho from the University of Goettingen, Germany and Eric Neumayer from the London School of Economics and Political Science, measures the effectiveness of government policies to fight human trafficking based on an evaluation of policy requirements prescribed by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Woman and Children (2000).”

I have quoted where it comes from and we could read on and see the meaning of it.

And I have here, Madam Vice-President, a document which goes to the root cause of human trafficking, and it says:

“Trafficking is a many sided problem. Here is the round up of the causes

Countries or regions of origin:

- Abject poverty, especially among women
- 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
- The HIV-AIDS reality”

And the “Countries or regions of destination”, because you have origin where it starts and where they come to—

- “The expense of social charges that employers need to pay for the social protection of regularly employed workers
- Increasing demand for cheap and exploitable labourers in the construction, agricultural and industrial sectors
- Increasing demand for cheap and exploitable domestic labourers
- A rise in the demand for sex workers in a highly lucrative and globalising sex industry”

Madam Vice-President, we must ask ourselves the question, where do we fit in? Are we a country of origin or are we a country of destination? And I dare say, it is very likely that we may be a country of destination and we may have or

we may find little information, little data, on the number of persons who have been trafficked out of this country. In fact, we have a lot of people who are missing and they cannot be accounted for. But because of the economic reality of Trinidad and Tobago, because we are the richest country in the Caribbean and will be even richer because of the People's Partnership Government, we would expect more and more people to exploit our economic conditions and come into this country especially in the sex industry.

**7.05 p.m.**

Madam Vice-President, when we introduce this human trafficking Bill, we do it in context of our entire crime legislation package. We have so far, in just one short year, the Interception of Communications Act 2010, passed in December 2010, No.12 of 2010; the Interception of Communications (Amdt.) Act, 2010; the Firearms (Amdt.) Act, 2011; the Financial Intelligence Unit of Trinidad and Tobago (Amdt.) Act, 2011, and the Miscellaneous Provisions (Remand) Act, 2011. It is only last night, in the other place, that the amendments proposed from the Senate were accepted in the Lower House to the anti-gang legislation and the Anti-Bail (Amdt.) Bill. This is the record of a Government which is working. [*Interruption*]

[SEN. PROF. PATRICK WATSON *in the Chair*]

Madam Vice-President—sorry, you look much different. Sorry for that mistake. [*Laughter*] Mr. Presiding Officer—I cannot escape that.

Mr. Presiding Officer, the last two weeks we were here, and Sen. Al-Rawi was on his feet from 3.05 p.m.—you know I like to take the time he starts. Dr. Moonilal asked him why he was not at the cricket match on Sunday. I think he did not come because the last time he spoke, I told him he took a long run-up and delivered a lollipop, and he did not want to take that chance on Sunday, hence the reason for his absence. [*Desk thumping*] [*Laughter*]

**Sen. Al-Rawi:** Come back with that one.

**Sen. R. Moonan:** He said that the previous administration from 2002—2009, under the PNM, had a task force, October 2009, a multisectoral task force for 10 months. He said it was hindered when Nafeesa Mohammed was relieved from office by the Attorney General.

**Sen. Al-Rawi:** Relieved, fired or retrenched?

**Sen. R. Moonan:** I take it to mean, in 2009—who was the Attorney General at that time? You may be able to help me. John Jeremie SC was the Attorney General of the PNM. If my recollection is correct, Nafeesa Mohammed would

*Trafficking in Persons Bill*  
[SEN. MOONAN]

*Tuesday, May 17, 2011*

have been a deputy political leader of the PNM. So Sen. Al-Rawi gave me the impression, and he could correct me tomorrow, [*Laughter*] that his Attorney General fired his deputy political leader and then they used that as an excuse for this task force not completing its work. Then they come here and tell us that we must rush through this, because we could be blacklisted.

**Sen. Al-Rawi:** You left out the part about June 2010. [*Desk thumping*] You left out that you had the report since June 2010 and did nothing with it, and you were warned in February.

**Sen. R. Moonan:** Week after week we come here, and they are very Vatican-like, pontificating as if they are the greatest thing in this country since sliced bread.

**Sen. Al-Rawi:** Better than sliced bread!

**Sen. R. Moonan:** They tell us that this country stopped developing on May 24. [*Desk thumping*] It started to develop after. [*Desk thumping*]

**Sen. Al-Rawi:** Develop bad habits! [*Crosstalk*]

**Sen. Panday:** Like Calder Hart!

**Sen. R. Moonan:** Then they go on with the normal issues about the OPVs and SAUTT—

**Sen. Al-Rawi:** So they are not needed?

**Sen. R. Moonan:**—which they say is necessary to prevent human trafficking. And it was quite correct, Mr. Presiding Officer, when people earlier said that the weight of the PNM falls on the young shoulders of Sen. Faris Al-Rawi, but it is weighing him down. It is definitely weighing him down. [*Crosstalk*]

**Sen. George:** It is weighing him down because he said abstaining is the same thing as saying yes. [*Laughter*]

**Sen. R. Moonan:** No, no, Mr. Presiding Officer, abstinence in this case has absolutely nothing to do with the sex industry; but I want to get back on track.

They say that without the OPVs there may be more human trafficking in this country, but during the regime of the PNM, I remember widely reported that there were certain boats parked or moored at certain piers in this country—I do not know whether Pier 1, Pier 2, Pier 3—and owned by certain high officials of the then government, which used to go on excursions down the islands. I humbly ask, could these boats have been involved in transporting sex workers? Were

these boats involved in human trafficking? I ask, I do not know. But I know that there were queries as to where and when these boats used to go. I know that there were queries that these boats used to go down on the main into Venezuela and come back here and bypass immigration. That was during the reign of the PNM. [Interruption]

**Sen. Al-Rawi:** Whose boats were these?

**Sen. R. Moonan:** And today they come and say, “No OPV, no SAUTT,” and I will tell you, before I end, what their next speech is going to be. All that changed was the date. So in this country we are now moving to have legislation for human trafficking.

**Sen. Al-Rawi:** Without implementation!

**Sen. R. Moonan:** But you know, it was in 2009/2010, around that time or maybe a little earlier, when there was an influx of Chinese workers into this country. I think it was my colleague, Sen. Abdulah, who made reference to it. There were photographs of them protesting with placards. They were locked in some warehouse and jailed. There were photographs, I remember, during an Independence Day parade, when nationals of this country were walking down the street and there on top of NAPA were Chinese workers in merinos and their short pants. They were brought down to work on government projects, government buildings, NAPA, SAPA, the Hyatt, waterfront projects, the university campus and the Prime Minister’s house. And I ask again, did the State, at that time, encourage human trafficking? [Desk thumping] Was there any need or any haste to pass the legislation?

**Sen. Panday:** Deliberate! Deliberate!

**Sen. R. Moonan:** If that legislation was in place, as Makandal Daaga said, the doors of the jail would have been opened. That is what he said when he spoke on Saturday, that the doors of the jail would have been opened.

**Sen. Al-Rawi:** For the People’s Partnership.

**Sen. R. Moonan:** They did not know. They applauded. When people speak of philosophy, they do not understand that. They do not understand; they are still in Cutteridge ABC. [Crosstalk] So they applauded, and then Makandal Daaga said that the level of corruption was so much that it prevented this Government in delivering, but this Government is delivering on legislation.

*Trafficking in Persons Bill*  
[SEN. MOONAN]

*Tuesday, May 17, 2011*

There are conditions which we speak about, that could encourage people to come into this country. If there is a labour shortage, people may want to traffic people into Trinidad and Tobago as slave labour. But this Government, in one year, has moved to increase the minimum wage to \$12.50, a living wage which makes it nearly impossible for people to bring others to work here, because we do not need slave labour.

As I speak about the \$12.50, slave labour and nationalism, I am reminded of the megafarms in Chaguaramas where the past regime brought in Cuban workers. They brought in Cuban workers who could not speak the language, who may have had their travel documents taken away from them. *[Interruption]*

**Sen. Al-Rawi:** By whom?

**Sen. R. Moonan:** That was under the past regime. *[Interruption]*

**Sen. Al-Rawi:** Mr. Presiding Officer, point of order. I did ask the question in crosstalk, “By whom?”, and the statement was, “By the regime.” That is a highly inflammatory imputation of improper motives on, perhaps, everybody sitting on the PNM benches then and, indeed, now, so on that point of order. *[Crosstalk]*

**Mr. Presiding Officer:** I am not going to ask for an apology. I am just going to ask the Senator to try and keep himself, please.

**Sen. R. Moonan:** I am guided, Mr. Presiding Officer. I know it is quite difficult for the other side to listen to what may be the truth. It is quite difficult. *[Interruption]*

**Sen. Al-Rawi:** On a point of order, Mr. Presiding Officer. I did indeed make a point of order, and I was pleased that you ruled in the affirmative. Then I could not hear my ears tell my brain that it was repeated, that it could perhaps be true. You have to understand that I am constrained to use language which is as illogical as the manner adopted by any friend. Could he be adopting the same thing again? Surely he does not mean to run afoul of your ruling, Mr. Presiding Officer.

**Mr. Presiding Officer:** I am sure he is not, hon. Senator.

**Sen. R. Moonan:** Mr. Presiding Officer, I want to tell you that when I came in here today, I recognized immediately that I was not a missing person, or probably I was a missing person. They missed me last week, because as soon as I walked in here they started to interact with me, because they know that I know of them.



I want to go back to the megafarms. Whoever owned the megafarms had Cuban workers in their employ.

**Sen. Al-Rawi:** The fact that they were putting in this technology means nothing?

**Sen. R. Moonan:** It worked to such an extent that their then Minister of Agriculture, Land and Marine Resources, whose name escapes me now, came into the Parliament with two cucumbers to boast, if it was human trafficking, what it was able to produce. Correct me, but I think he was then known as “Cucumber Joe”. [Laughter] Two cucumbers, but it was an administration—[Interruption]

**Sen. Al-Rawi:** On a point of order, Mr. Presiding Officer. This is to help him from himself. Is the hon. Member saying, because I heard him just now, that Arnold Piggott, as minister as he then sat, was answering an allegation by waving two cucumbers that there was human trafficking on the megafarms? [Crosstalk]

**Mr. Presiding Officer:** I did not get that impression. There were two different points the way I got it. He said whether or not, as he was suggesting that it might have been human trafficking. He is not saying that Mr. Piggott said the cucumbers were due to human trafficking. I did not get that. I heard him refer to him as “Cucumber Joe”. [Laughter] [Crosstalk]

**7.20 p.m.**

**Sen. Al-Rawi:** Still on the point, Mr. Presiding Officer, I distinctly heard the Member say, as if to justify that by waving the cucumbers and what they could produce that he could justify human trafficking. That is what he said.

**Mr. Presiding Officer:** I do not agree that someone may want to construe that. Would you like to restate what you did indeed intend to say, hon. Senator?

**Hon. Senator:** “Cucumber Joe.”

**Sen. R. Moonan:** Mr. Presiding Officer, not to inflict any more harm, I will withdraw; I will withdraw that.

But two weeks ago, and I want to connect this point, that there were Cuban workers at those megafarms in Chaguaramas—[Crosstalk] No, no, I go back to two weeks ago—I want to go back to the debate of two weeks ago because you see, Mr. Presiding Officer—and I am sorry that Sen. Deyalsingh had to rush off to put in the last few hours of the exams which he writes tomorrow, and I wish him well and hope that he passes his law exam, because Sen. Al-Rawi definitely is in need of help. [Laughter]

*Trafficking in Persons Bill*  
[SEN. MOONAN]

*Tuesday, May 17, 2011*

Yes, Mr. Presiding Officer, two weeks ago, Sen. Al-Rawi was at his best when he spoke about the bulldozing of the farmers—I do not know how he got it into the human trafficking, but he spoke in all glee, in all glee on the Census debate—so I want to make the connect, Mr. Presiding Officer, that if you have—

**Sen. Al-Rawi:** Mr. Presiding Officer, there is a prohibition in the Standing Orders against reviving a debate which has concluded; my friend is referring to a debate on the Census Bill, I fail to understand how he is permitted to do that.

**Mr. President Officer:** I am going to ask you not to do that, you could make your point without referring—

**Sen. R. Moonan:** Absolutely not, Mr. Presiding Officer, it is my error and I go back to the Cuban workers who worked at this megafarm. And I want to say, that the other side comes here to spread hysteria—so, we are going to be blacklisted, we are going to face sanction; everytime they come in this House is hysteria—and in some other debate, Mr. Presiding Officer, they created hysteria when they spoke of farmers, because we had farmers in Chaguaramas—

**Sen. Al-Rawi:** On a point of order, Mr. Presiding Officer, 35(1).

**Mr. President Officer:** I am going to have to ask you to make your point that you need to make without referring to the previous debate, Senator.

**Sen. R. Moonan:** Thank you, Mr. Presiding Officer. Sometime ago it was said that the farmers in this country were being treated in a particular manner, and I wonder, whether what sort of conditions the workers at the megafarms worked under. Did anybody get up in Parliament and say that they are working under inhumane conditions; that their crops may be bulldozed, that that government or that administration or whoever was in charge of that particular project, was taking advantage of them?

But there are other times when people get up in this country and they hold press conferences, and they speak of bulldozing and so on and so forth. We did not bulldoze anything in this country, Mr. Presiding Officer, in fact what we do because you see for any law to work in this country, you must have strong governance. You must have a law enforcement agency and when the bulldozers moved into certain lands it was because a strong Government was sending a strong signal. Because if this Trafficking in Persons Bill, 2011 could work, then we must have a strong government. But, you see, the beauty about that action is that this Government is a compassionate Government. This Government assessed a situation, we offered compensation, we offered relocation, and the land we went

into, Mr. Presiding Officer, oddly enough, it was approved by the past regime for housing. So, they stumbled upon something good and they did not know that they had approved that for housing, and we say if they do something good we will continue it, but it comes, Mr. Presiding Officer, from a strong government who will be able to make sure that these Bills, these Acts are implemented.

But we find people, Mr. Presiding Officer, who will come here, who do not know the difference between a green fig and an ochro, and cry crocodile tears about farmers in this country. That is what happens. But this Government is determined, we are determined to make sure—as I have said before—the Bills which we have passed in the last year; and you will see much more. And when I spoke of origin and destination of human trafficking, what we are doing in this country right now, is to provide an infrastructure where our law enforcement officers could have easy access, for all and sundry, to prevent any crime once they are protected and to prevent any crime actually, and for those of you who travel to South and Sen. Dr. Henry travelled halfway down on Sunday—and I must confess, he is really a good cricketer—you would have seen those surveillance bays being built on the highway. A novel plan; a novel plan which takes this Government and crime prevention at a different level. It has never happened before. We are never “woulde, shoulde, coulda”, we do. [*Desk thumping*] And we will prevent this country being a destination for human trafficking when we complete infrastructure throughout the length and breadth of this country.

I was in company with Sen. George two weeks ago, when we went down to rural Trinidad, south Trinidad, Pluck Road and roads which were never paved for 20 years, people have seen paved roads, they have seen landslips fixed, they have seen drains built. There are certain places in Penal which never saw a bus service, and there are buses running throughout the country. That, Mr. Presiding Officer, is what will create the environment for us to make sure that these Bills, these Acts of Parliament could be implemented.

### **7.30 p.m.**

The last regime under Dr. Eric Williams had an undated letter of resignation. They have an undated speech. All they do week after week is change the date and it is the same speech. [*Laughter*] [*Desk thumping*] That is why as I conclude, as I promised you I would not take too long, I want to tell you, Mr. Presiding Officer, that my good friend, Sen. Hinds is not here this evening.

**Sen. Beckles-Robinson:** He is here. He is coming back.

**Sen. R. Moonan:** Oh, so he is different to Sen. Anand Ramlogan. [Interruption] No, no, he is different to Sen. Anand Ramlogan. So you all sniff around; you all sniff around looking for Sen. Anand Ramlogan all the time. Every time we miss you all that is what you all do. [Laughter]

But, Mr. Presiding Officer, when Sen. Hinds comes I know what he would say. He would say, buccaneers, vagabonds, rogues, OPVs, Reshmi Ramnarine and then he would say—he would look here and he would say, “one gone”. I want to tell him the same glee he felt last week when he said “one gone”, I understand it, I understand it is the same glee he felt when in the other place one gone.

I thank you, Mr. Presiding Officer. [Laughter] [Desk thumping]

**Sen. Dr. Lester Henry:** Thank you, Mr. Presiding Officer.

**Sen. Moonan:** I hope you do like your papa, you know.

**Sen. Beckles-Robinson:** He is going and bowl some bouncers now. He is going to execute some shots to the boundary.

**Sen. George:** Leave the goodly doctor. [Crosstalk]

**Sen. Dr. L. Henry:** Yes, yes, yes. I rise to make a contribution to this Bill here this evening at this increasingly late hour and unlike the previous speaker I would actually say something about human trafficking. [Desk thumping] [Laughter] Yes, so while it was funny at times—

**Sen. George:** You got smiles from right around.

**Sen. Dr. L. Henry:** Yes.

**Sen. George:** They were not smiling when my friend was talking.

**Sen. Dr. L. Henry:** Yes, he brought a certain level of humor and so on—

**Sen. Beckles-Robinson:** Do not let him distract you.

**Sen. Dr. L. Henry:** That is all right.

**Sen. George:** I know what I am talking about.

**Sen. Dr. L. Henry:**—to the proceedings. [Interruption] No, but we are dealing with a serious matter here in terms of the nature and the effects of human trafficking, and as many of the speakers before had already identified the amounts of money and the kind of impact it has on various societies around the globe. We know that in our case there are some elements rearing their heads in our own neighbourhood and in our country pertaining to this whole issue of human trafficking and I would say a few words about that a bit later on.

We have seen in terms of the factors that drive human trafficking, some of it was mentioned before, but definitely there are some factors that we know that are high risk in terms of situations and facts that lead people into human trafficking or make people become the victims of human trafficking. Some of the speakers before me mentioned the issue of age and gender in terms of younger people being more likely to be victims of human trafficking and more predominantly females. In many parts of the world there is a potential link between people belonging to minority groups and being victims of human trafficking. So in many countries people who are—let us say a group might represent only a minor proportion of the population and are somehow marginalized, they tend to be more likely victims of human trafficking. Also the connection with low levels of education and in many countries we see evidence that rural communities, especially if predominantly they are isolated, you tend to get a higher possibility that somebody within that community, would be a victim of human trafficking.

[MADAM VICE-PRESIDENT *in the Chair*]

One of the problems that we see contributing to human trafficking and an upsurge in illegal migration and cross-border movement is the increasing number of conflicts emerging in the world. If we look at the Middle East and the disruptions that we have seen there over the past few months in terms of the revolutions and the uprisings in Yemen, Bahrain, Egypt and the unfortunate circumstances being played out in Libya where bombs and shots are being fired and NATO planes and others being involved in conflict is creating a mass migration out of the country; when you disrupt whole villages, communities, towns, this creates an opportunity—this type of situation is like honey to the flies of human traffickers who would look at a situation in that and learn to exploit it.

The unfortunate situation in Iraq, because of the invasion and the mass displacement of people and all over southern Africa, we see these things as having a significant impact on the upswing in human trafficking and I am sure studies have been done and we have had some indication that these things certainly contribute and are contributing to the widespread and growing phenomena. That is why many jurisdictions are coming up with these laws and the international agencies are keeping a close eye on countries that do not update their laws to conform to the modern requirements to prevent this very dangerous and sinister practice.

We also see that in terms of family activity and in terms of family environment, we see people who come from families where there is a serious alcohol problem, family instability and general poverty levels are also more likely

*Trafficking in Persons Bill*  
[SEN. DR. HENRY]

*Tuesday, May 17, 2011*

to be victims of human trafficking. This is taken from a World Bank report on this issue where they are trying to get new methodology and new techniques for actually surveying and analyzing the data around human trafficking, because they seem to think that is one of the areas that has been neglected from an economic point of view, in terms of economic analysis of human trafficking and the factors that drive human trafficking.

Like many of the other areas of underground activity, we also run into the problem of lack of data, so a lot of the figures that were quoted by previous speakers are generally guesstimates in terms of what really happens, in terms of the numbers, the revenue involved and the number of people involved in human trafficking. So they have been trying to come up with new labour force surveys and living standard measurement surveys in order to get a proper grip of this problem.

Now, in one particular study I looked at, in the case of Eastern Europe, some economists tried to do a model and combined that with a significantly detailed survey in terms of trying to get at what really generates and causes this problem of human trafficking. One of the factors they concluded that was very significant was areas that had high immigration flows, and of course, one or two of the other speakers may have touched on this in a slightly different way, in that, areas with high immigration flows tend to be more likely to have victims of human trafficking. As we all know, the Caribbean is a high immigration area, especially in terms of outward migration of our citizens going abroad.

One of the things that also played a significant role in whether you became a victim of human trafficking or not, Madam Vice-President, is what they call "risk perception". That really is a roundabout way of saying awareness. So in countries where there is an active programme to raise people's consciousness about human trafficking as a potential fact of life, meaning, that it could happen and so on, these public awareness campaigns apparently pay great dividends in that where there is a conscious effort to alert the population of these things happening, there is a less significant risk of becoming a victim of human trafficking.

Of course, a third one, related to the first, was the issue of irregular or illegal migration, when there is a significant number of people crossing borders between countries that are undocumented as well, we find that the probability of becoming a victim of human trafficking also increases.

Now, I also want to turn somewhat more directly in terms of the economic impact of human trafficking. One of the problems that the World Bank cites with

human trafficking from an economic point of view is that it tends to increase poverty. Now, exploitation by itself is bad from a social context, in fact any context you look at exploitation is bad, but what is particularly sinister about human trafficking exploitation is that it distorts real wages.

I think my friend, Sen. Abdulah, made reference to this in his contribution, so that by suppressing the wages, if you bring in a lot of people, force them to work, as we saw in previous discussions, take away their passports and so on, you pay them less than the minimum wage and in that way you suppress the labour market. This distortion of the labour market could permeate throughout the society and therefore cause the average worker to be paid less than what would be an optimal market rate.

So the exploitation of human beings in this way, in particular, to force more labour out of them at lower wages could have a ripple effect on the society. A byproduct of this, Madam Vice-President, is that inequality in the country will also be exacerbated, because you would have a widening gap between the lower level workers and the higher level employees and so on and the corporate owners, as we have already seen all across the globe. This problem of increasing inequality is a real and serious issue, and increasing inequality in your society leads to all kinds of social distortions that we are perhaps grappling with when we deal with such things as the Anti-Gang Bill and all these other things that are byproducts, to a large extent, of people feeling left out of the society and being mired in poverty.

So increasing inequality plays a significant role in a lot of social phenomena, and of course it could also threaten the stability of the State when you have very skewed income distribution between the haves and the have-nots. This is something I am sure this Government or none of us would want to be contributing to in any wilful way.

Now, the situation in Trinidad and Tobago, as we have heard several speakers before me point out—we have no hard evidence to corroborate even though many speakers, especially in the Lower House debates, made reference to stories that were passed on about people being kidnapped in St. Ann's and different parts of the country without really any serious verification that they were victims of human trafficking.

#### **7.45 p.m.**

I remember sometime, I think it was last year, that I was listening to the radio around three or four o'clock in the afternoon and in a serious news report, they reported that a container on the Port was opened and there was a whole container

*Trafficking in Persons Bill*  
[SEN. DR. HENRY]

*Tuesday, May 17, 2011*

full of children. You remember that story? Right, okay. This was reported as a serious news item around three/four o'clock in the afternoon. Thankfully by five/six o'clock it was cleared up I heard, and it was no longer repeated. And the fact that it caught on so quickly and it was taken as actually being a factual story and reported on the news, that was quite frightening. What one of the meanings of that could be, that people actually believe that these things are happening and they just jumped on what they thought was some—okay we have it now. We actually have evidence that people are being transported in containers and so on. I for one had great doubt about this story because it is not that easy to transport people in containers. It is quite difficult. You need very specialized containers to keep people alive over extended periods. We know in Europe they do it on trucks and so on. But it is not that easy to actually do across large stretches of ocean.

One of the problems with that of course, according to the ratings and when we see the State Department and the UN put out these things about where we rank in terms of human trafficking, apart from the fact that we do not enact the laws—which is why we are having this debate today—we also could be victimized because of rumours and innuendo. If you look at the reports, not only are you judged just on the fact that you did not update your laws and so on, it seems as though they pay attention to the reported human trafficking which is basically old talk—prosecution, punishment, as my colleague here is reminding me, whether we do have any or we do not.

So what I am saying is that we must be careful in terms of how we go about approaching these things and spreading rumours about our country, and being quick to assert that people are being kidnapped and assuming that it is being done for human trafficking. We pay a significant price for that. Sometimes people do it willy-nilly or in the cut and thrust of the politics of the day, and then they do not realize that these things get to international agencies, and they in turn could turn around and use them against us. We have had several incidents of that.

Now, we also have in Trinidad and Tobago, as many of us know, a high influx of illegal immigrants here. At one point several years ago, I remember one newspaper report saying that there could have been as many as 100,000 illegal immigrants in Trinidad and Tobago. That was sometime back. I would suspect because of the upturn in the economy in the past six to seven years and so on, we had an influx of not only Caribbean immigrants but from all over. People working in the banking system were telling me that people from Belarus, Estonia and so on are coming to open accounts in Trinidad and they could barely speak English. So we have had a varied source of influx.



I was in one particular establishment one night—you know a nice place and the waitress serving me—[*Interruption*] [*Laughter*] The waitress serving me, I found out, was from Estonia, which was quite surprising.

**Sen. Beckles-Robinson:** Your wife is listening.

**Sen. Dr. L. Henry:** No, it is a reputable place. I see my friend Sen. Bharath at that same spot every now and then. [*Laughter*]

**Sen. Beckles-Robinson:** Who else do you see in that place? Do you see Sen. Moonan there?

**Sen. Dr. L. Henry:** So we have had an influx of people from all over the globe and this, of course, had to do with the fact that we had one of the lowest levels of unemployment ever experienced in the entire Caribbean for most of the past 10 years, of course, thanks to the number of social programmes and astute policies of the PNM administration. [*Desk thumping*]

But seriously, one of the problems in terms of the number of people coming in—undocumented—is that a lot of them could be involved in this human trafficking or forced labour. Because of the upsurge in this irregular migration in the Caribbean and into Trinidad and Tobago we must be concerned. Immigration data from 2009 suggested that we had a number of deportations that several speakers referred to before, but to add a little meat on it I have some numbers here: Guyana—1,122 Guyanese were deported—this is official immigration statistics—Colombia, 792—[*Interruption*]

**Sen. Beckles-Robinson:** From Trinidad?

**Sen. Dr. L. Henry:** From Trinidad and Tobago. Venezuela, 176 and Dominican Republic, 109. Now, if we take a rough guesstimate that perhaps maybe only one out of every 10 of these people is caught and deported, we could see the kind of alarming numbers of illegal workers coming into this country and what we might actually be facing. I mean the 10 per cent is just my rough guesstimate. So we could have Colombians, Venezuelans in here by the thousand. And as we know many of them have protection so they will not be caught and deported in this manner. That apparently, based on research done by one of my colleagues at the university, Dr. Michelle Reis, is an important indicator to watch in the absence of official verifiable human trafficking statistics. So apparently there is a high correlation between the deportees from a country and the presence of human trafficking. Of course, in the region we have also had many problems.

*Trafficking in Persons Bill*  
[SEN. DR. HENRY]

*Tuesday, May 17, 2011*

Before I get to some of the problems in the region that we have to pay attention to, the whole issue of globalization and the liberalization of your trade and financial regimes impact significantly on potential human trafficking. In fact, one of the authors I looked at stated clearly that human trafficking can be seen as one of the dark sides of globalization. Because of increasing globalization you see the parallel increase in human trafficking, because of the fact that people can get information and people can travel easily around the world.

So therefore when you open up your immigration and you become—you make your country, in order to attract tourism, for example, you might want to relax immigration laws and as some in the Partnership Government recently, relaxed the laws requiring entry into Trinidad for India and Russia. A very strange choice of countries in some regards and I will say why I used the word “strange” a bit later on.

**Sen. Beckles-Robinson:** They were some of the most popular visitors.

**Sen. Dr. L. Henry:** I think the argument used for removing restrictions was that they were some of the most popular visitors to this country and my learned colleague and friend, Sen. Beckles-Robinson posed the question to the Minister of Foreign Affairs, the Hon. Dr. Surujattan Rambachan and the data presented to this Senate totally was at odds with that statement.

**7.55 p.m.**

So you increase the problem of human trafficking the more you open up and reduce entry requirements. One of the areas in which this has come up is the whole issue of the Caricom Single Market and Economy, and the fact that once you remove travel restrictions, within the group, which is good for all intents and purposes, something very positive to pursue, we open up the possibility of greater amounts of human trafficking.

Now in the region for example, we had Guyana which was mentioned seven times in the Human Trafficking Reports from 2004—2010. In 2010 the report was very scathing on Guyana, and the Guyanese government got very angry in terms of the State Department’s report and they demanded an apology from Washington. I am making this point to say that we do not necessarily have to take everything that is given, that they report about us; that we could challenge these reports. Because so far many of us who have spoken on this debate seem to take whatever the State Department says as gospel, and rather than try to defend our country we go on the defensive and act as though they have some kind of deeper knowledge than we do of our own country.

So for example, in Guyana according to Dr. Reis, a major source of contention is what they call the spurious allegation that 984 children were removed from exploitative child labour in logging, and sawmilling, fishing and hazardous industries during the years from 2005-2009. So this is what the report said happened in Guyana and the Guyanese government said, no you cannot just go with this, this was not verified. And they strenuously objected to being labelled a place that has such extensive amounts of child labour

And nearby also among our Caribbean brothers, in Jamaica, they went from Tier 2 to Tier 3 several years ago and were put on a watch list because it was claimed, the case of Jamaica that trafficking occurred within the Jamaican poverty stricken districts, garrison communities, territories ruled by the dons, that are effectively outside the control of the government.

Many of us may know in certain parts of Jamaica there are reports that the official authorities like the police do not even venture, so to actually find out what is going on in there is quite some challenge. They also go on to mention that Jamaica's problem of human trafficking is directly related to the child sex tourism. In the absence of hard-core data they believe as many as 1,857 children were reported missing in 2009, and may have fallen victim to human trafficking. And that is just in one year from our Caricom colleague and friend Jamaica.

So you see, Madam Vice-President, even though we cannot verify such numbers and attest to anything as such happening in Trinidad and Tobago, there is something also called the "neighbour effect" in which once your surrounding territories become involved and are reputed to be significant participants in human trafficking, you also pay the price. So you cannot say you have slavery next door to you left, right, and centre and then you are the nice squeaky clean one. So that is the point I am trying to alert us to. And therefore, we need a Caricom coordination effort on this as well as passing our own legislation as we are doing here today.

I want to move beyond human trafficking now, to look at perhaps a just as sinister or almost as detrimental problem because we know a lot of what we talked about before in terms of human trafficking—the issue of organ trafficking. That, I am certain, will be the next piece of legislation relating to this type of unsavoury activity in humans that we are probably going to face some time down the road.

Organ trafficking is very closely related to human trafficking, and I think it may be useful for us to not only wait till the international agencies come and force us, and threaten us to so-called "grey list" or impose sanctions—I would not

*Trafficking in Persons Bill*  
[SEN. DR. HENRY]

*Tuesday, May 17, 2011*

offend my friend, Sen. Hinds even though he is not here, and I am sure he is listening, and I too do not take any joy in using the word “blacklist.” So we do not have to wait till the agencies come at us, and rush here to pass legislation to cover things that we know should be covered. And organ trafficking has also been on the upswing in the international community in recent times.

In fact, I had an office mate, when I worked in New York, who as an economist studied the problem of organ trafficking, but he was interested in it from a pricing perspective. He wanted to know—I used to accuse him of practising ghoulish economics—because his area of specialization was the economics of body parts. I see my friend, Prof. Watson, enjoys [*Laughter*] Yes, the economics of body parts. And some of you might find that strange, why would a man spend his whole life studying the economics of body parts.

Well, it is actually quite useful for insurance companies because if you get involved in an accident on the job and you lose your eye, the companies, the firms, want to find out what is the appropriate level of compensation for one eye. It actually involves serious economic analysis to come up with a reasonable price to compensate somebody for an eye.

In fact, there are other examples, as well in terms of people falling off motor bikes without their helmets, and damaging their skull. What was the right level of compensation? So he spent most of his time actually tracing the pricing of human body parts all over the world.

One of the problems we have is that in many countries that we have good relations with, and we open up our borders to are significant practitioners of trafficking in body parts. For example, one of the most scandalous incidents in India was reported in 2004, that the Transplant Authorization Committee of India, which is the body that is supposed to prevent organ trafficking, that was the body set up specifically to stop the practice, was working with brokers in the sale of kidneys. Now the organization itself, they believe that they could have saved lives, and it was better to work with the brokers rather than to oppose them. So the same agency that was set up to stop this problem of organ trafficking actually became one of major brokers in organ trafficking.

The next country that I mention on the list—in another report on organ trafficking, they cited Russia, Singapore, Philippines, Colombia, Turkey and South Korea as the other major countries in which organ trafficking is a growing and significant problem.

**8.05 p.m.**

So, in many parts of the world there are people willing to sell a kidney or a limb. I used to jokily tell my students in economics, that there are many free market economists who believe that you should have a right to sell anything, including yourself. It should not be prohibited. In fact, more than that, you should be able to sell even part of yourself. So if someone offers you a fair price, you could cut off an arm and sell it. Of course, that is just total free market fundamentalism at its extreme, because it totally avoids any kind of moral or philosophical issues.

So I will wrap up by saying that beyond passing legislation about human trafficking, Madam Vice-President, we can also wage a public awareness campaign. The empirical evidence shows that it does make a difference. People's consciousness about being kidnapped, being sold, being exploited and so on, helps in terms of discouraging and diminishing that problem. Also, we could be proactive and look at possibly bringing the legislation to prohibit the increasing sales in terms of organ trafficking, and perhaps mandate or expand the role of the Labour Inspectorate, Ministry of Labour, Small and Micro Enterprise Development or the Immigration Department to actually seek out potential victims of human trafficking and document it, if nothing else, in terms of the exploitative conditions in which people might be working. Of course, we could ask for more public information from the authorities in terms of what actually happens, and that will help create the awareness that I talked about in my first point.

With those few words, Madam Vice-President, I thank you. [*Desk thumping*]

**Sen. Corinne Baptiste-Mc Knight:** I thank you, Madam Vice-President, for allowing me to intervene in this debate. The problem of trafficking in persons is something that is not only worldwide and serious, but as I listened to my colleagues speaking this day I realized that it is not really felt that the problem resides here, other than recognition of the fact that our geographical situation means that we are a natural transit point to and from the Americas, as well as Europe.

I know for a fact that Trinidad and Tobago is a source country for trafficking. How do I know this? I have had the experience of a Trinidadian young lady—this is by no means someone from any marginalized background; she actually was working in a bank at the time—who was courted by and married a European man—he was no gentleman—and once she hit Europe, it was a case of

*Trafficking in Persons Bill*  
[SEN. BAPTISTE-MC KNIGHT]

*Tuesday, May 17, 2011*

enslavement. Now, I know this for a fact and that it could happen to one person, who was an educated person, leads me to believe that this is not an isolated case. Similarly, if the media are to be believed, we are also a destination country.

Recently, we had in the newspapers a case of three Indian workers who had been brought here. I happened to know someone who knew of the case and it occurred to me that here was a chilling fact that there were people who were brought here on proper work permits, who once they got here after a while, as the situation into which they came originally deteriorated, so did their problems increase. So this is a problem that we need to approach very seriously.

With this background, I have to admit that I perused this legislation with a great deal of care and I wonder still—I need to ask—what is the main purpose of this piece of legislation? Is it to satisfy our obligations under the protocol to prevent, suppress and punish trafficking in persons; or is it really to satisfy the provisions of the US Trafficking Victims Protection Act, 2000?

Now, the protocol identifies guidelines to assist state parties in arriving at legislation which would meet the requirements of the protocol and deal with their problem, whichever of the three it may be. But the US legislation legislates, with sanctions, what other countries must do in order to maintain a certain relationship of technical assistance with them.

Madam Vice-President, I personally would hate to believe that in a day and age when the US Embassy in Port of Spain refuses student visas to Government scholars, identified by Government agencies, to follow postgraduate courses that are essential for our development in American institutions, with all the documentation to prove that these students are being totally funded by the Government of Trinidad and Tobago, with this information and the refusal of the visa, are we seriously going to be worried about the sanction of being denied participation by nationals and Government employees in American funded exchange programmes. So I discard that because the mere thought of that offends my national pride deeply. But there is a more serious sanction, and, that is, that US executive directors of the multilateral financial institutions will be instructed to object, to vote against, loans for offending countries. Now that is a serious sanction, but even so it still offends me because that is interference in my national business. But I will come back to that at a later point.

The fact of the matter is that the US authorities take this government role very seriously and, I have no doubt—in case the other Members of this Senate are not aware—that the American Embassy's desk officer is following these proceedings

and has been following them in both Houses, live and direct. Not only there, but the desk officer in the Government Department in Washington, the Senior Policy Operating Group would be doing likewise. So I would like them to register my disapproval of their intervention in my affairs. [*Desk thumping*]

That said, given the hour, let me turn to the actual text because it is the text that we adopt that is going to determine the type of legislation we have and the result that we get from it. So I start with the definitions. I would like to suggest that there is a definition lacking and it is for “public corruption” which appears at clause 6(1)(i). It is the one mention throughout the document, but without a definition to say exactly what this legislation understands by that “public corruption”, it means that we have just copied a provision from the American legislation without really internalizing it and making it ours.

I would like to move on to clause 6. I have noted the amendments proposed by Sen. Ali, and whereas I agree with parts of all of them, I do not think that they should be substituting clause 6(a), (b) and (c), but certainly, elements of these need to be included in the functions of the task force.

I looked at 6(1)(b) and I wonder whether the broad wording of this clause does not impose too heavy a burden on Government, given the fact that victims of trafficking found in Trinidad and Tobago may in fact be operating in languages very different from ours and languages which are not normally spoken by nationals. Further, I think that what is required, both by the protocol itself and the provisions of the United States Act, is that there be a firm commitment where necessary, to facilitate the employment of these victims rather than a commitment to provide employment. I think there is an obvious difference there that we need to think very seriously about and adapt to suit.

Paragraph (h) seems to be an element of repetition of (b), because here again it talks about providing assistance to the victims where (b) identifies the type of assistance that is supposed to be given. I do not know whether the purpose of clause 6(h) is to explicitly underscore the type of assistance that the US provisions require.

### **8.20 p.m.**

I look at clause 6(1)(j) and I think in clause 6(1)(j), one needs to include training programmes as well, and I will probably mention that in greater detail a little later. So that it should read: “to evaluate all public awareness and training programmes.”

*Trafficking in Persons Bill*  
[SEN. BAPTISTE-MC KNIGHT]

*Tuesday, May 17, 2011*

Clause 6(1)(k) which says that the report should go to the Minister, I think that report should go to the Parliament because I see no useful purpose being served by sending a report to a member of the task force because the Minister here is the Minister with responsibility for National Security, and that Minister is on the task force.

Clause 6(2), and this appears elsewhere in the body of this Bill, where it talks, at the end of the clause, about the needs of victims and accompanying dependent children. Now, it has been mentioned before, I think by Sen. Abdulah and others that most of the victims are women and children. But, where there are male victims and we want to talk about dependants, we must talk about accompanying dependants so that it would include spouses and children.

In clause 7, I agree with Sen. Drayton that the Ministers of Health and Education but I think also Gender Affairs and Finance should be part of that core ministerial group. I do not think it makes very much sense to have a group like this without the Ministry of Finance there because this is where the budget has to come from to make all of this operational.

In clause 7(2), I think in addition to adding health, education, gender affairs and finance, this is where the Children's Authority needs to be included because a great deal of emphasis is placed on assistance to children, and I feel that the Children's Authority is the proper agency to be involved in that particular aspect of this Bill. [*Desk thumping*]

In clause 11(6), there is mention of—well, in subclauses (5) and (6)—authorized officers, but nowhere are we told what the functions of these authorized officers are, and I think that this is a gaping loophole which needs to be corrected. You cannot have authorized officers and you do not know what they are authorized to do.

If you look at clause 12(e)—operate a hotline. I think that this is an activity for which a timeline needs to be included. It needs to specify that a hotline should be in operation within three months, within six months but give it a deadline.

Clause 12(f); I think clause 12(f) needs to do more than just receive this information. The information has to be collated and analyzed as well.

Under clause 12(p) where one deals with the awareness programmes, I think at some point potential victims need to be identified because I am not sure that at the present time, people—the appropriate public servants—would be able to identify potential victims without being given some sort of understanding of who



these people are. Because we have people who leave here on a visitor's visa to go to the United States for six months but they are going to work. Therefore, they are potential victims and some of them become victims. There are also people who come in to work with families who are potential victims and should be treated as such.

In addition, educational material needs to be established for personnel of the ministries, for the agencies and NGOs that would be involved with the Government agencies in working on the unit, for civil society, and also for the media. Because I note that at clause 34(1), the media is specifically told that the confidentiality of proceedings affecting victims of trafficking must be ensured, and unless they are specifically educated on this, there could be a problem.

Under clause 12(q), I think that educational material also needs to be disseminated to prospective employers so that everyone is sure that they know what their responsibilities are. So that everyone applying for a work permit on behalf of someone should be given a fact sheet, similarly persons entering on work permits should be given an appropriate fact sheet so that they know exactly what their rights are. I also think that this unit should be charged with the responsibility for monitoring persons admitted on work permits. Because I am pretty sure that given the current personnel situation in the Immigration Department, there is not very much monitoring of work permits going on, and this is obviously one of the areas of potential trafficking or forced labour.

I would like to skip to clause 30(2) and just ask whether the eligibility to apply for relief under the Criminal Injuries Compensation Act is additional to any other compensation to which the victim may be entitled under this bit of legislation.

Clause 37(1), I am wondering whether, in order to provide real protection for these victims, it should not be stipulated that where the safety of the victim would not be compromised, victims would have the option of communicating with people. I know that is one of the problems that definitely Trinidadians come up against when they are in witness protection; the urge to communicate with people that upsets the whole apple cart.

### **8.30 p.m.**

In clause 40(a), where consular assistance is being dealt with, I wish to suggest that residents, people who are granted resident status in Trinidad be informed, as a part of the citizens awareness educational material of the requirement to notify the Permanent Secretary in the Ministry of National

*Trafficking in Persons Bill*  
[SEN. BAPTISTE-MC KNIGHT]

*Tuesday, May 17, 2011*

Security of any change in their civil status, be it a change of address, whether they get married, get divorced and change name, whatever, in order that the register of residents, which the Ministry of National Security maintains, will always be current. This is because, it is to that register that the authorities would have to have recourse in order to be able to say definitively whether someone is a legal resident of Trinidad and Tobago or not.

In clause 42(1)—I think, here this in part is, as a result of my prejudice from my former existence in the foreign service—that the Minister, on the advice of the appropriate head of mission or consul general, shall make a determination, because you have a principal representative outside, in whichever country, and we have got to assume that this person is competent and effective and would, therefore, have done as much of the groundwork as possible, so that the Minister should be required to liaise with that person. I would like that to be there, because it does not always happen.

Clause 44(2):

“The Counter-Trafficking Unit shall liaise with the appropriate agencies...”

Please, replace “appropriate agencies” with “Children’s Authority.” That is the appropriate agency to deal with anything to do with children. Similarly, clause 44(3) should be:

In collaboration or consultation with the Children’s Authority special programmes shall be developed...

Otherwise, I would like to see psychologists added to the Schedule, which, right now, has only social workers under 1 in the Counter-Trafficking Unit. I am a little confused by the competencies of the personnel. Investigative, I understand. Interviewing—this is the Schedule—and other interviewing skills, something seems to be a little strange there.

Madam Vice-President, in addition to these suggestions, I would like to recommend that in an effort to improve this Bill, there are areas in the existing Immigration Act which would need to be amended. I am thinking of the provision governing the management of work permits. At present, under Regulations 10, 6 and 12, the Chief Immigration Officer may require security to cover the repatriation of a person to whom a work permit is granted, but there are no precise procedures for effecting a timely access to this deposit, in the event that the subject has to be repatriated in a hurry. I think that, since arrangements seem to be made solely for return of this security deposit, on successful

completion of the contract, in a case of trafficking, the CIO needs to have immediate access and authority to use his deposit to repatriate the person and I think that is something that could be dealt with under the Immigration Regulations. Further, I think that strict application of the provisions of the Immigration Act would be necessary in order to give the required support to this Trafficking in Persons Bill. I think we need to recommend, at least, a time frame for these amendments to the Immigration Act, because the two things need to go hand in hand.

There is also an area of concern to me that has been mentioned by, I think, two other Senators. It is the matter of government-to-government contracts. I have no doubt that this is an arrangement that will continue to exist. But, I think our past experience says, if we are serious about legislation to prevent trafficking and forced labour, we must insist that, within every government-to-government contract, where the sending government is allowed to import labour, there be a provision that states that any labour brought in must abide by the labour codes existent in Trinidad and Tobago and there must be provision for supervising and monitoring that these labour codes are in fact followed.

Finally, I wish to conclude as I began, with reference to the authority of the United States Department of State, which assumes responsibility for determining, not only the quality of our legislation but, the vigour with which it is enforced.

Because the effectiveness of the enforcement of these laws will trigger the support or lack thereof, of the executive directors in the multilateral financial institutions, I would like to say that particularly in the light of an article that I came upon, that appeared in volume 30 of the *Harvard Journal of Law and Gender*, written by Miss Avril Rieger. It is entitled: Missing the Mark—Why the Trafficking Victims' Protection Act fails to protect sex-trafficking victims in the United States. It is a very interesting article that analyzes the effectiveness and the application of that Act in the United States, and I add, it is not entirely complimentary, and as such I would like to recommend that our Ambassador to Washington be requested, or rather instructed, to provide an annual report on the application and enforcement of the US legislation in the United States.

It is not for us to take any action against; it is merely as a counterweight against which we can measure our own effectiveness in the enforcement of our own legislation. In other words, it would give us a chance to assess our performance against that of our assessor.

With these few remarks, I thank you.

**Sen. Dr. Vidhya Gyan Tota-Maharaj:** Thank you, Madam Vice-President. I wish to thank my Prime Minister, hon. Kamla Persad-Bissessar for giving me the opportunity to be here in this honourable Senate this evening. I want to thank you for permitting me to add a few words in support of the Trafficking in Persons Bill, 2011.

Following my colleagues who have debated in favour of this Bill, I wish to comment on the consequences of being trafficked, which involves being forced into labour, in debt bondage and in slavery.

The victims have restrictions on their freedom of movements. They may be beaten, killed, denied access to health care, fed a starvation diet, deprived of education, forced to live in filthy and dangerous conditions and sexually assaulted.

First of all, the cycle of poverty continues under these circumstances, because victims are given false reassurances of employment only to realize that they are kept as prisoners. They are given a pittance stipend and when they can no longer function as required, are sent out into the wilderness with no employable talents, except that which they were held captive for, and as a result, these victims have no alternative but to lead a life of continued crime to earn a living.

Another aspect of this is unwanted pregnancies, which are the outcome of many of the exploited women and girls. More often than not, infants are born uncared for with lack of family values, love and care, and these infants end up in a further cycle of abuse by deviant paedophiles.

These infants grow to be part of a child labour industry. What happens to children when they become adults when they are treated like this? They are a further burden to society, because they cannot function as normal citizens when they mature into adult life, and so they have to depend on the state for shelter and food. They also continue to live a life of violence and abuse, and the cycle remains as it is; one of violence and poverty.

Thirdly, sexually-transmitted diseases—we have heard much talk about sexual exploitation of women and girls. These diseases are spreading like wildfire by both the providers of the sexual trade and those who seek their services. We have many men who seek such services and are further spreading the diseases to their wives at home, who, in return, may spread it to their boyfriends, and so the cycle continues.

**8.45 p.m.**

Madam Vice-President, we see beautiful women and well-bodied men very attractively dressed, advertising themselves, but they are carriers of these dreaded STDs, including HIV. Many of these people do not seek medical attention for fear of stigmatization and hence the disease spreads unchecked. Our Government, like all governments of the world, spends hefty sums of money on the prevention of such diseases as they are communicable diseases. And as a result, many parents die leaving young children as orphans at the mercy of the State, if they are lucky, or the children themselves become victims of sexual abuse, once more perpetuating the cycle of poverty and disease syndrome.

Last, but not least, is the psychological aspect of being trafficked and forced into labour. Many young people suffer from alcoholism, they turn to drugs, they suffer from delusions, mania, hallucinations, become serial murderers, rapists and sex deviants; they create havoc and disruption in our normal civil society, preying on the well-being of our law-abiding citizens.

We have to protect this generation and our future generations, Madam Vice-President, to maintain the welfare of our society, and so it is our duty to protect our vulnerable young children, girls, boys and adolescents, so that they can be assured of a safe and secure future. We have to educate our girls and boys, so that they will be removed from this cycle and by educating them the answer is given. And so I fully support this Bill and in the same breath, I also look forward to the building of a home for women and children by our People's Partnership Government as has been sanctioned by our Prime Minister for women and children at the Guanapo Church, Madam Vice-President.

So, with these few words, I thank you very much. [*Desk thumping*]

**Sen. Panday:** Short and sweet, short and sweet, not like the Opposition, short and sweet!

**Madam Vice-President:** On Senators' behalf, I would like to take this opportunity to congratulate Sen. Dr. Vidhya Gyan Tota-Maharaj on your maiden contribution. Congratulations! [*Desk thumping*]

**Sen. Dr. Rolph Balgobin:** Thank you, Madam Vice-President. I propose to be fairly brief, mercifully so. I would like to begin my short contribution by reading from the preamble of Trinidad and Tobago's ranking on a global scale with regard to human trafficking. It says that: "...Trinidad and Tobago is Tier 2 Watch List..." and what does that mean?

*Trafficking in Persons Bill*  
[SEN. DR. BALGOBIN]

*Tuesday, May 17, 2011*

The preamble says:

“Trinidad and Tobago is a destination, source, and transit country for women and children subjected to trafficking in persons, specifically forced prostitution, and children and men in conditions of forced labour. 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. Undocumented economic migrants from the region and from Asia may be vulnerable to forced labour 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 American destinations.”

And it goes on and on.

What I found odd, Madam Vice-President, is why do we, as a nation that has been defined by slavery, have to accept someone else’s label or tier or someone else’s grading with regard to something like this? This should strike at the very heart of who we are as a society, we should find this so repulsive, so repugnant that no punishment or almost no punishment is sufficient to deal with the crime that is being addressed by this piece of legislation. I am interested in this, not just to meet someone else’s standards, but because it should really establish the bare minimum for our own existence, our own lives.

In preparing for this I propose not to repeat—of course, I would not—any of the arguments presented before in this debate. But I was quite intrigued to understand the difference between trafficking and smuggling. I was quite intrigued to understand that some people are taken against their will and sent elsewhere, but other people actually, willing, knowingly do this in the expectation that they are heading towards a better life. They do this in pursuit of a better life, and somewhere along the line their passports are taken away from them, or money is demanded from their families back home and they find themselves doing things which even to them would have been unthinkable before they got on that boat, or got on that aircraft or, whatever means of transport. Contrary to popular belief, it is not that these people come on a pirogue and jump off and wade through some murky mangrove to come into the island. Oftentimes they come through legitimate ports of entry, sometimes their papers are faked, and sometimes they will pass through the legitimate port of entry, particularly sea ports, but at times when people may not be there to receive them, so they walk through or they are

ushered through. Sometimes they cut containers and they live in the containers willingly, they live in a 20-foot or 40-foot container as they are transported from one part of the world to another, oftentimes paying enormous sums of money to guarantee them what they think is safe passage.

So what is the definition of someone who is engaged in this kind of modern day action and more importantly the slavery that results? There are three core aspects to it. The first is that they have been induced into exploitation by fraud or eventually force or coercion. The second is they are subject of physical abuse or psychological intimidation; and the third is that they can do nothing or very little to change their circumstances. And that is what I really want to speak about today, because I am in full support of the Bill and whatever changes that would be suggested can be dealt with at committee stage.

What I want to say, Madam Vice-President, is that it is unthinkable to me—and I must thank the Government for bringing this legislation it had not occurred to me to look at before, but it is unthinkable to me that there would be 27 million people in slavery today; that four million people are smuggled over international borders every year. We have heard the statistics regarding modern day slavery as compared to the transatlantic slave trade that supported the sugar industry, I do not know how valid those comparisons are, as my colleague Sen. Drayton had pointed out. The thing is that almost all of these people are either taken against their will or running away from poverty, just trying to have a better life. Three out of four slaves are women, one of two is a child, and the interesting thing from an economic point of view which I have not heard expressed here, what is the value of a slave? In 1815 in the American South the value of a slave by today's dollars was US \$40,000. Today, in 2010, the value of a slave in US dollars is estimated by the National Underground Railroad Freedom Centre at \$90.

### **8.55 p.m.**

I will tell you very shortly what the price of a slave is in Trinidad and Tobago. The problem, of course, Madam Vice-President, is that bonded labour is a kind of slavery that is extremely difficult to prove, but I do not for a second accept the argument presented that we have 30 cases of human smuggling in Trinidad or 60 or 90 or 100 or even 200. I cannot accept it. Here is why.

Let us take the *Express* classifieds of Monday, May 02, 2011—check any classifieds—there are almost 60 ads for services—fun—and they call the nationalities in some instances: Venezuelan, Colombian, Asian. Where are these

*Trafficking in Persons Bill*  
[SEN. DR. BALGOBIN]

*Tuesday, May 17, 2011*

people coming from? Are they our sons and daughters? Are they from this country? I am not quite sure, but my research suggests not. If so, how do we countenance these kinds of places in our midst?

We have a number of people who are very clearly in a state of bondage in Trinidad and Tobago today and I am surprised that we have not developed a greater capability to deal with this. One would think that it would be quite an obvious and easy thing to treat with. I think we should apologize first to ourselves and, secondly, to these victims because we have clearly done them a disservice by failing to protect them.

I think also, while it is our custom in houses such as these to beat up on the police, we also owe the police an apology. I do not think they have received anywhere near the kind of training and attention—I know that one could argue otherwise—in my view, that would allow them to treat with these kinds of sophisticated problems because the people that are perpetrating these crimes are very sophisticated operators.

The police and law enforcement need help. I always find it sad to think how offshore patrol vessels and so on have become politicized. To me that is such nonsense. It is really unfortunate that it has somehow found itself there because the protection of our borders is not a political issue; it cannot be. Whatever the modality is, there is a clear need, whether you line 1,000 pirogues around the perimeter of this country or you get four OPVs, whatever we do, it is just as important for us to acknowledge that something has to be done.

You cannot deal with this on land. When they get on the ground, once their feet touch dry land, they scatter or they are sequestered. It is very difficult to track them and to hold on to them. That is an easy thing for somebody like me to say. So I did some research. What did I find? I talked to someone who said they went to a party. I said: “What kind of party?” They said: “Normal party.” They were in Westmoorings and they were in an apartment or something. They attended a party. The difference was that there was food, there was drink and there was paid companionship; all foreign; none of this country. How do you know that? They said: “Because none of them were native English speakers.” So I said: “This happens in this country?” They said: “Yes, man. It happens and I went to one in south the other day.”

**Sen. Panday:** Which part of south? [*Laughter*]



**Sen. Dr. R. Balgobin:** I will call some places for you now if you would like. There is some place called Limousine where you can go for a ride, but that is not, apparently, the kind of place that a decent person would want to send his children. I do not know.

So I asked the question: “Who pays for these people?” They said: “It is a common thing. They are all around.” I do not know if you call one of these numbers—They said: “Would you like to get the numbers?” I said: “No.” It is open. It is done in the open and we should be ashamed of that.

**Sen. Panday:** “Boldface”.

**Sen. Dr. R. Balgobin:** Utterly “boldface”. To coin a new term: the “boldfacity” of it is staggering. I could not for the life of me understand how this could be happening, so I made enquiries. What did I find? To me, now that I am aware, I started looking. What did I find? The women who are forced into prostitution or the men who are forced into work—let us take the women as an example—they must be back on the reservation by three o’clock. They have to be ready to work by five o’clock. People are coming off work and coming there for companionship and if they are not back by three o’clock, five o’clock or whatever the deadline, you have to pay. If you would like to spend an evening with that person, that is \$2,000 to \$3,000. Here is the thing: if you want to buy them, you can for TT \$20,000. You can buy a woman in this country for \$20,000.

**Sen. Panday:** That is a flesh market.

**Sen. Dr. R. Balgobin:** Well, yes. That is why your legislation is so important because you are dealing with something that is happening. I will tell you what else is happening. How do the police deal with that? How do these people even say the conditions they are living under when they are afraid? They are in a foreign country, speaking a different language; they see people from the authorities pulling up there, participating, partaking; so to whom do they turn? Nobody. That is now their life. That is the price: \$20,000 or \$3,000 for a night. Yes, it is happening right here.

They have these villas—they call them villas. Well, I found two villas. One is a hotel in Chase Village [*Interruption*] I will absolutely say the name. I am not abusing anybody’s right to make a living but what they are doing is wrong. They are not supposed to be doing that because that is somebody’s daughter. [*Desk thumping*] Agnes Street in Marabella. I have a list, you know. [*Interruption*]

**Hon. Senator:** [*Inaudible*] The Ministry of National Security.

**Sen. Dr. R. Balgobin:** I do not have to; the police know. The authorities know.

Here is the thing. It is not that the authorities do not do anything, you know. When they raid these places, what happens is that the people say: “But this is a hotel and these are my guests.” People are in fear. You ask them: “Are you a guest here?” “Well yes, I am a guest.” So you periodically run through these places, shut them down and they open the next week, obviously with some form of official or semi-official protection. This is what this thing is about.

I disagree with anyone who says it is not a problem. It is a very big problem that we should be the product of slavery and indentureship by and large and have this happening in our midst. The next thing for people like me to do is to sit down outside your gate and not move and make noise until the police or the authorities come.

I would like to see immigration and the police dealing with that; not just dealing with it and then tomorrow it starts back. I went and looked and some of these places have compounds bigger than what Osama bin Laden was living in, in Abbottabad. This is a million-dollar enterprise; it is business. The industry earns tens of millions of dollars, if not more. This is a very big business and these people are making a lot of money. I do not understand; and everybody passes that and nobody has a question? The Board of Inland Revenue has no question. This is why the Financial Intelligence Unit is so important. I suppose VAT has no questions. Customs has no questions. Immigration has no questions. [*Interruption*]

I would like that, but the press must know where these places are. I would like a reporter to stand there with long lens and snap everybody who goes inside there and see how that business lasts. They are there; whatever you call them; Capri, Maria. There are more. You cannot be allowed to buy a human being. You cannot be allowed to do that.

That is where the society is going. There are all these ads now and if you do not want to call these people to come to you, you can go to one of these places where you can buy another human being like a fish in an aquarium. This is just women. Then there are men working in all sorts of businesses in rural areas, being forced to work; passports taken away from them and so on. I just focused on the women because I find that so horrendous.

Some of these people are taken away from their families. They are induced or coerced. Either way, they cannot go back and look at their mother and father; they cannot go back home and face their parents knowing what they have had to do. For any of us here with children, could you see your daughter or son going

through that? What is your solution if that happens to one of our children? [Interruption] Pass a law? That is your solution. I warrant that our solution would be “dreaded” than that. I do not see why we should be lenient because it is somebody else’s children.

It is time for action. The time for action is now. I do not want to live in a country where you can buy a human being. Slavery ended in 1838 as far as I am concerned, other than in the US when it was 1863 or something like that. That was it. That time is finished. It is not supposed to be permitted. I think it should be dealt with as harshly as the police can possibly imagine or the immigration authority, and not criminalize the persons who are trafficked or smuggled. They are the victims. It is the owners I want and their patrons; but it is really the owners.

I like the owners. I want to see the owners in jail. That is where they belong. They have to be in jail because they cannot be doing that to other people’s children. Eventually, if we do not stop them, it will not be other people’s children, it will be our own. That is how it starts.

I fully support what the Government is seeking to do. I endorse it wholeheartedly. I do not think it is a minor problem and I think that the penalties are sufficiently harsh and, in some instances, should be even harsher.

I hope that some action can come out of this legislation sooner rather than later, so that we can avoid this blot on our national character from becoming a permanent stain.

I thank you, Madam Vice-President.

**9.10 p.m.**

**The Minister of Public Administration (Sen. The Hon. Rudrawatee Nan Gosine-Ramgoolam):** Thank you, Madam Vice-President, for allowing me this opportunity to join in this most important debate and that is to enact the legislation to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime and for matters connected therewith or incidental to.

But before I engage on the topic at hand, Madam Vice-President, may I take this opportunity, through you, to congratulate Sen. The Hon. Dr. Bhoendradatt Tewarie on his appointment to this august Senate as Minister of Planning, Economic and Social Restructuring and Gender Affairs. Dr. Tewarie was my

*Trafficking in Persons Bill*

Tuesday, May 17, 2011

[SEN. THE HON. R. N. GOSINE-RAMGOOLAM]

colleague, then my boss, and now my colleague again. I also want to take this opportunity to congratulate Dr. Karl Theodore, who was also my lecturer at the University of the West Indies, and to welcome him.

Madam Vice-President, let me first congratulate the hon. John Sandy, Minister of National Security—[*Desk thumping*—]—for bringing this Bill to the Parliament within one year of coming into office of this People’s Partnership Government, one year, Madam Vice-President. It shows that this Government means business, when treating with serious issues confronting this great land.

Madam Vice-President, our Minister of National Security, and this People’s Partnership Government, of which I am proud to be a Member, did not bury its head in the sand pretending that there was no trafficking of persons in Trinidad and Tobago, and in this part of the world. I was happy to hear Independent Senator, Dr. Rolph Balgobin the way he put it, and very nicely which summed up that he is of the view that there is some form and different kinds of human trafficking. There are a lot of things, Madam Vice-President, that we definitely cannot see, but we know they happen by the behaviours that surround us in many situations. So our Government recognizes that in this borderless globalized environment that we are living in, the world is small and instant communication is at the fingertips of people, particularly those with devious and warped minds. Therefore there is need to take precaution and that time is now.

For too long, over the years we have been hearing and reading about missing persons in this land, yet no bodies could be found to say that these people have passed on. They have been kidnapped, whatever the situation. And there is cause for concern for we have experienced many incidents of these types in Trinidad and Tobago. Earlier I also heard Sen. Dr. Lester Henry, speak to the issue of the incident of the container and one gets the impression that he was telling us, “do not accuse persons as engaging in such a situation when you do not have the evidence”. What he was trying to say is that after the container was found and the news broke out that there were no children in that container to be shipped somewhere, and when they did open it up hours after or probably the next day, there were no children. Madam Vice-President, that is not sufficient evidence to indicate that no true human trafficking is taking place in this country.

We fail to realize that these things happen at the highest level, especially the persons who have control over the law, of letting out the people, and letting go, or taking them and hiding them. It is not the average citizen that engages in this activity. There are serious people with power and influences who, probably in the

nick of time of being caught, can find ways of escape and moving on. I was happy to hear Sen. Dr. Balgobin indicate that he would like to see not the small persons but the persons who actually initiate these activities as a business. I heard Sen. Beckles speak about being an enterprise. These are the big fish we have to go after.

So, Madam Vice-President, I now focus my contribution on this Bill in this House and would like to indicate that human trafficking, as I heard a few others say, has been with us from the earliest of times if one can remember in recorded history. Records will show that conquering tribes seized their vanquished, enemies, enslaved or sold them to other persons to work as forced labour, sex slaves and sometimes to fight as gladiators for entertainment purposes. And those of us who dabble in history would have read about some of these things or looked at them in the movies. In more recent times, Madam Vice-President, the world witnessed the iniquitous slave trade between Africa and the New World. So we know that was a type of human trafficking too.

Madam Vice-President, with this legislation, with even the legislation of freeing the slaves in the 19th Century, the slave trade in persons continued unabated, but probably this time not overtly, but covertly where you have criminal gangs operating at the national level and the international level. It does not mean that legislation alone is going to stop this nefarious activity. So while the slave trade was overt, human trafficking seemed to be more covert in nature.

Madam Vice-President, the trafficking in persons worldwide has grown into a billion-dollar business enterprise controlled by persons, some of them holding very, very high offices in diplomatic core around the world. It challenges the drug trade and the arms trade for first place in international criminal activity. This trade could only be allowed to continue, develop and grow when there are persons with authority behind these activities. It just cannot be the average man who does not have any medium through which to hide their activities. It has to be from the top. So you see, Madam Vice-President, when you are trafficking in drugs or guns you sell that item once and you move on. You look for other guns and items to sell.

### **9.20 p.m.**

However, when a person, particularly a female—and this is extremely important for our society and for all our females and families—is trafficked into sexual slavery, she is sold over and over; several times a day, every day, every week and every month sometimes for years. That is the bad thing about human

*Trafficking in Persons Bill**Tuesday, May 17, 2011*

[SEN. THE HON. R. N. GOSINE-RAMGOOLAM]

trafficking. It is not like the gun trade, you sell the gun and you move on; it is using, reusing, abusing and discarding.

Even more importantly, trafficking in persons serve to facilitate the illegal sex trade worldwide, child pornography, forced labour camps, particularly cultivating drugs from the heroine plantations of Afghanistan to the cocaine fields of Colombia.

Even the Freedom Project Documentary on Trafficking—this is interesting to note—in *Persons and Modern-day Slavery*, currently being aired on Cable Network News (CNN), has informed us that 50 per cent, or half of all trafficking victims are children, yes Madam Vice-President, children and women and, therefore, this group is the most vulnerable in this nefarious activity stalking our land and the world.

So, Madam Vice-President, we know that right here in Trinidad and Tobago, for years the daughters of rural families have been preyed upon by dubious characters offering them job opportunities in urban areas like Port of Spain, San Fernando and Arima, to lure our unsuspecting children away from the safety of their homes. Suddenly, they find themselves being trafficked in sexual activity and sexual slavery in night clubs and brothels right here in Trinidad and Tobago.

Trafficked persons are also used as drug mules, because they operate under fear as well. In addition some anecdotal evidence that trafficked women are used as baby makers, some literatures are now pointing to women who are trafficked are used as baby makers, and have their babies taken and sold to couples shopping in the world baby market, especially those couples who probably cannot have children.

So, Madam Vice-President, I will not continue to enumerate those different purposes that attend the crime of human trafficking, except to say from all indications Trinidad and Tobago has not been immune to this type of activity and vicious scourge stalking the land.

I pause here to focus on females, women, sisters, and aunts and, most of all, mothers. What manner of men who were born out of the womb of a mother could engage in such a despicable, notorious and nefarious and shameless act? How could these persons look at their mothers, their sisters, their aunts, their wives and their partners and feel comfortable? I just cannot imagine. These persons should be put away for life, far from human habitation. [*Desk thumping*] They are monsters in human form, and this piece of legislation will help us to achieve this end to a great extent, I believe, although we always say that legislation is not enough, but being ever vigilant is also important.

So, Madam Vice-President, this Bill which has already been passed in the House of Representatives is, therefore, intended to institutionalize arrangements and to provide the legal framework required by international treaty for Trinidad and Tobago to fight against trafficking of persons—so it is a worldwide effort—and to treat in a serious way, and within the ambit of the law, these heinous offenders who will be found guilty, so that the law will have some teeth to deal with these persons. As a result, I wish to look at some parts of the Bill, but before I do so, I recall Sen. Al-Rawi speaking to the issue of Part II. He was concerned about the composition of the national task force. I think he spoke to the issue of having Ministers on that task force.

Well, national security is a serious issue for the Government. This is why I believe most or all the Prime Ministers of this country, including our current Prime Minister, have always been the chairman of the National Security Council and there is a reason for that. I do not know why every time we treat with legislation, once you hear “a minister”, some people get worried under this Government, but I have tons of pieces of legislation passed in this House where the minister was also identified, and the minister in many instances means the Cabinet. Therefore, it is the Government business to treat with this issue, and this has serious implications for national security. This is why the Bill was brought by the Minister of National Security.

I want to assure Sen. Al-Rawi that it is extremely important that the task force constitute both ministers and technical professional officers. I believe that is in Part II of the Bill. “The Task Force shall comprise the Attorney General”—and a few ministers and so on and it—“shall also comprise other appropriate senior government officials including...” So, I do not see why Sen. Al-Rawi was worried when he spoke to the issue of ministers being on this task force.

**Sen. Al-Rawi:** Accountability—the mechanism for accountability.

**Sen. R. Gosine-Ramgoolam:** Well, if you have an interministerial task force, you must have mechanisms for accountability. Furthermore, this task force is at the strategic level and, therefore, they are to establish policies; measure and evaluate progress; identify and engage in efforts to facilitate cooperation. Sen. Al-Rawi also spoke to the issues of implementation. But, do you know something? If we turn to clause 11, the functions of the Counter-Trafficking Unit, you will notice that these are objectives for implementation, and it is properly stated using Bloom’s taxonomy of high order skills; to conduct and coordinate—it is doing things, Madam Vice-President—to gather evidence. That is implementation—to operate; to receive; to liaise, to conduct, to collate and

*Trafficking in Persons Bill**Tuesday, May 17, 2011*

[SEN. THE HON. R. N. GOSINE-RAMGOOLAM]

analyze information—those are doing activities—to create a database—that is something you could measure—it is implementation—to prepare and furnish monthly reports. That is something you have to do, and you can measure that, whether you do it or you do not do it, and to do such other things. So, therefore, I would like to assure Sen. Al-Rawi that this Bill focuses on implementation in a serious way by the way these clauses and parts thereof have been identified, because they are identified in doing terms, and each one of these terms could be measurable. So we just need the people to implement them.

Part II, in clauses 5—10 and, particularly, clause 7—I think I spoke to that—indicated all the ministers and I have already reviewed that, and, therefore, the task force, as we said, will also comprise of professionals. I will not detain this Senate by itemizing the functions of the task force. I will, however, list four functions which I consider worthy of special mention and these are:

“to monitor and give directions, both general and specific, to the Counter-Trafficking Unit;

This issue that is being debated must be driven from the top. And this is why you need that interministerial task force. Most of the times, we do not get things done because leadership is not there and, therefore, this Bill gives some teeth to leadership so that we can ensure and see implementation.

We also have another part which is to develop a national counter trafficking plan for the prevention of trafficking in persons and to coordinate its effective implementation. Madam Vice-President, this clause calls for a detailed implementation plan. Through you, Madam Vice-President, I want to remind or to inform Sen. Al-Rawi that it does constitute implementation. It is detailed implementation but, more importantly, coordinating effective implementation and, therefore, I am extremely happy to see that in one legislation implementation is legislated.

I now come to Part III of the Bill, which establishes the Counter-Trafficking Unit which is, in effect, the operational agency responsible for investigation of matters pertaining to trafficking. This unit is constituted within the Ministry of National Security and it is headed by a director and deputy director, both appointed by the President. Both officials, once appointed, shall hold office for a period of three years and they are eligible for reappointment.

The remaining members of the unit are provided at clause 11, Madam Vice-President, but we need to note here that its functions are in line with functions similar to agencies which have subscribed to the United Nations Protocol on



Trafficking in Persons. All these functions are itemized in the Bill. We did not get this piece of legislation from the sky. With any piece of legislation, we always say that there is no need to reinvent the wheel. We look at others and we bring it here and shape it. We clean it up and tropicalize it to suit our temperate and tropical climate and to ensure that it is aligned with the culture, the laws and the legislation, so that we are in sync with what happens in other parts of the world. So, in fact, this Bill was drafted in accordance with international best practice.

Madam Vice-President, I would like to just speak a little on Part VI of the Bill, which deals with assistance to the protection of victims of trafficking. This is a most critical aspect, because as a victim, you do not want to be a victim and be punished for being a victim as well. So, this Government is taking a holistic approach to this issue and, therefore, the assistance to and the protection of victims of trafficking is of critical importance. Madam Vice-President, without victims, I hope you know there will be no need for this piece of legislation. It is the victims that have caused us to bring this piece of legislation to this Parliament and, therefore, this part of the Bill also makes provision for the guiding principles relating to identification, protection and safety of our victims.

**9.35 p.m.**

This is extremely important, we need to have safe houses for them, treat them well, they cannot be abused twice. Clause 33 also deals with witness protection and this clause will be a potent weapon to fight against trafficking. It ensures that persons deemed witnesses or potential witnesses shall be eligible for witness relocation, protection programmes for victims of organized crime activity or other serious offences. Among the programmes referred to, the Bill speaks to the issue of relocation, new identity, new residence, work permits, protection of confidentiality or identity and location.

But, Madam Vice-President, these activities call for action. Again, for this legislation to be effective, we must engage and implant the process, and engage the process in meaningful ways. In addition, provisions have also been made for the protection of privacy of victims, including provision that proceedings are to be held in private, and this is clause 34 of the Bill. So you will note that clause 37 also provides for a certain assistance of victims, including but not limited to social benefits, which is another strong area of this Bill. So it even includes assistance, benefits during their stay, communication with and visits from family and friends. And this clause also ensures that victims of trafficking are not housed in prisons or other detention facilities for accused or convicted criminals under any circumstance. They should not be punished for being abused, as I indicated earlier.

*Trafficking in Persons Bill*

Tuesday, May 17, 2011

[SEN. THE HON. R. N. GOSINE-RAMGOOLAM]

Simply put, Madam Vice-President, no jail for them; no deportee detention area or facility; no Remand Yard for them. And indeed, clause 37(4), specifically provides that child victims of trafficking shall not be housed in any of those facilities. So this Bill, Madam Vice-President, while it treats with the criminals in serious and harsh ways, it also treats and takes into consideration the abused, the victim, to ensure that they will not be found in a situation where they will have to be punished twice for their own vulnerability and their innocence, in many cases. It is most unfortunate that many of these persons—I am pretty sure, the majority of them—have found themselves in this position innocently.

So let me turn to clauses 45 and 46; after the passage of this legislation, an annual report is to be laid in the Parliament. And this is very important; it calls for accountability for implementing the legislation. It is important that we monitor this legislation, that we implement the specific activities identified and therefore evaluate our successes in the implementation process. For example, this report will have to contain the number of victims identified, number of investigations initiated, number of persons arrested, number of prosecutions commenced and the outcome and any other pertinent matter which the Minister considers necessary.

Madam Vice-President, this piece of legislation has encompassed in it accountability. So that once we are serious, and this Government is serious about human trafficking, we will be able to measure the success of the implementation of this piece of legislation. So what we have before us, is a concerted effort on behalf of this Government, the People's Partnership Government, led by the Hon. Kamla Persad-Bissessar, Prime Minister of Trinidad and Tobago, to put on the statutes, effective legislation to place Trinidad and Tobago at the forefront of the fight against human trafficking in Trinidad and Tobago. And we would not stand idly by while persons fall victim to these heinous crimes. We subscribe to the United Nations Protocol and we will pass into law the necessary provisions to support our efforts and to ensure that this happens.

But, Madam Vice-President, before I close, let me signal to this Parliament and by extension the national community who is listening to us, that when this Bill is passed, we would only have won a battle against trafficking in persons. We would not have won the war. Eternal vigilance will be the only means to victory of the war.

Again, I take this opportunity to congratulate our Minister of National Security, Sen. The Hon. Brig. John Sandy, and I commend this Bill to the Senate for approval. [*Desk thumping*]

**Sen. Archbishop Barbara Grey-Burke:** Thank you, Madam Vice-President. I rise to join this debate to support the amendment in this trafficking in persons, where we can bring ourselves together to give effect to the United Nations Protocol to prevent this trafficking in persons.

Madam Vice-President, I stand here to give my own experience about trafficking in persons. I had an experience last year where I was in Chaguanas shopping, and while I was shopping, I saw an East Indian lady, she ran into me in the store crying, and when she come into me crying, I was trying to give her a hearing but another woman run across shouting very, very loud, that I was not to hear what the lady was saying. But I made sure I listened and the lady was telling me that the woman, she had a store, so I was in her store, has her passport and she wants to return to Guyana. She was a Guyanese woman.

And I want to tell you, Madam Vice-President, I tried to persuade the owner of the store, could you kindly give the woman her passport. I started to plead with her, I started to tell her, this is the woman's possession, it is not hers, and when I realized I could not persuade her, I took the woman into my car. She came by the car rumbling, I drove off. I went to the police station. When I reached the Chaguanas Police Station, in a few minutes the woman was there running, like her mind tell her, I took the woman to the station. While I was in the police station explaining to the police and the lady crying—but what I discovered, the lady could not read, she could not write and she was an elderly woman around 60 years old. So, they go to Guyana, they pick up these people, bring them to work in their house. So while the police talking to the woman the other lady reach the station. When she reached in the police tell her that this woman wants to return to her homeland.

The police kept that woman there from eleven o'clock to until three o'clock the afternoon. She would not give her, they brought briefcase, her daughter run in the station, her husband, but when they come, they are not bringing the woman's passport, because they do not intend to give it up. They said they give it to her. The woman crying saying no they did not give it to her, they have it. This is something our country has to dig deep into.

**9.45 p.m.**

Madam Vice-President, I support what Sen. Dr. Balgobin said. It is a serious matter. When the police decided, "We are going to charge this woman for human trafficking," then and only then—they kept the daughter and the mother—she called a man on the phone to bring the passport. When they did get the woman's

passport, the policeman called me aside and said, “We have a problem, you know.” I asked, “What is the problem?” “He said there is no funding to house this woman anywhere,” and he asked me if I would take her, if even for the night. I said, “I do not have a problem with that, because the woman needs to get away from these people.”

The woman said that she rises at 4.00 in the morning. She has to make breakfast, take care of the woman’s children and when she is finished she goes to the store to start to toil there: sweep the store and run around with all the chores. They brought this woman here just as a slave.

When all was said and done in the police station, I said to them, “Well, pay the woman some money, she has been here almost six months,” she said that she had no money to pay her. In other words, the woman gave six months of slavery in this country. She had a return ticket, so I took her home. I felt sorry for the lady. I brought her to town to show her around, because she had never been anywhere in Trinidad and Tobago.

When I brought her to town, I showed her a lot of places. I did a little shopping for her, so at least she could return home to her family. The children call and write to me and thank me, because they thought that the mother was coming to enjoy some form of happiness in this country. I want to tell you that they go to these countries, fool the people and persuade them, lure them in other words, to come to this country.

I move now to the security firms. There are a lot of security firms that have African and Guyanese people, paying them, not the minimum wage—not the minimum wage—but below standard. Sometimes they keep them there two or three days just working night and day, and nothing much to go by.

Colombian women come here and see trouble with these men. Do you know what goes on? Sometimes they hold these persons’ passport, and they do not know that they have to go to immigration; they do not know what they have to do. The time for them to go to immigration expires, so they are illegal in the country. Then some come through the boat, they bring them through Chaguaramas. They come in with boats. When they come in with the boat, “no stamp in their passport; nothing.”

If they do appear in front the magistrate, they cannot understand what the magistrate is saying. Sometimes a magistrate charges them \$10,000; sometimes out of the goodness of his heart, \$5,000. They are left to the mercies of the magistrate. I want to ask that this legislation has teeth. I pray God that we go hard and implement all that is in it.

I would like to see representatives appointed to assist these people. Assistance should be given for housing. When the woman went home, the police told me that there would be a financial cost on the Government to bring this woman backward and forward, because our courthouse was blocked and jammed, so the case would be postponed and postponed. That is why the woman had to go free.

Sometimes people take away their jewellery, because coming from Guyana they come with their little jewellery. They take it away; men do that. All these things are going on right under our noses in Trinidad and Tobago. I would like to see housing accommodation for when these people are here.

Madam Vice-President, legal assistance—we need all our lawyers in here to do some pro bono work. I am speaking to my Sen. Brother Hinds. Do some pro bono work; assist these people. *[Interruption]*

**Sen. Panday:** “Not he!”

**Sen. Archbishop B. Burke:** When you take a lawyer, it is \$3,500. In my personal experience as a church leader, I paid \$3,500 because the person did not understand. I sat there and said, “My God.” When the case was called, I called a lawyer and said, “Go and talk for this person,” and I paid the \$3,500 to assist that person, because they cannot understand what the magistrate is saying. The magistrate asks, “Are you guilty?” “I am not guilty.” “But you are guilty, because you came here through the boat;” the magistrate gets angry.

I say too that the police are not trained or sometimes the magistrate is not ready to handle some of these cases. There should be legal assistance for these people. I am talking about that over and over. They need counselling. When I look in the Bill, it has psychologists and all of that, because sometimes these people are traumatized.

The next thing we should do is have signs in the airport, so that these people would understand as they touch down from the plane, boat or wherever, that nobody could give you a work permit. It is the Government to give you, the Ministry of National Security. They do not know. These people are being fooled, “Look, I am holding your salary because I have to pay for a work permit.”

The next thing is that they do not know their rights. They should be able to be educated. Put it in different languages on a signboard so they could understand, “You must not enter a country illegally, coming in by boat and all these things.” These people need help. This trafficking legislation is very dear to my heart,

*Trafficking in Persons Bill*  
[SEN. ARCH. BURKE]

*Tuesday, May 17, 2011*

because I ponder about these people. They do not know who to go to. They do not know anybody, except if they see you with your head tie, they say, “Well, this body knows something about God”, and would run into you.

Sometimes they put these persons in the detention centre; they should not be put there because they are victims. They should be placed somewhere proper, humane, where they could “ketch” themselves, because sometimes they get mentally deranged because they are inside four walls—some people cannot take that—and it is not through their own fault. Some people know they are coming here to be sold, but some people do not know that. Some people agree to come and sell their bodies, but not everybody agrees. Some people do not even know where they are going. Sometimes it is because of poverty; they are from a very poor place, Guyana, and they hear that they could work for funds in Trinidad and Tobago, and grasp at the opportunity. When they reach here, nothing of the sort taking place.

We need to train immigration officers, especially the female officers, that they would be sympathetic. You know, Madam Vice-President, the female officers are worse than the males; yes, the female officers “rough” the people. Train them, take them and give them a special training. The male officers would be sympathetic; they would still give a listening ear. So I give kudos to the male immigration officers.

I thank Sen. Brig. Sandy for bringing this legislation. [*Desk thumping*] I congratulate him, the man with a human heart, making a divine intervention to stop this trafficking of persons. The time has come when all these things must change. I pray that God gives him the strength and help him to implement it. We all here form part of those to give assistance, to get this particular Bill, if no other, passed, to help our brothers and sisters.

Do you know why it is so dear to my heart? Our ancestors came to this country, not that they wanted to. They packed them like sardines in a tin, and who they did not bring here, they threw out in the middle of the ocean. So they say slavery is abolished, but it is not abolished yet. Some of us are more free than some, but slavery is rampant. Because of that, we must remember that as we put proper laws in place, we must assist. Each one of us sitting here is our brother’s keeper. If we know our neighbour has a problem, watch next door, “what happen”. Let us keep watching and see if they have somebody strange. In Dorata Street in Laventille, there was a man from Venezuela who was kidnapped, and it was because of neighbours peeping that the police could have gone there and

released this Venezuelan man. Kidnapping, abduction—same abduction—they are seizing the people. Sometimes they tie them in the cemetery; rain and sun wetting them. I am begging you, let us all assist each other.

I thank you.

**Madam Vice-President:** Hon. Sen. Archbishop Barbara Burke, on behalf of all Members of this Senate, for this First Session of the Tenth Parliament, I congratulate you on this maiden passage.

**Sen. Fitzgerald Hinds:** Thank you very warmly, Madam Vice-President, for the opportunity to make, as usual, a very short intervention.

**Sen. Panday:** You? [*Interruption*]

**Sen. F. Hinds:** I too would like to join you, and I would like to personally express my congratulations to Sen. Arch bishop Barbara Burke for her maiden contribution in this session. She has been here before. I must say it was a rather impressive contribution, one in which she gave me a bit of advice, suggesting that I should do some pro bono work. [*Interruption*]

**Sen. Panday:** You understand the meaning of it? [*Laughter*]

**Sen. F. Hinds:** Well, I do, but for those who do not, you might wish to explain. I will give way. [*Sen. Hinds takes his seat*]

**Sen. Panday:** I do not want to take your speaking time.

**Sen. F. Hinds:** I would like to say that I do, from time to time, render pro bono service; sometimes by way of representation in the courts and sometimes, of course, by delivering law lectures.

I am sorry Sen. Arch bishop Barbara Burke has left the Chamber, because I would have rendered some pro bono advice to her.

**Sen. Arch bishop Burke:** I will hear it in the loo. [*Sen. Arch bishop Burke exits Chamber*] [*Laughter*]

**Sen. Panday:** Take that!

**Sen. F. Hinds:** She suggested that when someone who could not speak English was before the courts of Trinidad and Tobago, they were disadvantaged because they could not understand what the court was saying. Pro bono, I would like her to know, that in those circumstances an interpreter is always provided by the court. So the difficulty that she imagines, I hope she would now disabuse herself of that, as I render pro bono advice and tell her, for pro bono, that she got that, at least more than marginally, wrong.

*Trafficking in Persons Bill*  
[SEN. HINDS]

*Tuesday, May 17, 2011*

Madam Vice-President, I have some difficulty, I must admit, with the matter that is before us, this Trafficking in Persons Bill.

**10.00 p.m.**

I have heard several of our colleagues give examples of human trafficking—at least as they see it—I want to concede from my own reading of the definition that it is pretty wide-ranging, and can embrace or encompass very many examples or circumstances that one can—based on the definition—call human trafficking. But a closer examination of the facts, even though hypothetically stated—might reveal that it may not be. I mean, before entering this debate, I doubted whether we had any out-and-out cases—if I may put it that way—of human trafficking known to us in Trinidad and Tobago. But when the Minister of National Security made his presentation, he told us—and he made his presentation on May 03 is it?—yes, right here, I quote:

“IOM reports indicate that in the last year there were six cases of human trafficking and in 2009, 11 such incidents.”

implying that these occurred in Trinidad and Tobago.

I rose as he was speaking and I asked whether, quite apart from what the IOM suggested in his quotation, whether he as Minister of National Security for the time he has been, found any evidence in his own right based on information gathered from the security services here of that, and he dodged the question, to my dissatisfaction. So, all that I am left with is a suggestion by the IOM that there were six cases in 2009, yes, in 2010 and 2009 11 cases.

Sen. Baptiste-Mc Knight described a case that I think more closely fits my understanding of human trafficking. She told us about a woman who left Trinidad—an educated woman, in love, got married, I presume in Trinidad—was it in Trinidad she got married?—left Trinidad with her non-Trinidadian husband and went some place in Europe, and having gone in that strange environment found herself in conditions of near slavery, no contact with her family and others for a sustained period, kept during winter months with little food and little clothes, and eventually, when her husband left the country she took the opportunity to call and to make contact with someone and eventually was relieved.

[SEN. PROF. PATRICK WATSON *in the Chair*]

I have to wonder, Madam Vice-President, whether an opportunity could not have been found even when he was in the country to take that action—I am so sorry, I did not look up when I said “Madam Vice-President”, I did not mean to be



obtrusive in any way, Mr. Presiding Officer. And reference was made by my friend Sen. George when he spoke, and again this evening by Sen. Barbara Burke, when she did, about the most extreme experience of human trafficking known to man, as we know it, slavery, which lasted they say for about 450 to 500 years—long years. And I have always been encouraged by the example of the one, Kunta Kinte, whom we would have read about in Alex Haley's *Roots*. And Alex Haley identified that one individual who epitomized the desire for freedom, even in the circumstances as described by Sen. George and Sen. Burke. But we are certain from our human knowledge and experience that Kunta Kinte would not have been the only slave who acted the way he did, in fact, many others did.

Many recorders of history identified that it was the resistance of the slaves, the spirit of the Kunta Kintes, that led to their liberation; they never sat still. As for Kunta Kinte, I admired him because he, though in the circumstances so described, was never really a slave; from boyhood he resisted it. And though he was set in the circumstances as described in the story and in the reality of slavery, in his mind he was always free. And he fought and fought and fought and he resisted it.

Recently, I encountered a young woman who was charged for possession of cocaine for the purpose of trafficking. That offence was detected at the airport when she would have cleared Immigration and Customs and was actually in the waiting area for departure. By way of defence she told me—and this was not a pro bono matter I might advise—by way of a defence she told that she was forced to have taken the action she did.

And I thought to myself, if someone threatened me and told me that I should take cocaine into the airport, or any illegal substance for that matter, under the force of that threat I may do certain things in keeping with it, but once I got into the airport where there are other people and there are security officials and so on, the threat “done”, because I am going to raise enough alarm to gain attention. I do not understand how that threat could get me to do all that someone would do and get to the point of sitting in the waiting area. I thought the spirit of Kunta Kinte would have come to life, and at first opportunity I would break free.

So, I had some difficulty personally in accepting that and when I shared that experience with one of my colleagues, my colleague pointed out, except, of course, if they threatened your family because they could say, “I would kill your son or kill your wife, or kill your brother”. And I thought to myself in response to that, freedom has the price; success has a price; and sometimes we are afraid to die, and in that way evil prevails. That is what I thought to myself.

So, that to relate it to the matter before us, Mr. Presiding Officer, there is a feeling that—and Sen. Burke raised the point, that there are women who come here from Colombia and other countries of South America and Central America and they are victims of human trafficking. That may not always be the case. Many of them come voluntarily as economic migrants, seeking a better economic existence and deliberately deciding that they are prepared to sell themselves and their souls in the process.

**10.10 p.m.**

Sometime ago I asked myself and I asked on a radio station, and if I am not mistaken in another debate I asked here, whether it could ever be justified, whether there are any circumstances that could justify a woman taking the position that she would be a prostitute. That is a serious question. They say it is the oldest profession. It has been around long before I came here and it would probably be around long after I go, but it is a serious question. For my own part, I think the answer is, no. But I do not know everybody's experience and there are those who might feel that it is sometimes justified.

Some of these women take the decision that they are prepared to go that route and they make contact or they are in contact with someone in Trinidad who would provide them a forum in one of the three institutions that I understand Sen. Dr. Balgobin was able to identify, unfamiliar as I am with those institutions—

**Sen. Panday:** I believe you.

**Sen. F. Hinds:**—unfamiliar as I am; and having made that contact, they come to Trinidad, they are put up in a particular place of residence, I am told, and they are expected to pay for their keep, they are expected to pay for their room and lodge, they are expected to pay for their food, their transport and all the toiletries and all the things that would make them attractive to their potential purchasers, but they do not have money. So the deal is that they would work and they would pay their debts.

If, of course, after a few weeks or months—and by the way sometimes the police advise that when they raid these brothels, and I hope I pronounced it as accurately as my friend, Sen. Panday, because I heard him use the word earlier. He pronounced it precisely; it reminded me of fish broth. [*Laughter*] But when the police raid these brothels—and I teased him, Mr. Presiding Officer, I must tell you, when he said it with such perfect pronunciation, I told him it sounded like— [*Laughter*]

**Sen. Panday:** Standing Order 35(5), 35(5).

**Sen. F. Hinds:** Anyway, Mr. Presiding Officer, the police advises that when they raid and they capture some of these—because they are also illegal immigrants. Some of them would have overstayed their time in Trinidad and would have become illegal immigrants—prohibited immigrants—and in some cases where in fact, as Sen. Burke pointed out, they come in by way of boat and there is no stamp on their passport and so on, they are in that category as well. The police often report that they find them with a lot of money; lots of money because they do not have a bank account or so and they are not trusting anybody else with their money, so as they accumulate money from their work they keep it largely on their person, so it is not that they do not have money.

So when you hear some of the examples about these women and they are broken and they have no money, that is not always the case, they have lots of money, but they are accumulating some more, looking forward to going home at some point and the passports are held and their movement is curtailed because if they get an opportunity to escape the person with whom they made the arrangement, they would, and he would have to pay their bills and he would not have benefited from the whole business arrangement.

If one takes the very wide definition of human trafficking, I am submitting that the example of those women whether they are from Colombia or wherever else, might very well fit, when in fact in my own view, based on the circumstances as I have described them to you, I do not see that as a case of human trafficking at all. So that to my mind based on what I have heard, and I approach this with the utmost sincerity, to my mind there are some very thin lines between what is or can be human trafficking and what is not—very, very thin lines! My friend nods in agreement; so that the thing is very vague, but necessary, because I do not doubt for one moment that human trafficking exists in this world.

I do not doubt, like terrorism, that Trinidad and Tobago could be used as a platform for that kind of illegal activity. Persons could be passed through here, citizens of Trinidad and Tobago could be trafficked to other countries. And I remember about three years ago when I was in the Ministry of National Security there was a whole hue and cry, a hullabaloo, and I cannot remember her name now, but a young lady was leading the charge, some organization of missing persons, and because there were people missing in Trinidad and Tobago, she surmised that those were examples of human trafficking, they simply disappeared, when in fact those persons could very well have gone. There are many examples of people leaving Trinidad and never showing up again. Many years ago, when I

*Trafficking in Persons Bill*  
[SEN. HINDS]

*Tuesday, May 17, 2011*

was a boy, I heard about a notorious criminal by the name of Norbert Alec. Do you remember that name? And it is reported that he went to Venezuela never to be seen or heard of in Trinidad again. I do not know if he ever came back.

So the fact that there are persons missing is very debilitating for any society and, more particularly, for the family members of missing persons. It is fresh in my mind. Years ago a young girl went missing somewhere in the West in the Diego Martin area on Christmas Day. That lingers in my head up to today, because I understand she has never been heard of or seen since then and I can just imagine the anguish of her parents—

**Sen. Panday:** Her name is Juliet something.

**Sen. F. Hinds:** Not Juliet Tam. Juliet Tam is from the East and this is another sordid case, but this is a child, who I am told left her parents house on Christmas Day never to be seen again. I can imagine easily the anguish that the family feels, because you just imagine her at the age you last saw her, you are wondering now how does she look now at age 45.

**Sen. Panday:** No closure!

**Sen. F. Hinds:** There is no closure. It is a serious thing. It is very, very traumatic. But that is not in itself evidence of human trafficking.

It is a fact that we are here debating these measures because we are attempting to be in compliance with our international obligations as a nation state in what used to be called the comity of nations, we are expected to play our part in dealing with these transnational borderless crimes in today's world and this is one of our efforts to be in such compliance. I wondered as we debated this very often in the absence of hard evidence that this thing exists in Trinidad and Tobago, though I accept that it exists in the world, that we are a part of the world and can be used as a forum for same. I wondered several times during this debate what was this all about. I could not stop myself from thinking that.

So, Mr. Presiding Officer, this thing is driven by greed and crime, generally speaking—trafficking in human beings.

When I look at clause 3 of the Bill before us, the definition section so called, I see a definition of “child pornography”:

“...means a photograph, film, video or other visual representation, whether or not made by electronic, mechanical, artistic or other methods, that shows, for a sexual purpose—

- (a) a child engaging in explicit sexual activity or conduct;
- (b) parts of a child's body pasted to visual representations of parts of an adult's body or *vice versa*; or
- (c) parts of a child's body which have been rendered complete by computer generated images or by other methods of visual representation,

but does not include any written or visual representation produced for the purpose of education, counselling, the promotion of reproductive health or as part of a related criminal investigation or prosecution.”

A horrible activity, indeed!

I am amazed, in fact I used to be amazed, still affronted, but I used to be absolutely shocked, particularly when I spent some time living in England and would see reported for the world from time to time some of these porn rings and some of these sick men and in fewer cases women who are engaged in the exploitation and abuse of children, the flowers of this world, so to speak—a nasty activity.

It got closer home. You would remember we had the famous Hans Boos case some years ago. Hans Boos, I think, was a curator at the zoo and it appears as though he too with a very perverted spirit carried on this activity for a sustained period until finally he was caught along with others. He was part of some international circle as well and happily, finally, he was caught and he was prosecuted, but sadly he was able to win the case on some technicality and had the documents—

**Sen. Panday:** Returned to him.

**Sen. F. Hinds:**—some of which I have just described, returned to him. *[Interruption]* And the activity, I am reminded, involved local children. To demonstrate the point that the perversion and the sickness that permeates the minds of some, Trinidad and Tobago is not immune to it or from it and we have to take these actions to protect our citizens, and more so, in the case that I have stated to protect our children.

More happily still, Hans Boos was carted off to the United States where he was sentenced to a term of imprisonment. Am I correct? So while he was able to avoid the rigours of the law in Trinidad and Tobago it was not so in the United States.

*Trafficking in Persons Bill*  
[SEN. HINDS]

*Tuesday, May 17, 2011*

Sen. Moonan, during his contribution in rather pedantic fashion, I am told, since happily I was not in the Chamber when he delivered it, anticipated what—

**Sen. Panday:** You were watching the TV.

**Sen. F. Hinds:**—anticipated elements of my contribution.

**Sen. Panday:** You were watching it from the tea room.

**Sen. F. Hinds:** I do not know—[*Interruption*]—I do not know if, as I made the point—

[MADAM VICE-PRESIDENT *in the Chair*]

Madam Vice-President, welcome. I do not know if as I made the point that Hans Boos was able to avoid the rigours of the laws of Trinidad and Tobago, but found himself stuck in the United States—I do not know whether Sen. Moonan anticipated that at that point, in that thought frame I would have spoken about three citizens who were financiers of the UNC who have made best efforts to avoid the rigours of local law, but are unlikely to escape the rigours of US law when the time comes. I do not know if he anticipated that, but if he did I should congratulate him, and if he keeps on looking at me like that I would call their names. Turn away. [*Laughter*] He is looking at me sheepishly now.

**10.25 p.m.**

Madam Vice-President, continuing on the definition section, I would like to endorse—but let me move to clause 6.

**Sen. Panday:** Continue with the definition section.

**Sen. F. Hinds:** That is quite all right. That is quite all right.

**Sen. Panday:** Playing for time.

**Sen. F. Hinds:** That is quite all right, Sen. Panday, take it nice and easy, take it nice and easy. I should return to that. Well since you insist, let me continue then, since you insist. The definition on page 5 of forced labour:

“This means labour or services obtained or maintained through force, threat or force or other means of coercion or physical restraint.”

Well, I gave an example earlier about the young lady who was charged for possession of cocaine, and she pleaded to me at any rate that she was forced to carry out those elements of work or labour and I did not find that compelling at all. And recently, Madam Vice-President, there were reports in the newspapers

here and otherwise, about four young men from India who had come on the invitation of some businessman in this country, and they were very highly skilled. They came as—[*Interruption*]

**Sen. Panday:** Artisans.

**Sen. F. Hinds:** Well not just artisans. They did marble work. Yeah, marble workers. And they were brought on an expectation—they came through the airport, they came in legitimately; they were not trafficked in the sense of slavery as we know it in the hull of a ship. And when they came they worked for a while and apparently for whatever reason, they stopped performing the work as skilled marble workers and they found themselves having to do more menial work and was now not being paid the money they expected to be paid.

So things did not go according to their plans and according to their contract—things did not go according to their contract; their expectations. So they complained, it got to the media, they were featured, and there were those in our society who regarded that experience or their experience as human trafficking. From the get-go, I did not think so. My friend is saying that it was not. I did not think so. But it was called that by a lot of people. So again this question of forced labour and the very thin line between what is and what can be human trafficking and what is not. I imagine if these matters come to be adjudicated upon by the court, there will be substantial difficulty; substantial difficulty for the courts to decide in one case or the other, whether it is about human trafficking or not. But the definition is very wide and can embrace, as I said earlier, a number of things.

Let me go to clause 6, where Sen. Basharat Ali proposed an amendment that has been circulated, and I am rather impressed by it. Madam Vice-President, clause 6 is rather lengthy and I need not—we all have copies of this before us, so I need not trouble us with quoting as it is written in the Bill and in the interest of saving some time. However, Sen. Ali proposed an amendment to clause 6, (1)(a), (b) and (c) and he is asking that we delete, (a), (b) and (c) of clause 6 and substitute with the terms of the amendments that he proposed. I had a conversation with some of my colleagues, and the upshot of this is that there are elements in Senator Ali's proposed amendments that ought to be considered for addition to that which exists as in the Bill before us. Sen. Ali is saying that at (a) we should supplant the existing subclause with the words "to coordinate the implementation of this Act including developing protocols and guidelines". (b)—he went through it already?—so he is establishing a time frame,

“to develop within one year of commencement of the Act, a national plan of action, consisting of a comprehensive set of measures for the prevention of trafficking. Identification of assistance to and protection of victims including victims who are repatriated from one—from another State to Trinidad and Tobago, the prosecutors of traffickers and training of the relevant state and non state agencies, as well as to coordinate and monitor its implementation”.

So this proposal really is encouraging us to drill down somewhat, recognizing that you can propose legislation but you need to do a number of things in order to support that, to put flesh on the bones, as it were. And I like the thinking on this matter. This is why I commend it for our consideration. I seriously do. Especially in circumstances when human trafficking is not a pressing, immediate issue in Trinidad and Tobago as some people may think. I think I can say that. When we passed anti-kidnapping legislation here there was a time when it was prevalent, that was about 2005. It was really adversely affecting the citizens of this country.

There were suggestions that business people were migrating to Miami, and other parts of the world. Families were really being traumatized. People were living in fear. The kidnapers were becoming bolder. The police reported that they raided a particular location of a known kidnapper and they found that he had a box, a unit built for his victims. It was constructed like this, Madam Vice-President. [*Sen. Hinds shows a piece of paper to Madam Vice-President*] The box was—if you would picture the diagonal through here, and the lower half of the paper in front of me, so that there was a seat inside of the box and a space for the neck coming out of the sloped portion of it.

When the police enquired of him, what was that box for, when they raided his home, they reported to us that he told them it was a sauna. But he was so—they thought—bold that he build a unit to contain his victims. They would sit heads out and wait until the ransom was paid. Those were the circumstances that we had to respond to as a nation and I am happy to say that we did! But as we pass these measures here today it cannot be said that human trafficking is on the lips and on the minds and in the hearts of every citizen of Trinidad and Tobago; not of course, and let me say this again, not of course undervaluing the importance of it in the context of world affairs, and our international obligations.

**10.35 p.m.**

So that I support the amendment, and when we get to committee stage I would like to encourage Sen. Ali, and I would support that we put these elements in to flavour, to enhance the provisions that are before us for our consideration.



The Minister of National Security, when he made his presentation, told us that there was no central official repository for information on human trafficking in Trinidad and Tobago. I would only hope, that with the passage of this we would establish one. I heard a Minister of Government last week, and it was widely reported in the newspapers, telling this country that the Government intends to establish a sex offenders registry. That was a thing debated, discussed, and implemented a long time ago in Trinidad and Tobago. I do not know if the police who had the responsibility for establishing and maintaining the sex offenders registry, I am not in a position—I was a police officer, I no longer am—to say whether it continued. It would not surprise me if it did not, but when I heard a Minister say that we have to establish one in Trinidad and Tobago, according to the calypsonian “ah jump” because we have been there. But it does not surprise me if it is not being maintained, because we passed the Dangerous Dogs Act in this place a long time ago and it was not proclaimed because the regional corporations and the local bodies that were responsible for various elements of its implementation at that time and obviously since then could not, and did not put those things in place. And it took another furore, another bout of heightened sensitivities led by further attacks by pitbulls to raise the question of a rejuvenation of our thoughts as a Parliament, and the nation in respect of the business of dangerous dogs.

So Trinidad and Tobago it appears culturally has a penchant for excitability and excitement even, at a point in time and a few days later it just dissipates, and we settle back to our old ways, and forget the things that we were so strung up about a few days earlier.

So I hope that they would establish the central official repository and with the passage of this Act then we will now have offences. Because when I questioned the Minister as to whether he had any special information other than through the IOM as to the existence of human trafficking one of the reasons he gave for it not being so was the fact that we did not have offences in Trinidad and Tobago accordingly.

The Bill before us creates certain offences, and that will then be resolved. And then clearly he also said that there were no prosecutions for them. Well of course, there could not be prosecutions, if there were no offences known to Trinidad and Tobago in that regard.

So much like an umbrella, you have it and you use it as necessary; like an insurance policy, you need to have it, may not always use it, but you need to have it and on that basis we will support.

*Trafficking in Persons Bill*  
[SEN. HINDS]

*Tuesday, May 17, 2011*

Madam Vice-President, if a man—because as I said earlier this thing is driven by crime, greed, and crime and the need to make money. A certain person in the People’s National Movement—I do not wish to identify him now—once said—

**Sen. Beckles-Robinson:** Is alleged to have said.

**Sen. F. Hinds:**—he said that corruption is about opportunity and human beings are what we are, and as long as opportunity presents itself, you will find weaker human beings, who will avail themselves of opportunity, and you will have crime and you will have corruption. Sen. Moonan predicted I would speak about corruption. Yes, Sen. Moonan, I will speak about corruption. “Corruption,” as Mr. Panday used to say. You are not the first you know. When we were in Opposition between 1991 and 1995, and I got up to speak Friday, after Friday Mr. Panday was in the Government at the time, and he used to complain. He said every time the Member for Laventille East/Morvant gets up all he speaks about is corruption, corruption, corruption—I like the way he pronounced it; you are not the first.

This is why the Government has a responsibility to provide for the safety and security of its citizens. It also has equally a responsibility to provide an economic platform or social and economic circumstances that well-meaning, hard-working, willing citizens of the country can make use of and elevate themselves; achieve their own goals, and in that way achieve the national objectives.

**Madam Vice-President:** Hon. Senators, the speaking time of the hon. Senator has expired.

*Motion made:* That the hon. Senator’s speaking time be extended by 15 minutes. [*Sen. P. Beckles-Robinson*]

*Question put and agreed to.*

**Sen. F. Hinds:** Madam Vice-President, I was making the point as I wind to my own conclusion, that the Government has a responsibility to create an economic and a social platform to give citizens an opportunity to maximize their own potential, and to contribute to the national objectives in those respects as well. And therefore, as we talk about human trafficking, people use boats to traffic human beings—heard a lot from Sen. George about slavery I was quite proud of him—they use aircraft; they use cars, and other means.

If a man for example, in Trinidad and Tobago has 20 trucks, and is earning his income legitimately, let us by way of an example say hauling gas and diesel on behalf of National Petroleum—just by chance, and he does this for the last ten

years to earn a legitimate income, and out of the blue as far as he is concerned, not as far as you and I are concerned, because we know these things seldom happen out of the blue—

**10.45 p.m.**

A friend of somebody in the Government considers that the legitimate income earned by the citizen, in the hypothesis, is worth \$40 million and they want to capitalize on it, says to their friends high up in the Government, “I would like that contract.” This hard-working citizen, who has been doing that work for 10 years, purchased his trucks and services them, suddenly finds that the contract is being taken away from him and offered virtually—when he remained the lowest bidder—to a friend of someone in the Government, well, not a friend, an acquaintance, in the hypothesis.

I say an acquaintance decidedly, because a spokesperson for the friend high up in the Government would have told the citizenry that the friend of the person high up in the Government is not really a friend, but an acquaintance. Leaving us to wonder, who would occupy the house of an acquaintance for three months just so, in the hypothesis, and find that the homeowner, acquaintance as he is, is now being offered the contract to haul the gas and the diesel? When questioned—I am coming to my conclusion—[*Interruption*]

**Sen. Abdulah:** Madam Vice-President, Standing Order 35(1). I do not know what this hypothesis has to do with trafficking in persons.

**Sen. F. Hinds:** If only he would be patient. I am coming, just be patient. You would have thought that Sen. Abdulah would one, be more patient and, two, that in the interest of transparency and openness he would try to understand rather than cover up and try to defend wrongdoing. Do not quarrel with me. Speak to your colleague, Makandal Daaga, who told this country that in all his years he has never seen corruption of the like that he has been seeing within the last few months during your time in Government. Do not quarrel with me. [*Desk thumping*]

**Sen. Abdulah:** Speak on the Bill.

**Sen. F. Hinds:** I am being distracted. I need your protection. [*Interruption*]

**Sen. Abdulah:** You were speaking to me, so speak on the Bill.

**Sen. F. Hinds:** I was going calmly speaking on the Bill, Madam Vice-President. Could you ask Sen. Abdulah not to interrupt me, please?

**Madam Vice-President:** Senator, you did choose to answer the Standing Order on your own, so I think you are well prepared to handle yourself.

**Sen. F. Hinds:** Thank you, Madam Vice-President. I could get it perfectly right, so he would now continue to eat his biscuit and remain quiet. Eat your food and keep quiet, while other people suffer. [*Interruption*]

**Sen. Abdulah:** Speak to the Bill.

**Sen. F. Hinds:** Madam Vice-President, let me continue. I was talking about human trafficking and I was saying that if a man is legitimately using his 20 trucks, earning his income and suddenly finds that a friend of a friend is taking the contract, he has a problem. When confronted, we heard that no such thing was done. No contract was awarded. Such a man could use his 20 trucks—if he is not a dignified hard-working man, as indeed, fortunately, is not the case in my hypothesis—as people use vehicles, boats, planes, and so on, in the business of human trafficking. [*Interruption*]

**Sen. Al-Rawi:** Oh yes! Very relevant!

**Sen. F. Hinds:** That is what I am saying. Madam Vice-President, I want to read into the record, as I conclude, a letter dated April 12, 2011 and it reads as follows:

We are pleased to advise that your current contract for the lease of 20 tractors has been extended under the existing terms and conditions from 2011 January 01 to April 30, 2011, and thereafter from month to month.

**Sen. Abdulah:** Madam Vice-President, a point of order. Standing Order 35(1), I do not know what that letter has to do with—[*Interruption*]

**Sen. F. Hinds:** If you would wait, you would hear.

**Sen. Abdulah:** No, no, the Vice-President—

**Madam Vice-President:** If you allow me. Standing Order 35(1) is dealing with the relevance of your contribution on this point, so within a very short space of time tie it into the Bill, please.

**Sen. F. Hinds:** Oh yes! Oh yes, Madam Vice-President. Oh yes, I would.

Kindly contact—and I will show you how—Divisional Manager, Production and Distribution if any further information is needed.

Signed by the Secretary of the Tenders Committee.

Madam Vice-President, as I conclude, this letter was sent, as I indicated, by the Secretary of the Tenders Committee of NP to Mr. Premnath Dindial, the Managing Director of CDS Transport Limited. An owner of 20 trucks, and that letter demonstrates that his contract has been terminated with effect from April 30. I am saying as I wind to my conclusion, while the Government tells us that they have not awarded any contract to anyone else, we have evidence that they have terminated the existing contractor and have put him on a month-to-month contract, no doubt to give the new contractor time to bring in his trucks and to ensure, hopefully—I am saying, if the Government continues in this way the action that we are taking here to prevent trafficking in human beings, illegal as it is—[*Interruption*]

**Sen. Panday:** You put them in the tanker.

**Sen. F. Hinds:**—can, if CDS and its personnel were made of less stern stuff; if they were not dignified, hard-working, confident people, they may have been pushed into bad conduct by a very vicious and wicked Government which is not telling this nation the truth.

So, Madam Vice-President, we will continue to support measures and policies that are designed to bring relief to the people of Trinidad and Tobago. This Trafficking in Persons Bill may, in the course of time, bring relief as I have argued, necessary, but not immediately pressing, at least so far in this debate. Apart from the one case as demonstrated by Sen. Baptiste-Mc Knight, I have not heard of any other pressing matter in Trinidad and Tobago, but I recognize its importance.

We on this side will support those measures, but we also support the principles of openness, fairness and transparency. We absolutely reject the dishonesty of the Government when they pretend to offer openness, honesty, fairness, equity, transparency and new politics, and they conduct themselves against hard-working corporate citizens like CDS Transport Limited. I assure the Government as I take my seat, we are not prepared to take their word for granted about those matters. We will continue to pursue this to the end.

**Sen. Panday:** Pursue Calder Hart. [*Interruption*]

**Sen. F. Hinds:** I heard a Minister of Government—I am Opposition Senator appointed by the President on the advice of the Leader of the Opposition, my work, my job, is to call the Government to account, to hold them to scrutiny on behalf of the public of Trinidad and Tobago. “Dats my wuk”, if I could be permitted a colloquialism. When a Minister of Government, the Leader of

*Trafficking in Persons Bill*  
[SEN. HINDS]

Tuesday, May 17, 2011

Government Business in the other House, could come with his previous self—he is too previous—that is what the old people used to say; it means fast—to this Senate and say I should cease and desist from asking questions, as I perform my job as an Opposition Senator, something has got to be wrong.

**Sen. Panday:** He never said that!

**Sen. Al-Rawi:** He did say that!

**Sen. F. Hinds:** He never said that? I told you all that you cannot be trusted. The Minister came here and said, “I should cease and desist.”

**Sen. Al-Rawi:** He said that!

**Sen. F. Hinds:** It is the same way—you see, Sen. Panday is doubting it. One day, recently, Sen. Panday told me right here that Reshmi Ramnarine was fired. [Interruption]

**Sen. Panday:** Standing Order 35(1), Madam Vice-President.

**Sen. Beckles-Robinson:** He mentioned it. He said that you were going to speak about it, so—[Interruption]

**Sen. F. Hinds:** Yes. He satisfied Prof. Moonan. He told me this. I said, “Fired?” He said, “Yes, I have been so instructed.” Few days later, his senior Minister comes here and tells us—

**Sen. Panday:** No, no, no. What I say, “She was relieved of her duties.”

**Sen. F. Hinds:** I have one minute—nobody on that side said that, but rather she was relieved. [Interruption]

**Sen. Panday:** But, I said that.

**Sen. Al-Rawi:** Like Mary King, relieved.

**Sen. F. Hinds:** Well relieved or fired, I cannot wait until we see the back of you as a government in Trinidad and Tobago. [Desk thumping] [Laughter] I am already tired.

**Sen. Panday:** “You ain’t coming here—[Inaudible] You see a yellow donkey.”

**Sen. F. Hinds:** Then I want to ask you: was Mary King fired or relieved?

**Sen. Al-Rawi:** Took the yellow backhoe home.

**Sen. Cudjoe:** She was bulldozed.

**Sen. F. Hinds:** So, Madam Vice-President, she was neither. She was bulldozed and it has given way to Sen. The Hon. Dr. Bhoendradatt Tewarie. Let me take this opportunity to welcome you to this very august place, yet again. [*Desk thumping*]

So, Madam Vice-President, with those few words, I thank you for an opportunity to have presented in the debate, and I look forward to the Government coming clean on the CDS Transport issue with NP. If not, we will dig it out by way of the freedom of information legislation. We will find you wanting and we will expose your hideous face to the people of Trinidad and Tobago as we are duty-bound to do and, nobody must command me to cease and desist. “Dat is my wuk.”

Madam Vice-President, I thank you. [*Desk thumping*]

#### ARRANGEMENT OF BUSINESS

**The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday):** Madam Vice-President, in accordance with Standing Orders 24(b) and 36(3), I beg to move that debate on the Trafficking in Persons Bill, 2011 be adjourned to Monday, May 23, 2011 at 1.30 p.m., when this debate shall be concluded.

*Agreed to.*

#### DATA PROTECTION BILL

[Second Day]

*Order read for resuming adjourned debate on question* [April 05, 2011]:

That the Bill be now read a second time.

*Question again proposed.*

**Madam Vice-President:** When the debate was adjourned on April 05, 2011, those who spoke on that day were: Hon. Collin Partap, Minister of State in the Office of the Prime Minister, the mover of the Motion; Sen. Terrence Deyalsingh; Sen. The Hon. Therese Baptiste-Cornelis; and Sen. The Hon. Fazal Karim. Any Senator wishing to join may do so at this time.

**Sen. Panday:** Madam Vice-President, as you are aware, Sen. Karim is not here, so therefore, it moves over to the Opposition now. [*Crosstalk*] What I am saying he is not here now—[*Interruption*]

**Sen. Hinds:** Well, let somebody go from over there.

**Sen. Panday:** So the Opposition does not want to speak now?

**Sen. Beckles-Robinson:** No.

**Sen. Panday:** Okay.

**11.00 p.m.**

**Sen. Prof. Patrick Watson:** Madam Vice-President, thank you for giving me this opportunity to speak on the Data Protection Bill, a bill which I think is long overdue, I understand it has been in the works for some time now and I do hope that we see it come to fruition at this sitting. I am extremely anxious that it should happen for all kinds of reasons including my purely professional one because it is a Bill that touches me dearly, and I will, in fact, go into some of those intricacies.

Permit me, Madam Vice-President, to begin with a quote which should take about a minute. Many of you will be familiar with it, and I suspect Sen. Dr. Tewarie in particular may be familiar with it given his former profession.

“Who steals my purse steals trash; ‘tis something, nothing;

‘Twas mine, ‘tis his, and it has been slave to thousands;

But he that filches from me my good name

Robs me of that which not enriches him

And makes me poor indeed.”

Why do I start with this quotation? In fact, in reading the Bill, I was very much reminded of this, and this necessity to protect the good name of people and to prevent the collection of data that we are—I think justifiably so—so crazily involved in at this stage of our development not only here but elsewhere, that this must not work against us and I want to develop on that. It is true and many of us say it almost as if it is a truism—that this is the information age—that the information age is driven by data and we are in the process of collecting data all the time.

In recent times, we have spoken to two issues that revolved around data, one of which was the collection of census information. We are in the business as a country—I am in the business as a professional economist—of collecting data and data of a personal nature which we want to put to use. There are crazy stories sometimes that I keep hearing and I am being warned all the time about the possibility of identity theft which could happen very easily. This Bill addresses data that are to be stored in an electronic format. There is hardly any data worth



keeping or worth mentioning today that is not stored in the electronic format. It has its particular features of safety but it has a great deal of problems associated with it as well.

I am not sure how this happened I have heard other Members of the House give stories about it but I was accustomed paying my electricity bill via the computer—I should put it that way—and I paid on bill No. x, and suddenly I started to pay somebody else's bill; it was as simple as that. I was not sure if there was any fraudulent activity or anything like that but the only way I realized that it was happening was when I was threatened with disconnection which would have been quite embarrassing for a Government Senator, that he was not paying his Bill. When I investigated the matter, there was some reason which I have not yet understood, why this happened.

So we are in the business, though, of gathering information both privately—as private citizens like myself—and publicly as we are now engaging in the census, which is still to be completed, and we have to do this. We need relevant information in order to make good and lasting decisions. It is important to the developmental process that we collect this information. But there is a tension—that is the nice word that psychologists, I think, use a lot these days. There is a tension between our genuine desire both as a State and as private individuals to gather information and the privacy of that information which we need to respect. Some of us are involved in the collection of very, very sensitive data—should I welcome my colleague on the Independent Bench, Prof. Theodore who is a well-known health economist? He is in the business of collecting information about HIV and about other similar diseases. The kind of information that he gathers, doing work for various countries and so on, he is not allowed to divulge, and of course, nobody would expect him to do that because this information, when it is given to you, the people who give it to you, they gave it to you voluntarily. It is the best way to do it, and they expect their confidence to be respected. We would want that and this is what this Bill is all about.

This Bill, when I looked at it, I myself saw not many things to quarrel about, and will not mention those things because I do think the spirit of it—its contents, its form—suits me and I want to defend it and I will ask other people to defend as well.

Now, we want people to give this information, but why are we giving this information? This information, if I am true to myself and I am true to the spirit that I am addressing here, we want to be able to use this information or data to

*Data Protection Bill*  
[SEN. PROF. WATSON]

*Tuesday, May 17, 2011*

convert it into useful information otherwise it will not make sense. This scholarly activity that I am normally involved in requires that I convert this data into information using some sophisticated technique. At the same time, it is a requirement—and sometimes I have difficulty with the data-gathering agencies in this country and in the Caribbean as a whole, largely because I, on the other hand, want the release of this information.

I must say that clause 43 of this Bill suits me very well. I remember when I started to read it online, and I was trying to find if there was any point in this because part of the Bill, whereas it is the respecting of privacy—and I know other people will deal with that as well—it is imperative that we are able to use this for doing sensible analysis about it. There is room within the Bill for the use of the data by individuals—like myself, I would expect—for bona fide and useful research.

One of the consequences of this, and I expect that it will have to be addressed along the way, is the need in countries like ours to develop techniques for data masking, for data anonymizing—that is the fancy word that they like to use in the profession—largely in order to protect when such data are released. This is to ensure that the anonymity which is the spirit within which the information would have been provided—and it is the only way that it should be provided to encourage people to speak truthfully because if ever you try to force people to provide information, they could lie to you. Although the Bill makes provision for dealing with the people providing false information willingly, the judgment may be made that it may be better to protect my own privacy if the authorities, in particular the public authorities—but not only the public but there are places like banks, hospitals which are public institutions but they are private hospitals as well—which gather sensitive information about individuals, and which cannot and should not be used in a way that damages the client relationship, for want of a better term, to make it that the consequence of that would be that you would not be able to get the information as you would like to have on an ongoing basis.

So it is absolutely necessary therefore that we put legislation like the one we have before us in place to ensure—And this, in many respects, I have never seen—the first time I saw legislation like this is when this Bill appeared before me.

**11.10 p.m.**

I went and I checked other legislation and this seems to have been based on some of the best practices elsewhere, at least I genuinely hope so. There are many parts of it that I never, myself, envisaged, but it is the way to go if you want

to ensure that confidentiality of the data providers who remain the ordinary citizens of this country, or for any other country for that matter.

In doing this, in carrying out exercises like this, in passing legislation like this, it is a way of assuring the population at large that they should take part in this exercise. You heard that many—and even up to today—people doing the census are being turned away. There is a standing joke. I heard a colleague who lives in an area where there are only university lecturer types. She said when she opened her door to the census takers they expressed shock and dismay because nobody else in the area was opening their door, notwithstanding the efforts of the Central Statistical Office to tell people to take part in the exercise.

Yes, there is the fear of crime and so on, but I also think it is the fear of misuse of the information. That is the problem. Legislation like this would dissuade people from misusing the information, because it can be so used, or misused, and at the same time encourage the various participants to come forward and willingly provide that kind of information. I have to add and stress that this does not only concern the state agencies of which there are many and fully defined within the system, but also private collectors of data who do so on a routine basis. Banks, for instance, provide information. Only recently, I have been asked to update information so that they can decide if I should retain the overdraft facilities that I have. Apparently, as you get closer to age 60 they start looking at you in a different way, because your salary is about to be diminished, at least. That is the normal thing. That information is going to be used, probably not in my favour, but it is something that is required.

At the same time, I need the services. I go places sometimes without the foreign currency. I want to use the card to withdraw from the ATM machines wherever I go, so I do need to provide the information. The cost of that convenience to me is me providing information that could be used by others. It is in fact—sometimes it is a surprising thing. I do not know to what extent some people are already in contravention, but I understand that the various banks share information now, so for instance, to the extent that you go to them and you try to tell them that you—they could find out, for instance, that you have a big overdraft with another bank. I am not sure if this is not already in contravention of this, but they do share the information, even with some credit unions. The credit unions are able to link up in the system. They are able to see it.

The fact, is much of the information that you use when you go on the net and then start receiving junk mail from people, it is because people are selling the information that you have. To the extent that you go onto a site, google—

*Data Protection Bill*  
[SEN. PROF. WATSON]

*Tuesday, May 17, 2011*

sometimes they tell you, in all honesty—when you sign up with them and provide the information, they will ask you in the fine print if you mind receiving advertisements, and many people do so. To the extent that you do not wish this to happen, and to the extent that these things fall under the law, there is some regulation within here for dealing with cross-border agencies as well.

I must say some of the things that commend themselves to me. I particularly like the structure that I see. I like the Office of the Information Commissioner. It is a nice word. It is something that I never envisaged before. It is a fairly nice-sounding term. One of the things I think may cause some concern, but I think it is only fair that it be so, is that nobody has the right to take information from you except by your own deliberate handing over of the information. But, these are some of the things, except in special cases; that are inside here. I suspect some people may wish to debate that.

Also, getting access to information on yourself is also available, and in some cases you may even be able to get, although with greater difficulty, information on others, there must be no disclosure without your permission, except I suspect in very extreme cases. To the extent that the information—I think if there is to be any change in this, it is better to go towards greater protection of the individual, recognizing at all times that tension between the need to have that privacy, the need not to have all your information known—we want to avoid that Big Brother type atmosphere—some of it is inevitable. Some of it, we are not going to be able to help, and some of it, we are already exposed to in some of our routine activity. It is not every email that you receive you had solicited. Very often it is because somebody has handed over this information to you and we would have to begin tightening up on that kind. Prior to the email, there was the classic junk mail, in places like the United States and Europe, where your mailbox would be filled with everything but mail, about what new soap to use and what to buy in stores. The information sometimes comes with your name on it, which means that they know who has your information.

In addition to that within the Bill, the Bill defines the offences under it. I think that they are quite fair. It also defines the penalties that go along with these offences. For instance, making a false declaration or seeking information under false pretences, which is the danger you always run when you are doing that.

In my own profession, I must say, and in some of the other jurisdictions that I know, information collected by the Central Statistical Office or its equivalent, is shared but not shared by everybody and not shared with everybody. For instance, universities have a special arrangement where they get access to information.

What kind of information am I talking about here? Some of the work we as individual researchers like to do require detailed micro information. Central Statistical Offices or the equivalent have a tendency to mask the data by aggregating it. I suspect some amount of aggregation is always inevitable, especially in small countries like ours where it is not difficult to work out that the person involved is Sen. Abdullah. It is not a hard thing to find out in small countries like that. The task of our agencies here is to find ways of masking the data and anonymizing the data, while making them analytically useful, in the sense that I do not want to have data that I am going to try to use which, in the final analysis, will give me absolutely useless information.

At the lowest level, or probably if you wish to look at the highest level, the data should be given at the individual level. Sometimes that is not possible. Sometimes that may be contrary to the law, and in fact in some cases it may be contrary here, but places like Central Statistical Offices must learn how to be within the confines of the law and this should not be in contradiction with the Statistics Act, which, as you know prevents the places like the Central Statistical Office from divulging certain kinds of information. But the tension has to be resolved in a way, and I think this Bill already goes a long way towards doing that by not preventing access to the information by the people who need to analyze it, but at the same time protecting the individual. There are heavy fines or heavy enough fines, for those who will acquire the information under false pretences, who will use it for the purpose for which it was not given; the data set was not given. And there is a host of other features about the Bill that make it attractive to me.

Madam Vice-President, given the hour, almost the witching hour, and given my own fatigue, and given, I am sure, the desire by other people to intervene in this debate, I wish to thank you for allowing me to say these few words and I hope that they are of some use. Thanks very much.

**Sen. Basharat Ali:** Thank you, Madam Vice-President. I wish to make a short intervention on this; a very unorthodox one in fact. When I first got this Bill and I saw it come from the other place with 101 clauses and hardly any amendments, I wondered. I went back to the record of the Bill and I realized that in that debate in the Lower House there were just about five speakers, two from the Government side, which included the hon. Minister, and two or three from the Opposition. I felt, for myself, that this Bill was not properly aired in the Lower House to come here with very minor amendments. Also, I should say, of those 101 clauses, clause 101 is a number of amendments to the Freedom of

*Data Protection Bill*  
[SEN. ALI]

*Tuesday, May 17, 2011*

Information Act. So, if you had not seen that Act before you had to go and search it out, and I did that in fact, to find out what those amendments were. I was very disappointed, in fact, with this one.

I started off, in all conscience, to look at it. But I got in trouble very early on in this Bill, Madam Vice-President. If you have this Bill, I refer you to clause 8(2) under the heading: “Office of the Information Commissioner.” I will read what the Bill says at clause 8(2):

“A person appointed to be the Information Commissioner under subsection (1) shall be an attorney-at-law within the meaning of the Legal Profession Act...”

And it says here “Chap. 7:07”.

“with at least ten years standing at the bar and shall have training or experience in economics, finance, information security, technology, audit or human resource management.”

The first point was that they said:

“...an attorney-at-law within the meaning of the Legal Profession Act Chap. 7:07”

So I went to Chap. 7:07 in the law books. Madam Vice-President, to my surprise—I am not a lawyer, so I do not know too much of this—that was the Legal Aid and Advice Act. It had nothing to do with the profession. I, as the non-lawyer, spent a lot of time wondering why they put down that reference here. Then, eventually when I searched again, wasting my time, I found that really that should be Chap. 90:03.

Madam Vice-President, do you know Chap. 7:07 has been there from the very first time this Data Protection Bill was laid in Parliament a number of years before?

### **11.25 p.m.**

I often wonder who reads these Bills and who satisfies himself or herself that that is correct, because as I say, I have looked here and there is legal aid and advice and that is what the Act is about. So I was misled, I wasted my time and I was not very happy, but I found the Legal Profession Act, Chap. 90:03, and in fact, it is the companion to the Engineering Profession Act, Chap. 90:01, and the Architecture Profession Act, Chap. 90:02. So I felt confident then that I was okay.

But then I went on to the meaning of “shall be an attorney-at-law within the meaning of the Legal Profession Act”, there we have that error to be corrected; “with at least ten years standing at the bar”, and let me stop there. The word “bar” there is with a small “b”, and I fail to see where in any of the laws that there is anything called “ten years standing at the bar” with a small “b”, English law, yes, Trinidad and Tobago law, I did not see it.

**Hon. Senator:** No, that is for margaritas and rum punch.

**Sen. B. Ali:** Well, this is what I said, it is for “ten years standing at the bar”, that is a long time to stand at the bar. So I question that—I really spent time to look up to see whether they have defined “bar” anywhere and it is not defined anywhere, except—I will tell you in a while.

But you see I have gotten into trouble once before. Madam Vice-President, will probably remember that in this Senate when—I had raised a question of religious discrimination by the University of the Southern Caribbean, because they had an advertisement for a Professor in Physics and one of the requirements for that post was that you were required to be committed to “Christian principles”. And I said well, what does that have to do with physics? So one of my friends—I was relating in the Senate in fact, one of my friends who is well learned in Literature and English called me at home and he said “well what kind of “c” was that, was it a small “c” or a big “C”?” So I said well it was a big “C”, Christian with a big “C” and I went ahead and I said well, I did not understand what the problem was, why small “c” or big “C”. And as soon as I had finished my contribution an hon. Minister in the Senate here got up and said that she was a Christian with a big “C” and that is the origin of that phrase, a Christian with a big “C”, that was a Minister with similar title to the hon. Minister of Planning, Housing and the Environment—you are smiling, so I think you remember that. I was a little reluctant today to talk about small “b” and big “B”. But I came to the conclusion that it really should be a big “B”, because if I go to all the appendices that speak of “the Bar Association”, “the Criminal Bar Association”, all of that with a big “B”. I am asking, I am proposing, I do now know whether I am right or wrong, that the draft, in fact should be changed.

The second change under clause 9(2), change small “b” in b-a-r to big “B”, and I would not say what big “B” can be otherwise and I would not say this attorney-at-law who has to have 10 years experience, if he is male, whether he should be standing 10 years at the bar. My colleague here wondered whether that refers to margaritas and other cocktails, but that was only part of the difficulty I

*Data Protection Bill*  
[SEN. ALI]

*Tuesday, May 17, 2011*

had. So it confirmed in my mind that this Bill was not well ventilated, and one knows when you do not ventilate something well it starts to smell, so you have to sanitize it.

Let me give you an example of why I think there are some other matters in this Bill, that is that I have found drafting of this a very—I was not sure whether to use circuitous or convoluted, whether the language was circuitous or convoluted; I think I will rest with convoluted. I would like to give an example of what I mean and once again I refer—I hope Members have their Data Protection Bill with them, because I got into trouble again with the powers of the Information Commissioner. And now we have chosen an information commissioner with “ten years standing at the bar” in Chap. 90:03. So I go next to “Powers of Information Commissioner” and this is where I found all these convoluted statements, which look to me—let me give a couple of examples:

Clause 9(1) let me read:

“The Commissioner shall monitor the administration of this Act to ensure its purposes are achieved.”

9(2):

“In carrying out his powers under subsection (1), the Commissioner may—”  
—(a), (b), (c), (d), (e), (f) and (g) et cetera, but I will stop with (g), because (g) says:—“make orders, including such terms and conditions as the Commissioner considers appropriate, following an appeal or complaint filed by an individual pursuant to section 58 or 76;”

So they are giving you a reference to two clauses now under that (g). Go to clause 58 and you might get some surprises, section 58 which will still be clause 58, hopefully, and I will read:

“An individual who has filed a request for his personal information pursuant to section 52 or who has requested correction of personal information pursuant to section 57 may appeal any decision of the head of the public body to the Commissioner.”

So, I come from that clause to find that having read clause 58, I have to go to clause 52 in the first instance and clause 52(1), Madam Vice-President, starts with:

“Subject to section 53, every individual who is a citizen of or resident in Trinidad and Tobago has a right to and shall on request, be given access to—



- (a) personal information...
- (b) any other personal information...
- (2) A request for access to personal information shall be made to the public body that has control of the personal information bank or of the information, as the case may be, in the form approved by the Commissioner.”

I will just shorten all of that, but as I mentioned before this was “Subject to section 53”. Clause 53(1) says:

“A head of a public body may refuse to disclose personal information to the individual to whom the information relates where—”

A number of conditions are put down here. So you go down the list and they talk about Freedom of Information Act, et cetera. We end up with that one, but not completed as yet, so that section 52 is subject to section 53. So we go on and on with that; round and round we go. So that was one of the areas where a number of things had to be done.

### **11.35 p.m.**

I am shortening it because there are many more than that. The second one was referring to clause 76, so I have to go back now to the powers of the commissioner and, according to clause 76, what do we find there? Clause 76:

“(1) A corporation shall not process sensitive personal information in its possession unless it obtains the consent of the person to whom that sensitive personal information relates.”

We can go down there:

- “(2) Notwithstanding subsection (1), sensitive personal information may be processed—
- (a) by a health care professional...
  - (b) where it has been made public by the person...
  - (d) where the disclosure is required by written law;”

Turning to the other page now, we have another reference:

“(3) For the purpose of this section, ‘health care professional’ mean a person registered under the—

- (a) Medical Board Act;

*Data Protection Bill*  
[SEN. ALI]

*Tuesday, May 17, 2011*

- (b) Dental Profession Act;
- (c) Opticians Registration Act;
- (d) Pharmacy Board Act;
- (e) Nurses and Midwives Registration Act; and
- (f) Professions Related to Medicine Act.”

They gave a whole list of the chapters there for that one. They are saying that a person who contravenes this section commits an offence. What is the offence? They have committed an offence, what do they have to do? You then go to clause 95:

- “(1) A person who commits an offence under this Act is liable upon—
- (a) summary conviction, to a fine of not more than fifty thousand dollars or to imprisonment for a term of three years; and
  - (b) conviction on indictment, to a fine of not more than one hundred thousand dollars or to imprisonment for a term of not more than five years.
- (2) Where the offence under this Act is committed by a body corporate, the body corporate shall be liable upon—
- (a) summary conviction, to a fine of two hundred and fifty thousand dollars; and
  - (b) conviction on indictment, to a fine of five hundred thousand dollars.”

And then the real difficult one, clause 96(1), you have to read also:

“Where a corporation contravenes any of the provisions of this Act, the Court may impose a fine of up to ten per cent of the annual turnover of the enterprise.”

There we are. I do not understand all of that. By the time I reached there, I did not know what it was all about. This is why I say that this Bill has all this convoluted language and it was my intent, on looking at this, to propose that the Senate appoint a special select committee to go through this Bill clause by clause and to clean it up. I understand that is not favoured; the Government is pressing otherwise.

I did intend to speak to the Freedom of Information Act because in a part of it I had some problems. It is said that most of that is to provide, in the FOI, a change

from Ombudsman into the Information Commissioner. He becomes the boss where all complaints are going to the Information Commissioner in this Bill instead of to the Ombudsman.

What bothered me about that is that one of the Bills under the Freedom of Information Act, as you know there are schedules, and the schedules are what gave me trouble because within the schedules there is an FOI Exemption Order. It is a very important one. Some of them, I understand why they are exempted, like the First Citizens Group, the Unit Trust Corporation, Exim Bank; the Agricultural Development Bank is an exempt organization under this. I know that the Opposition had always complained about these.

**Sen. Panday:** It is an expansion of the list.

**Sen. B. Ali:** Expansion of the list, right, and included there are TTMF and Taurus Services. You cannot go there; they are exempt. Business Development Company, exempt; National Entrepreneurship Development Company (NEDCO), they are exempt, too, and I have always wanted to find out why a company like that is exempt; then, of course, we have NEL.

When we are doing this, if we are going to put all these positions where we can complain to the Information Commissioner rather than the Ombudsman, then we should at that time, within this, since you are making amendments to the FOI, look at this list and delete some of these entities. I think it is only fair. None of us can find out anything about NEDCO and they spend a lot of public funds; giving it to people. It is all dark; it is non-transparent.

If I were doing this, I would ask that you do amendments. Since you are doing amendments to the FOI, at the same time, delete some of these entities that have been added on. This is why, Madam Vice-President, I was very reluctant that this Bill would come here and see the light of day, as they should, in a short time. I checked with my colleagues and everyone was saying that they have a lot of amendments. We are going to spend a long time in committee if we go through the normal process. That is why I was suggesting a special select committee to consider these clauses and make amendments as necessary.

I understand from the Leader of Government Business that is not considered a good thing right now. They are the Government, so we have to look at what they want. I do not want my friend to get into trouble by proposing that again. I think we have sort of come to a compromise and I am sure Sen. The Hon. Panday will say more.

*Data Protection Bill*  
[SEN. ALI]

*Tuesday, May 17, 2011*

Between the Opposition, the Government and ourselves, we are proposing to have an informal session on Friday afternoon, where we will go through this with the parliamentary counsel staff and others who may be able to give us a better explanation so that we can make the amendments, clean it up and get it passed. That is my contribution. I hope to get two or three of my Members to come out on Friday to assist in this exercise. [*Interruption*]

My legal person suggests I reserve my right to speak again on Monday after we have had that session. I follow his advice; he is a bright young man. I reserve my right to speak after we have met in this tripartite committee.

**Sen. Panday:** Thank you very much, Madam Vice-President. As the hon. Sen. Basharat Ali has indicated, an informal committee will be set up, headed by the hon. Minister who piloted the Bill, Hon. Collin Partap, and all the amendments will be dealt with together with the technical persons. When we return on Monday, we shall complete this Bill.

The Opposition and the Government have had further agreement in that the Opposition will have one speaker. We may or may not have one in the interest of time. The Independent Senator has indicated his right to speak. We will deal with that.

#### ADJOURNMENT

**The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday):** I beg to move that this House doth adjourn to Monday, May 23, 2011 at 1.30 p.m. to continue the debate on the Bill which seeks to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime and for matters connected therewith or incidental thereto. The other Bill will be the Bill to protect the privacy of personal and private information of individuals which is entered into electronic format.

I thank you very much.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 11.46 p.m.*