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# THE

## House of Assembly Debates

### (UNOFFICIAL REPORT)

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PARLIAMENT 2013 – 2018

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#### HOUSE OF ASSEMBLY

*Tuesday, March 1, 2016*

Pursuant to the adjournment, the House of Assembly met at 10.15 a.m. on Tuesday, March 1, 2016.

#### PRESENT

His Honour MICHAEL A. CARRINGTON, Q.C., B.A., LL.B. (Speaker) Her Honour Mrs. M-J. MARA THOMPSON, M.Sc. (Ph.Ed.) B.A.(Deputy Speaker)  
Mr. GLINE A. CLARKE, B.Sc., Dip. Ed., J.P.  
Mr. RONALD St.C TOPPIN, LL.B. (Hons.)  
Hon. DENIS St.E. KELLMAN  
(Minister of Housing, Lands and Rural Development)  
Hon. Miss MIA A. MOTTLEY, Q.C., LL.B.  
(Leader of the Opposition)  
Ms. CYNTHIA Y. FORDE, J.P., L.C.P.  
Hon. RONALD D. JONES, J.P., B.A. (Hons.) M.A. (Ed.) (Minister of Education, Science and Technology and Innovation)  
Mr. DALE D. MARSHALL, Q.C., LL.B (Hons.), L.E.C.  
Hon. MICHAEL A. LASHLEY, LL.B. (Hons.)  
(Minister of Transport and Works)  
Hon. RICHARD L. SEALY, B.Sc., M.B.A.  
(Minister of Tourism and International Transport)  
Right. Hon. FREUNDEL J. STUART, Q.C., B.A., LL.M.  
(Prime Minister and Minister of National Security, the Public Service and Urban Development)  
Hon. JOHN D. E. BOYCE, B.C.H., MRAC, M.Sc., C. Eng.  
(Minister of Health) (Leader of Government Business)  
Hon. STEVEN D. BLACKETT  
(Minister of Social Care, Constituency Empowerment, and Community Development) Mr. JAMES D. PAUL, B.Sc.

(Chairman of Committees)  
Dr. the Hon. DENIS S. LOWE, Ed.D., M.Ed., B.A., Dip. Theology  
(Minister of Environment and Drainage)  
Hon. ADRIEL D. BRATHWAITE, Q.C., LL.B. (Hons.)  
(Attorney General and Minister of Home Affairs.)  
Hon. STEPHEN A. LASHLEY, B.Sc., LL.B. (Hons.), L.E.C.  
(Minister of Culture, Youth Affairs and Sports)  
Hon. DONVILLE O'N. INNIS, Dip., B.Sc., M.B.A.  
(Minister of Industry, International Business, Commerce and Small Business Development)  
Hon. CHRISTOPHER P. SINCKLER, B.A., M.Sc.  
(Minister of Finance and Economic Affairs)  
Mr. TREVOR PRESCOD, B.A.  
Mr. KERRIE D. SYMMONDS, B. A., LL.B.  
Lt. Col. JEFFREY D. BOSTIC, M.V.O., B.A. (Hons.)  
Mr. EDMUND G. HINKSON, LL.B. (Hons.), L.E.C., LL.M.  
Dr. Ms. MARIA M. AGARD, J.P., D.Ds., B.Sc. (Hons.)  
Mr. DWIGHT G. SUTHERLAND, M.Sc., M.B.A. (Dist.), B.Sc.  
Miss SANTIA J.O. BRADSHAW, LL.B. (Hons.)

#### ABSENT

Rt. Hon. OWEN S. ARTHUR, M.Sc. (Econ.)  
Dr. Hon. DAVID C. ESTWICK, B.Sc., M.B., B.S.  
(Minister of Agriculture, Food, Fisheries and Water Resource Management)  
*Prayers were taken by Reverend Father Mark Harewood.*

Mr. SPEAKER: Good morning, Honourable Members, this House is now in session. Members, I am not yet in receipt of the Minutes from our last meeting so I ask for the usual motion; that they be deferred.

## MINUTES

Hon. J.D.E. BOYCE: Mr. Speaker, I beg to move that the Minutes of the proceedings of the House of Assembly for February 26, 2016, be deferred.

Hon. A.D. BRATHWAITE: I beg to second that, Sir.

*The question that those Minutes be deferred was put to the House, and were resolved in the affirmative without division.*

## ANNOUNCEMENTS

Mr. SPEAKER: Let me welcome back among us the Honourable Member for Christ Church West from her official absence and I am sure the House would join me in wishing you all the best going forward.

## ORDERS OF THE DAY

## SUSPENSION OF STANDING ORDERS

Hon. J.D.E. BOYCE: Mr. Speaker, I beg to move the suspension of Standing Orders 6, 16, 18, 20, 42 (5), 43 and 44 for the remainder of today's Sitting.

Hon. A.D. BRATHWAITE: I beg to second that, Sir.

*The question to suspend the mentioned Standing Orders was put and resolved in the affirmative without division.*

## GOVERNMENT BUSINESS

ORDER NO. 21 – THE SECOND READING OF THE  
BRITISH AMERICAN INSURANCE (BARBADOS)  
LIMITED PRESERVATION OF INVESTMENTS  
BILL, 2016.

Mr. SPEAKER: Yes, Honourable Member.

Hon. C.P. SINCKLER: Thank you very much, Sir. Mr. Speaker, the Bill before the House of Assembly should not be a surprise to Members of the House since we are only too well aware of the fact that, this a matter that has been ongoing quite similar to the one pertaining to the other insurance company which experienced difficulties a few years ago and in which Government has had to intervene. The Government, consistent with its commitment to the policyholders and investors involved in both entities, in this case the British American Insurance Company Limited (BAICO), seeks to preserve as far as is humanly possible and as far as our financial capacities will allow, their investments in the company under our particular review this morning, to be preserved. As we did

in relation to CLICO International Life, we have come here today to ask the Parliament to join hands with the Government in execution of that solemn commitment to those policyholders and investors in this particular company. It should therefore come as no surprise to anyone, that we have ventured here today to seek Parliament's approval to continue the process of a structural and orderly resolution of the business that was formerly operated under the British American Insurance Company.

Sir, I think, as I did for the debate that we had on CLICO International Life, that it is my responsibility as Minister of Finance to ensure that, at least for the public record and for history yet unfolding; we speak clearly and precisely to what it is that led us to this stage; how we have gone through the process of trying to craft an appropriate solution; what are the recommended solutions, and then futuristically, how we intend to proceed to implement those particular solutions. I crave the indulgence of the Honourable Chamber to allow me to go through this as comprehensively as I can, while not trying to be too elongated in my presentation. I think for the public record, so that when future generations come, historians, researchers and so forth will have a fair understanding of why we brought this Bill to the House of Assembly and how we intend to execute it.

With that in mind, Mr. Speaker, I am minded to note that on 30 September, 2010, an Order of the Supreme Court of Barbados was issued, placing the British American Insurance Company Limited, or BAICO as we call it, under Judicial Management in response to a petition from the then Supervisor of Insurance which is now of course deemed as the Financial Services Commission. At the time, a Mr. David Holukoff, a director of the firm KPMG, was appointed as Judicial Manager for BAICO, pursuant to Section 57 (1) of the Insurance Act, CAP 310 of the Laws of Barbados and he began the process of executing the Judicial Management.

Upon a subsequent application made by the Financial Services Commission (FSC), the court ordered on 20 November, 2012, two years after, that Mr. Holukoff's appointment be set aside and that KPMG Transactions and Restructuring Limited, KPMG, acting through Mrs. Lisa Taylor and Mr. Michael Edghill be appointed as Judicial Managers for the process. The first Judicial Managers in his initial valuation of the company had concluded that the company was technically, for all intents and purposes, insolvent and as such the policyholders were unlikely to be secured in full. Sir, that being the case, the Judicial Manager took the decision to withhold payments on claims and to segregated that into an account to be managed in terms of the premium income, received from the life and the annuity policyholders from the date of the institution of the judicial management.

Sir, because of the insolvency of the company, the Judicial Manager determined that there were essentially only two options facing this particular company, that was: either to liquidate and put it out of business completely or to have a restructuring of the company which would allow it to continue as a going concern. The Judicial Manager focused on devising and implementing a restructuring solution since in their view and certainly in his view, was likely to provide a better outcome for the company's policyholders and bearing in mind, Mr. Speaker, Sir, that is the objective here to ensure that you keep the policyholders and investors as whole as possible given the constraints that we have; given the challenges that the company face; we still have that overall objectives and commitment.

Sir, as I said before, that would represent a better outcome than a full liquidation of the company where the assets would be valued, sold off and then I presume the court would do a ranking in terms of priority as to who would get what and so forth and so on. Sir, in that regard, if the assets, as is clearly the case in this and the other example, would be valued at market prices less than what the liabilities were, then naturally, somebody down the line would probably not have the level of security which we would all wish for them to have. Mr. Speaker, they decided that they would look at some kind of restructuring plan for the company.

Mr. Speaker, the Judicial Manager concentrated his attention on finding a solution to achieve the best possible result for the two different groups in the British American Insurance Company Portfolio Set. A key feature of the company and the complexity in this particular solution of the restructuring is that under the Insurance Act Cap 310 of the Laws of Barbados, the company is required to maintain a Statutory Fund and under the provisions of that, the company has a set of assets that in theory should match its liabilities of the life and annuity policies written by the company and these assets are what we refer to as statutory fund of the company to securitise those persons who would have purchased policies. The insufficiency of these assets in relation to British American Insurance Company's Statutory Fund was really the major reason why the Supervisor of Insurance and then the Financial Services Commission (FSC) as it is now called, was moved to place it under judicial management because it would have presented a problem in that there could not be an effective Resolution by way of meeting the commitments which it had undertaken on behalf of those persons, so-called policyholders and investors.

Mr. Speaker, in the context of that, three initial options were looked at as a proposed restructuring solution for the entity and these are as follows:

1. To establish a new life insurance and investment service company to purchase the British American Insurance Company portfolio.
2. The creation of an investment fund appropriately leverage and the use of the yield on the investments to finance the annual payments to depositors and investors in British American Insurance Company
3. The sale of the British American Insurance Company portfolio and an existing insurance company with Government underwriting the annual payments to the depositors.

Mr. Speaker, after careful consideration and revision of the solutions proposed, in terms of a structured settlement and restructuring of the company, it was deemed that the third offer, that being the sale of the portfolio to an existing insurance company with some Government participation in underwriting the annual payments of depositors and investors should be the one that we would look at.

Mr. Speaker, a critical part in terms of the first step in that process was for the Judicial Manager to carve out the Health, Property and Personal Accident Portfolios of the company since these policies did not have access to the Statutory Fund and this was achieved through a transaction with Sagikor Life Incorporated in December 2011. Following a series of meetings with regards to the development and restructuring solution for British American Insurance Company policyholders, the Judicial Manager entered into this agreement with Sagikor Life Incorporated for what is called substitution agreements to cover for those policy areas that I have identified, Health, Property and Personal Accident.

These agreements provided British American Insurance Company health and property owners with an opportunity to obtain an alternative coverage with Sagikor Life Incorporated on similar terms and rates to what they would have got from British American Insurance Company. The majority of the British American Insurance Company policyholders accepted this offer and as a consequence, all prior health and property policies with British American Insurance Company would have been cancelled. From 7:58 is missing.

Given the deficit in the company's assets when compared to its liabilities, it was inevitable that any solution, however the analyses were done, would have to involve the Government of Barbados. We kind of knew that up front but the thing is to get to a stage where the Government will not have to expose itself more than is reasonable in the circumstances, while still maintaining its principal overarching objective of ensuring that the policyholders remain whole. Once we determined that Government would be involved, we had to then determine

what would be the parameters of Government's involvement. Government's financial support for the restructuring plan of the life and annuity book of BAICO and its transfer to Sagicor Life Incorporated eventually came to be described from analyses as such:

1. That the Government would provide \$84.6 million in bonds, payable in further payouts over a 25-year period.
2. That the Government would accept the transfer of the property assets and I would get to that and why that had to be the case from BAICO's Statutory Fund totalling \$26.6 million as a trade-off once the bond proposal arrangement was accepted by Sagicor Life Incorporated.
3. That the Government would waive the property transfer tax, obviously, and the stamp duty applicable to the transfer.
4. That the Government would support the BAICO employees' pension plan which currently covers 72 members of the staff and which is expected to record a shortfall of about \$8 million.

We will get to that as well. The first order of business is what Government will be asked to do. This is the proposed solution; this is what it is looking like; this is what Government will be asked to do by way of its injection and intervention. Now, how do we go forward from here? As I said earlier, these insurance companies under the law, Statute 10 of the Insurance Act of Barbados, are required to maintain statutory funds. You write policies or you underwrite policies, as they are called, life policies and traditional annuities. You are to put equal assets in the statutory fund to match the policies that you have underwritten as a way of securitising those from whom you are receiving resources and investing them onwards to support their insurance and annuity policies.

Mr. Speaker, it is also true that the statutory fund, by its very nature, has certain restrictions on the types of assets you place in that statutory fund. You do not want to have a situation where a company only pledges in fixed assets. We know fixed assets are okay, Mr. Speaker. If you have a few buildings; a few housing estates; if you own a company doing something, that is okay; they can have a particular value at the time of valuation. As you know with those types of assets, given the marketplace, there is a high level of variability; it can go up or down or you can have a collapse in the market and the assets are not taking much. Even though they may be valuable, the market may not be prepared to offer you what they are really valued and so with the statutory fund rules are dictated that no more than 20 per cent of the assets pledged into the fund should be fixed by way of fixed assets. I think it is that: 80 per cent should be of some cash nature; cash or some cash instrument or likewise. One can understand why you would

want that to be the case because should there be a run on the company; should there be any reason why people may need to cancel and withdraw their policies and so forth, the company has to be in a position to meet some of that. Otherwise, you end up on Government's doors if the Government is so hungry to do and, given the value of what you have underwritten, it may very well not be possible.

Sir, the statutory fund itself has conditions and in any solution that you are going to try to put in place, however well-intentioned, it has to be done in a way that if you are going to maintain the business, you have to put eligible assets in the statutory fund. Even more importantly, if you are going to sell the business to somebody, you have to sell it in a way that they can put it in the statutory fund or have a statutory fund that meets the rules. Therefore, you cannot propose to go sell a company; sell a set of portfolios and you are not providing the type of coverage for the statutory fund that is going to be required because the person buying may say, "I am sorry but I do not want all of those fixed assets. I need to have some cash instrument because I am not going to take on that problem". You will see that this is what has occurred and that is one of the reasons why we are here today.

Mr. Speaker, the journey to this would have started when the Judicial Manager would have approached certain insurance providers to gauge and understand their interest in this portfolio. Having done an analysis of all that would have been submitted in the interest, the one that seemed most interested; obviously has the capacity, was Sagicor Life Incorporated. The Judicial Manager said, "Look, let us work with them and see how far we can get with this". As I said, a critical part of the work of the Judicial Manager had to have been and was focused on, finding an appropriate agreement with the preferred buyer for the portfolio of the appropriate assets available for the statutory fund. Of course, a number of series of analyses and different complex mechanisms were done to try to make adjustments to each policy to ensure that they could be properly transferred to the new proposed buyer.

The assets contained in BAICO's Statutory Fund, as I indicated before, heavily targeted or tilted towards property investments made by the company. Indeed, this class of assets accounted for over 50 per cent of the assets pledged into the Statutory Fund and the preferred buyer, Sagicor Life Incorporated, was consistent from the beginning. As I would have indicated generally when I was speaking, this could not have been the appropriate way to resolve this particular issue and they would not have accepted it. It would have meant that they would have had to take all of those fixed assets and place on their balance sheet which they did not want either; also it meant that it would not really satisfy the Supervisor of Insurance, in this case the Financial Services Commission and we would still

have a problem. So we had to go and find a way to get this matter resolved. What are the assets that you speaking about? This \$26.6 million valued in assets. For those Members who are familiar, there is a property at Bishop's Court Hill which is the principal asset. It is an unfinished business complex that they were building at Bishop's Court Hill. That is the first one because that is the big one which was valued at \$18.5 million. It is about two-thirds finished and it will take some millions of dollars to complete and bring it to a turn-key position. In the market which we are operating now, the market space is challenged, as you know. The economy has been having some challenges. It is more now a buyers' market than a sellers' market. Share values are not going to be essentially where you would normally expect them to be in a normal course of activities.

In addition to that, it is located in a space or near a space, let me speak more precisely, where there are some questions about geotechnical issues even though, two geotechnical analyses have said that the building itself is in no general or specific danger for the area that it is in. This was arrived at from two full geotechnical studies that were done and from an overall study of the area that was commissioned on the behalf of the Town and Country Planning Department, so we know that but nevertheless, we are operating in the real world with human beings and it is what it is.

Sir, the Judicial Manager would have put the property up for sale and could not attract any buyers for the property or buyers that were willing to pay what would be considered to be a reasonable price, even if it was marked down for the building. One particular entity expressed an interest but then decided that they would not participate in the end and the building therefore remains where it is.

*Asides.*

Hon. C. P. SINCKLER: Mr. Speaker, there is a second property situated at North Shore, wherever that is and one in Magazine Lane, I believe in the City. Those properties are valued at: at Magazine Lane is \$3.5 million; the one at Erin Hall Land at \$3.2 million and the one at North Shore at \$1.4 million, this is all Barbados dollars.

Sir, the proposed solution had initially contemplated a gap of BDS\$58 million but it ended up being \$84.6 million. Mr. Speaker, based on the assets, which was \$26.6 million, we were looking at around BDS\$58 million and those would be the assets in the Statutory Fund less the liabilities of the policyholders who would have access to that fund. The Judicial Manager indicated that in the event that The United Properties could not be sold or could not be included in the solution; the gap therefore would have expanded by the value of the properties which is \$26 million so that is how we got up to \$84.6 million.

The initial thinking on how to deal with these assets centred around the creation of a property trust similar to what we would have done for the solution with CLICO whereby a further Government bond or guarantee would be issued for the value of the unsold properties at point of sale and it would save those in the property trust and then utilise that over time to write down the liability, as we get to an appropriate price point for the assets to be made from.

Sir, Sagikor Life Incorporated indicated that they were not in favour of a property trust solution, that would make them responsible for the adoption of the assets and placing these assets on their balance sheet. They indicated that they would prefer a cleaner solution with a defined value of the assets inserted into the Statutory Fund and I would have explained to the House before briefly why this situation would likely occur. The Government therefore decided that given the circumstances; the need to satisfy the Statutory Fund; assets cannot be sold immediately and certainly not for the value that would have been considered to be the fair market value and Sagikor Life Incorporated, the preferred transferee for the portfolios, the Government would take the assets and set it off against, as you would see, the solution we are providing here.

Mr. Speaker, the Government decided that it would accept the transfer of the property assets belonging to BAICO Statutory Fund totalling \$26.6 million and use that as a trade-off for the financial support provided once a bond proposal arrangement had been accepted by Sagikor Life Incorporated and that the Ministry of Housing, Lands and Rural Development would accept the transfer of properties by way of an ordinary conveyance on the behalf of the Government, being of course as we would call them in the parlance, the superior landlord of the State. The breakdown of the assets, as I said and you would recall is: Collymore Rock, \$18.5 million; Magazine Lane, \$3.5 million; Erin Hall Land, \$3.2 million; and North Shore, \$1.4 million; \$26.6 million worth of assets.

The Judicial Manager received approval from the Government in the meantime as we were going through this for the sale of the North Shore property for about \$900 000 in a full cash offer that was made. We felt in the circumstances given the state of the property; the softness of the market and the need for us to begin to move on and find resources to help offset some of the cost of what we are dealing with, that we would accept the offer. Once you deducted the relevant fees; legal fees; accounting fees and whatever else had to be paid, the net proceeds of the sale amounted to \$805 781 and these resources are currently being held in a segregated account awaiting the final instructions of the court whereupon they would be transferred to the Government along with the other assets as part of the solution for this particular problem. The Judicial Manager has indicated that they would be submitting those properties for transfer by way of standing

conveyances as I said to the Government in due course, once the court gives its necessary approval.

Sir, it has also indicated, as could be imagined if you are going to transfer a property, you have to pay the property transfer tax and the Government accepted that it would be better if you waive that tax rather than charging the tax and then subtracting it from the solution; the same difference as the people would say and therefore as Minister of Finance, I accepted the recommendation that the tax be waived under the Duties, Taxes and Other Payments (Exemption) Cap. 67B.

Mr. Speaker, that brings us, once we identify and basically agreed by way of Government for this level of participation, that brought us to the conditions governing how Government would participate in this particular restructuring solution by way of its financing as indicated here in this particular Bill and it is as

follows:

The Judicial Manager proposed two actions:

(1) That the Government of Barbados would either fund the gap between the assets and liabilities, thus making the policyholders whole or (2) that the liabilities of the policyholders would be adjusted down until they reach the value of the assets.

Remember, Mr. Speaker, Sir, we said up front that our goal was to try to make the policyholders as whole as possible. Understanding that to be our full objective and our commitment, option two (2) therefore could not be one that we could accept in the circumstances.

Mr. Speaker, we indicated that we would try to minimise that or eliminate any loss if necessary for the policyholders and therefore we decided that we would fund the difference between the assets and the liabilities for British American Insurance Company.

The Ministry of Finance and Economic Affairs has since then been involved in very lengthy details and discussion which culminated in a formal indication of the range of the support that we could provide. Further clarification around the structure of the request for Government assistance was made with two scenarios being presented, in terms of the determination of the policy value. The first one was aimed to maintain the full value of the policyholder's benefits at the Judicial Manager's appointment September 2010, as I would have indicated, with the full value of any payments of premiums after that. Mr. Speaker, scenario two (2) was essentially the same as scenario one (1), except that interest due on the annuity policies during the time of the appointment of the Judicial Manager would also be covered to those policies.

It was determined that scenario one (1) was more in keeping with the proposed arrangement that we have had for CLICO International Life International Limited (CIL) in terms of an assumption of the responsibilities and liabilities and scenario one (1) was the preferred choice. We will keep it whole as it relates to your principal payments, interest, unfortunately you would not be able to do that in that way, so from the time the Judicial Managers would have been appointed 2010, up to that point we will keep you whole in terms of your deposit so that you would lose no value on that. That would have been consistent with what we do with CLICO International Life Limited as well.

Mr. Speaker, the Ministry of Finance and Economic Affairs proposed that the overarching good lines that should shape the restructuring solutions to develop and define the parameters of Government financial assistance will be as follows:

(1) Policyholder's benefits should be protected from the date of the Judicial Management's appointment but with no crediting of interest, as I indicated, to the noted policies during the period of the entry judicial management up to the transfer of the assets of the policies to Sagicor Life Incorporated.

(2) A bond will be issued to Sagicor Life Incorporated in the amount of a deficit in the statutory fund;

(3) Consideration will be given to a mechanism that will affect any unsold properties with a solution; and

(4) No Government support will be available for any groups which did not have access to the Statutory Fund.

Mr. Speaker that brings us to the bond structure which we have outlined here and for which we are proposing to get the support of Parliament.

After negotiations, the Government of Barbados, the Judicial Managers and Sagicor Life Incorporated agreed that the following structure with regards to a maturity profile, inaugurated coupon profile of the bond and so forth and so on, would be accepted.

The bond payout periods would be structured along the following lines: 10, 15, 20, 25 years. To correspond with this profile, the lock-in period proposed to annuity holders is extended from the original 7-year term to a proposed 10-year period per policy. Since there is no funding from the Government of Barbados for the 7th year, this appeared to be the most reasonable way to structure the lock-in period. It was also agreed that the quantum of the Government of Barbados' support will be split equally between the four bonds. Since this is based on a prime figure of \$84.6 million as the estimate, this would mean

that each bond would have a payout of about \$21.2 million over the four years. The Ministry of Finance and Economic Affairs considered and agreed to a mixed coupon paying and zero coupon bonds and the structure is proposed as follows as it relates to the interest rate:

1. Bond 1 -- 10-year maturity - 0 coupon bond paying, 7.25 per cent of per annum;
2. Bond 2 -- 15-year maturity, 0 coupon bond paying, 7.75 per cent per annum;
3. Bond 3 -- 20-year maturity, coupon paying, 8.25 per cent per annum; and
4. Bond 4 -- 25-year maturity, coupon paying, 8.75 per cent per annum.

Mr. Speaker, as you will see, it is kind of a graduated financing structure. Obviously, the Government is not flushed with cash and we cannot overburden future Governments with the maturity dates. We do not want to burden future Governments with the impending maturity periods for payouts. We do not know what cash flow would be at the time; we do not know what would be the State of the public finances and in any case, it makes for prudent management that you try to space and spread out this liability that the Government is undertaking in resolution of a particular problem which is not a Government problem but for which the Government has made a commitment to assist ordinary Barbadians; close to 15 000 of them, in relation to this particular matter. We want to ensure that we have a measured approach to dealing with it, even as we ask the rest of Barbados to assist their colleagues in this particular regard.

Mr. Speaker, I do not want to drag this on but we live in a very special country. In other countries in the world when these things happen, Governments do not come in. I have heard in this House of Assembly some people suggesting that the Government should not get involved in this, certainly not to the extent that we are. Some people have suggested that we should have done a solution no greater than what is guaranteed under the Deposit of Insurance Act, a maximum of \$25 000 per person. In other countries, the Governments do not even bother; they say it is a private investment; it has gone bad; that is it. We do not live in that kind of society and I thank God that we do not. I believe that even across the political divide that where situations like this happen and Barbadians are exposed, due to no particular fault of their own, that either political party in Government would not turn a blind eye to the plight of those policyholders and that is a good thing.

Mr. Speaker, we do not see eye to eye on most things but there are some basic things that we understand across the political divide. We may differ on the technicalities; we may have a different way of executing a

solution like this but I do not think that anybody could question either party's view in terms of taking care of ordinary Barbadians in that regard. That is my view, if I am wrong I stand corrected but I do not get that particular sense and that is why this country is such a great country to be in because Governments do not abandon its citizens in this way.

Mr. Speaker, some people are saying that we should take the example from other people, that we should just cut them loose and let them go but we have to live here and they have to live among us too and while we want people to make wise investments or have all of their investments come out as they anticipate and expect that they would, we know that circumstances of life sometimes do not work out that way, that these things happen and we have to do what we have to do.

We are proposing, Sir, that we do this in this way and if you do not want to wait 25 years, you have to do it at some little edge. The edges get a little smoother if you take a little longer to accept your money. That helps the Government to be able to manage the liability that it is taking on, on your behalf. It entitles you to get a little bit more but you have to wait a little longer to get it. That is all. That is basically what it is.

*Asides.*

Hon. C.P. SINCKLER: Yes, that is a fair approach because if we put it this way, everybody can go and have a ten-year bond issue but you lose some value. It is like a fixed deposit. If you put some money in a fixed deposit and you have to go and take it out before the time has come; you pay a little penalty; you pay a little value. That is better in this case than the Government saying "I am not helping you at all" and you lose everything. It is a little "roundup". It is not a haircut but a little roundup which is not bad in the circumstances. We wish that it could be better. Our hope is that we could have this executed where everybody could get a cheque tomorrow and go home but life does not quite work that way. That part of it we have looked at. We also looked at the pension plan. There are some employees in BAICO who were working and contributing to a pension plan; again, you see the magnanimous nature of the Government.

*Asides.*

Hon. C.P. SINCKLER: The fact of the matter is BAICO is really one of these tough situations where you have employees working all the time and making their contribution to a pension fund, only to find out that the assets are not there to support their pensions when they retire and they are actually facing the spectre of not getting a pension at all. I can think of very few things that could be more startling and disconcerting to any individual. If you

are in the pension plan and do not contribute anything to, it is bad enough to hear when you retire that you cannot get anything but you are contributing and at the end of the day you hear, "Well I am sorry, the company has got into financial difficulties and has collapsed, and we do not where the money is and we cannot do anything about it and you will have to go home without a pension". That, Sir, is not a condition to leave anybody in. I would not wish it on my worst enemy because it is not fair to them. The Government recognised this and has indicated that it will come in and pay the cash amount of \$8 million to make that pension fund whole, so that when those people retire, they can get their just desserts; what they have worked so hard for and contributed to.

That is the second commitment in terms of the pension fund and it affects 72 persons who were employed by BAICO. The Ministry of Finance agreed to provide the support through a direct payment, as I said, and issues a promissory note structured on the following basis:

*Bond 1: Principle \$0.6 million, coupon rate 7.50 per cent, maturity 2020.*

*Bond 2: Principle \$0.7 million, coupon rate 7.50 per cent, maturity 2025.*

*Bond 3: Principle \$0.7 million, coupon rate 7.50 per cent, maturity 2030.*

*Bond 4: \$0.7 million, coupon rate 7.50 per cent, maturity 2035.*

*Bond 5: \$0.9 million, coupon rate 7.50 per cent, maturity 2040.*

*Bond 6: \$2.0 million, coupon rate 7.50 per cent, maturity 2045.*

That covers the employees in terms of the pension plan.

Mr. Speaker, the Judicial Manager, with all this to hand, has finalised the Sale and Purchase Agreement (SPA) for the British American Insurance Company Limited life and Annuity Policies SPAs with Sagicor Life Incorporated which, with the court's approval, will govern the terms of the transfer for policyholders over to Sagicor Life Incorporated. The Sale and Purchase Agreement will provide policyholders with a replacement policy that is close to the terms of the original BAICO policy and as far as the available assets permit. The solution, as drafted, provides for Government support, as we indicated, to insert into the model as part of the Statutory Fund, thus reducing or eliminating any reduction in the policyholder values.

Sagicor Life Incorporated has informed the Judicial Manager that they will consent to such a proposal, once it ensures that you get close to or is fully funded in terms of a solution. We do not want to leave anything out hanging. You have to get as close as possible to that value and we believe the solution which Government is providing by way of this Bill, as I have outlined in terms of both parts of the particular portfolio set, we can reach that particular thing. Notwithstanding the broad terms of the agreement, the Judicial Manager is working with their actuarial advisors to finalise the model that calculates the final policy value for each of the individual policyholders which may be adjusted depending on the various assets and liability inputs.

A draft report will be prepared for submission to the court in accordance with the provision of the Insurance Act, CAP 310. I speak subject to correction but I believe that report has been submitted now. It was supposed to be submitted on 15 February. There was a little delay but I believe it is now before the court.

On 18 November, 2015, the court, after hearing counsel for the Financial Services Commission, Sagicor Life Incorporated and the Judicial Manager, granted leave for them to enter into the SPAs, subject to the actual transfer of the policies, being contingent on further court approval. The SPA was executed on 21 December, 2015 - that is last year - and the Judicial Manager intends to file its final report on the recommendations for the transfer to Sagicor Life Incorporated, as I indicated, as the "final solution" for this matter. Sir, the final solution within the court this quarter. As I said, I believe that has been laid in the House of Assembly.

Again, Mr. Speaker, the SPAs contemplate that, subject to fulfilling certain conditions, BAICO's Life and Annuity Policies will be transferred to Sagicor Life Incorporated; BAICO's assets will be transferred to Sagicor Life Incorporated; Sagicor Life Incorporated will pay BAICO consideration in respect of the transfer. The consideration will be applied to the Statutory Fund as required under the Insurance Act in support of the transferring of the policies and the terms of the respective BAICO Life and Annuity Policies will be subsequently replaced by Sagicor's corresponding Life and Annuity Policies. That would wrap it up, so to speak.

There are a couple of unresolved issues, but they are not of the size or magnitude or extent to offset this particular thing. One relates to a request from the Judicial Manager to the Fair Trading Commission for authorisation of this arrangement pursuant to Section 29 of the Fair Competition Act, in terms of a clarification as to whether that is required. Alternatively, there is an application for approval for the measure pursuant to Section 20 of the Fair Competition Act, as is required under the law. They are

waiting to hear back from the Fair Trading Commission in relation to those two.

Mr. Speaker, there is currently work undergoing by the Barbados Revenue Authority (BRA) in conjunction with the Judicial Manager to ascertain and finalise what are, if any, liabilities for British American Insurance Company Limited in relation to its statutory obligations, VAT and so forth and so on or alternatively what liabilities the Barbados Revenue Authority has towards the company. I believe in the work of Judicial Manager, there was an estimate that there may be around \$2.7 million of Value Added Tax (VAT) refunds that may be due to the company but those are now currently under full assessment and investigation and the Barbados Revenue Authority has promised that very shortly it will be able to say what is the exact amount; whether in the positive or in the negative. If it appears it is in the positive, then it will have to be taken into consideration in terms of Government's contribution into the solution for this particular matter.

Mr. Speaker, basically, that outlines the history of what has taken place since this company has gone under judicial management; the path we have taken towards arriving at a restructuring solution to assist the policyholders and why we have had to do it the way we done it. The objectives that we have set ourselves and how the solutions that will give us the best opportunity to achieve that objective of ensuring that policyholders and investors remain whole; how that is going to be executed and the results we expect from such execution so as to allow us to move beyond this point, resolve this issue to the benefit of the policyholders; to the benefit of the Financial Services Commission in Barbados which has been rocked by these failure and to ensure, with the Financial Services Commission now in place, fully staffed and properly articulated, that we do not have future repeats of this type of exercise that would draw us to the House of Assembly on a fair and Sunday morning to proffer solutions for matters which really are private sector issues that should not happen and that alternatively, if they do happen, should be resolved outside of Government having to intervene.

Mr. Speaker, with those few words, I commend this Bill to the Honourable the House of Assembly. I urge the support of Honourable Members on both Sides.

I beg to move that this Bill be read a second time.

Mr. SPEAKER: The Honourable Member for St. Michael North East.

Miss M.A. MOTTLEY: Thank you very much, Mr. Speaker. I enter this debate both to make some queries and to generally speak to the circumstances in which we find ourselves. I think that there is no doubt that this incident with the collapse of British American Insurance Company

and CLICO both happened some seven years ago - was an event that has literally affected tens of thousands of Barbadians. The Government would have come with a similar approach but different beneficiaries in relation to CLICO in August of last year. Where the fundamental difference as I see it related to the establishment of a new insurance company to take the portfolio of CLICO; whereas in this instance an existing insurance company namely, Sagicor Life Incorporated, is assuming the portfolio of the Health, Property and Personal Accident Portfolio of British American Insurance Company with the recognition that in the assumption of that portfolio, there are in effect (1) taking more liabilities than assets and (2) that there is a mismatch in terms of the composition of assets as is required by the Statutory Fund which the law at Chapter 3 of the Insurance Act makes it absolutely clear that we must have 80 per cent of what is in the Statutory Fund as liquid assets. In other words, immediately negotiable whether in cash or bonds or other financial instruments.

Sir, I thank the Minister for his presentation but I must say, that I really do believe that just as we are having with the Immigration (Amendment) Act, this House has to return to the days of providing full Explanatory Notes. I will speak and the Honourable Member for St. James Central may speak but too many members are deprived of the opportunity of full participation in debates because of the absence of information. It does not help with Government nor it does not help the cause or it does not help the intended beneficiaries when that full information is not given.

The Minister has indicated four (4) properties and one of the first questions I would have had here today for him is to provide us with the list of assets because if we are asking Parliament to agree to the issuance of bonds to the tune of just under \$85 million, we would want to know what are the assets that the Government of Barbados would be holding in the interim and basically as a condition for issuing the bonds such that Sagicor Life Incorporated can now be compliant with the statutory fund requirements in order to make the Share Purchase Agreement attractive to Sagicor Life Incorporated.

Mr. Speaker, the Minister has indicated I think four (4) of the properties but we are not sure that is the extent of the asset base but in his wrap up he can perhaps undertake to tell us if that is the asset extent or not. Similarly, Mr. Speaker, what is the forced sale value because the book value as he so appropriately said in his speak may be absolutely irrelevant in today's market, given the fact that (1) this is a buyer's market but (2) that people are not really spending on investment.

Sir, there is the additional peculiar problem in relation to the building at Bishop's Court Hill and there are

some other questions that we would want to ask in order to ensure that we are getting an idea of the forced sale value because that is really the value that the Government of Barbados can take comfort on not the nominal book value unless the Government is going to hold the asset for the full 25 years of the bonds and even then, we are not sure that we will recoup any kind of return for you during that period of time.

Mr. Speaker, the Minister would have reflected on the fact that Bishop's Court Hill is a couple of hundred yards away from the unfortunate site where Barbadians lost their lives in the Arch Cot tragedy and, indeed, we were only reminded of that tragedy as recent as two days ago in the front page which remains unsettled for the families. Whether we like it or not and I hear him about the geo-technical studies and this would be one of things that would perhaps be good to share because of provision of information is critical to removing people's fears.

Mr. Speaker, separate, however, from the geo-technical studies, could the Minister confirm whether engineering studies were done on the building and whether in fact there is need for future remedial work and whom will be responsible for that future remedial work? Would it be done by the Government of Barbados or would it be sold as is to an interested buyer because that is an additional liability that would not be confronted at this point in time if, in truth and in fact, the leading engineering firm that has done the work has indicated that there is need for more remedial work to be done to shore up the integrity of the building. The bottom line is that we are in this position but the liability might well be greater because the forced sale value may not realise the \$26 million in book value that the Government has been given by the Judicial Manager. Similarly, in relation to these properties, was that property at Bishop's Court Hill not advertised for sale already? Is it a fact that no tenders were received? In truth and in fact, what the Government of Barbados is really assuming is a far greater level of liability than the book value would suggest and hence my request for the forced-sale value that they have been given or which I assume the Government has been given by the relevant entities.

Sir, this is not \$93 million on its own. This is in addition to the \$293-odd million with CLICO last year. I am asking the Minister whether they are now in a position to calculate or estimate what is likely to be the monthly, and as a result, annual payment that the Government of Barbados will have to make in respect of the ten-year fixed annuities that have replaced the Executive Flexible Premium Annuities (EFPAs). One of the points we made in the August debate last year, was that in addition to the almost-\$300 million in liabilities, there is this sum for which the Government makes up the shortfall in respect of principle and interest on the EFPAs which can be substantive for the country.

If he can provide that information, what then is the consequence upon the debt of the country and, by extension, in relation to the monthly and annual shortfalls with deficit? The bonds will relate only to the debt but the shortfalls will impact the deficit. As I understood last year, there are no bonds being issued for the shortfall in payments for the EFPA holders who are now holding the ten-year annuities.

Sir, I do believe that these questions need to be answered, largely because if we are taking on \$400 million in debt here, it means that there is no or less flexibility, to take it on over here to assist the hospital; to assist the purchase of garbage trucks or to assist other things that are required in the orderly normal business of Government. This is a reality that all Barbadians need to accept. If the taxpayer is assuming that liability, then the taxpayer is not going to get the benefit of that debt being spent to assist tourism in restructuring to trigger growth or to get the hospital or the schools or others in the public health area to be the beneficiaries of it. It is simply a fact. My pre-assessment is that it is about five (5) per cent of Gross Domestic Product (GDP) - \$400 million -- and that does not include, as I said, the shortfall that the Government has guaranteed to meet for the next ten years in relation to those EFPAs.

Mr. Speaker, I say all of this, though because we accept that the Government has chosen to intervene or that the Barbados Labour Party (BLP) would have agreed to the intervention and called for it: one (1), to be able to insulate tens of thousands of families from falling through the cracks, and two (2), to be able to provide a greater level of confidence in our financial system. If people just simply lost tens of thousands and hundreds of thousands of dollars, they would be thinking twice and three times before investing anything in this country again. While we accept that, we believe that the Government has stopped short in one respect and that is to be able to recover as much as it can to minimise the liability as well as to send the message that this must not happen again when people act in trust for people's money.

What do I mean by this? The Judicial Manager has done a forensic audit to a point but it is clear from all independent commentary that the forensic audit ought to have gone further. We find ourselves now in the unfortunate position where the Government and taxpayers of Barbados are assuming liabilities in excess of \$400 million. The \$400 million or thereabouts come from the bonds; the shortfall for ten years on the principle and interest on the EFPAs, whatever that may be. We know and we have the clear example before us in the law court of the Judicial Manager seeking to recover \$3.3 million, which was unlawfully paid by CLICO to a former Prime Minister who unlawfully, while being Prime Minister, sought to practice law; received the money in his personal bank

account; transferred it to his law office and transferred it to one of the Principal Directors of CLICO.

Sir, this is a case of not being able to help. This is a case where that act and that act alone ought to have suggested to the Financial Services Commission and the Government the need to be able to further investigate and ensure that there is a further forensic audit because the evidence in the limited work done thus far, showed multiple inter-company loans; some unsecured; some with securities signed doubly and trebly pledged -- in other words, the same security being pledged for two and three different loans. In the circumstances, Mr. Speaker, that kind of conduct would have suggested reckless and profligate actions on the part of those in charge of the people's money.

Sir, let me break it down. You have a company. It accepts premiums from the public. You have a duty to invest those premiums in a way to generate a return to give the person who has bought the policy the return that you have promised to give them. But in addition to trying to do those investments or in some instances in lieu of some of those investments, you take that money and you immediately invest it in every single thing without appreciating the need to safeguard your investments so as to ensure the return to the policyholder. What do you get instead? Investments in a whole host of transactions that cannot give you the return; in some instances, did not succeed; in some instances, the asset was illiquid which is the reason we are here in relation to British American now because BAICO would have chosen to put its money in hard property beyond that which would have been acceptable for a Statutory Fund instead of putting its money in bonds and other instruments that would have kept the investment liquid, to pay back the policyholders. What we therefore had was at best profligacy and recklessness and, at worst, fraudulent activity.

Now, in the circumstances, I do not know that the Government of Barbados or that indeed the Financial Services Commission could be satisfied with the limited Forensic Audit Report that sees the Government of Barbados not even recover double digit figures to minimise the exposure of the \$400 million in additional debt that the taxpayers now have to carry that stops them from being able to see additional garbage trucks on the road; from being able to see improvements at the hospital that I believe that everybody would want to see or from being able to trigger investments within the tourism sector or the agricultural sector or other sectors, that we so dearly need in order to trigger growth in this economy to get out of the fiscal crisis and the economic difficulties in which we found ourselves for a protracted period.

Sir, I am not being contentious. I am just speaking the facts as they are. Sir, rest assured that I did not make up

the facts; rest assured that I did not write the cheque for the \$3.3 million while being a Prime Minister and seeking to practice Law; rest assured that I was not the one who said that CLICO's motion ought to be punished with laughter; rest assured that I was not the one who would have treated to BAICO and CLICO in a manner that caused people for the last several years not to know if they were coming or going but if it gives the Government comfort to say that I am being contentious, so be it.

What is being contentious is the fact that you cannot have two Barbadoses. The reality is that these people ought to be made whole. Regrettably, Both Sides know people who have passed away without having their investments returned and whose families have suffered in a serious way.

The Eastern Caribbean relationship with BAICO was slightly different because BAICO had a different aura, therefore what we are seeing happening now in Barbados is similar to what the Eastern Caribbean has already done with British American Insurance in relation to, I believe their co-approved agreement was since 2012, almost four years ago. There are those, including some working in the precincts of Parliament, who will not and cannot be able and are not able to plan out their affairs because of this being a limited investment that they made.

These are the things with which we must be concerned, Sir because we accept that the taxpayer will pay; we accept that as a country we will prevent more than almost 40 000 at CLICO and 15 000 at BAICO policyholders from falling through the cracks but what we do not accept is that there is no effort; aggression; action on the part of the Government to seek to make sure that assets can be traced and recovered to minimise the liability.

It is regrettable that those who would want to utter sotto voce warm over soup are the very ones who cannot get funds for their Ministry, to meet the legitimate concerns of not 30 000 or 40 000 Bajans but indeed double that number that goes through the hospital on a daily basis. Sir, the bottom-line is that this is not an argument or a fight between the Government and the Opposition. You can make it if you want but it takes two to fight and I can promise you that this Opposition will remain focused on the facts and the facts are that there has been sufficient evidence of wrongdoing in the initial Part 2 of the Forensic Audit Report that ought to have occasioned a third and more extensive forensic audit and that the absence of that extension of the parameters of the forensic audit has meant that the Barbadian taxpayer has no real hope of minimising that liability which this Government is asking us to support now and which we support because we do not want over 50 000 or 55 000 families to fall through the cracks.

Mr. Speaker, the bottom-line is that we believe that if the Government is to act in trust to the taxpayers in the

same way, that it ought to be able to make sure that it is using every sinew within it to trace and then recover assets that can minimise the liability of the taxpayers. Mr. Speaker, if that is offensive to the Democratic Labour Party (DLP) Government I can only assume it is offensive because they either were aware or now are embarrassed having found out the activities which took place in the very month of January 2009, when CLICO was imploding and when families and entities suffered.

Mr. Speaker, these are serious issues. We look forward to a full accounting as to what the Government would do to minimise the almost \$400 million in debt, 5 per cent of the Gross Domestic Product (GDP) roughly, money that could appropriately be spent elsewhere but which we now as a Parliament have to agree to stabilise tens of thousands of Barbadian families who should never be in this position in the first place.

Sir, we also look forward to the Minister of Finance indicating to us, as I said at the beginning, whether this is the full asset base of BAICO and then we look forward to the Minister of Finance indicating to us whether he is in a position to tell us what is the estimate of the shortfall for the 10-year annuity. Certainly for this financial year coming up he ought to know and he ought to know what it would have been since the passage of the legislation.

We would like to have an update from the Minister too because it is a related fact as to whether the company called Resolution Life Assurance Company has in fact been able to start since the legislation passed this House about six months ago. We know that the liability for the bonds will only accrue once arrangements are in place for both Resolution Life Assurance and New Life Insurance Company Limited (NLICO) and we want an update on where we are with that some six months after the passage of the legislation, in this Parliament.

We believe, Sir, that we also would like to know what is the position in relation to the Eastern Caribbean Governments; New Life Insurance Company Limited (NLICO) and Resolution Life Assurance Company Limited on whether they have agreed to come on board or not. The last public commentary that we had on this matter was the Prime Minister of St. Vincent and the Grenadines indicating that he had written the Prime Minister of Barbados but he has not received a response. I believe this was at the end of October last year and we do not know what is the situation in relation to the Eastern Caribbean Governments on whether they who face some of the difficulties, indeed I believe that 60 per cent of assets may well be in the Eastern Caribbean; whether they are in a position now or will be shortly, to come on to the proposition that the Government has put before us in the legislation which came here in August last year, for the bonds for CLICO.

Sir, these are not facts that should be difficult for the Government of Barbados to be able to provide; not to the Opposition but to the people of the country, who at the end of the day are the ones paying the taxes or not receiving the tax returns and tax credits in order to be able to finance this issue.

Sir, in addition, on the Fair Trading Competition matter, on this matter; we would say that we understand the difficulty which the Fair Trading Commission would be presented with but I do not know that we can do better given the fact that there are a limited number of functional insurance companies in the country and I do not expect that the Fair Trading Commission would take a difficult position in relation to the consolidation of the market on this issue. Quite frankly, I would have preferred Government going this route to trade to an existing entity in relation to the CLICO International Life Limited ones because there is a lot of (1) assumptions being made to get it right and this is within a new company, you have to put in the working capital; you have to be able to persuade people now, that a company that is a successor to CLICO International Life Limited has the systems; the working capital and the investment profile in order to be able to give people the confidence that they will return their funds once invested.

Mr. Speaker, Sagicor Life Incorporated has a track record of over 100 years. Sagicor Life Incorporated and its predecessor, the Barbados Mutual literally have that kind of track record, not just here but in the rest of the Caribbean, that I believe gives people a sense of confidence that their funds will be appropriately invested; so I do not envisage a difficulty in relation to the full competition issues.

In relation to the tax liabilities, I would like and believe that any tax liabilities which are owed to the Government by British American Insurance Company Limited will, in fact, be netted out and will therefore reduce the liability which the Government assumes from the \$93 million that it is assuming with these two bonds.

Sir, the zero coupon, I have heard the Minister expressing concerns for future Governments in relation to the timing of the coupons but the reality is that two of the bonds are zero coupons which means no interest will be paid during the 10 or 15 years and two of them are coupon related which means that you have to pay some interest in the 20 and 25-year bonds but once again, we do not differ with the Government on what has to be done. We say simply that the Government has not gone far enough to seek to trace and recover assets so as to minimise the liability on the exposure of the taxpayers of Barbados.

This matter has taken way too long to get to this point and we trust and pray that Barbadian families who are

affected can indeed be the beneficiaries of some assistance soon and that we may need to look fresh again at our Insurance Act and our Regulation of Insurance Companies as I am not sure that we have done an appropriate revision of what we need to put in place, in the post-CLICO International Life Limited, post-British American Insurance Company Limited environment.

What we do not want again is persons using people's money as if it was an automatic teller machine because insurance premiums are not an automatic teller machine to finance the ambitions of management or ownership of any insurance company.

I therefore ask the Government to update us or to indicate to us, if it has not yet, what will be done to alert the public as to what are the enhancements and improvements coming to our regulatory climate, in relation to insurance companies and in relation to those other deposit-taking institutions in this country.

Mr. Speaker, I will not use this opportunity today to talk about the banking sector because the Estimates, I assume, will be in two weeks and we need to have a serious debate on the banking sector in the region and the difficulties that it is having but suffice it to say that I do believe that there is need for protection of consumers, particularly as they relate to insurance companies.

Mr. Speaker, there are some parts of the world that cap the amount of marketing money an insurance company can spend, for example, health premiums. If we do not do that, what happens then is that the insurance company seeks to get its return on all of its expenditure and all of its expenditure can include things that are non-related to the fundamental business it is carrying out, in this case of health insurance. It may be sponsoring shows; it may be sponsoring all kinds of festivals; that has nothing at all to do with the underlying issue of the provision of health insurance. Sir, I do believe that a legislative and regulatory environment needs further strengthening, given the expertise of British American Insurance Company Limited and CLICO International Life Limited and given the extraordinary cost that the Government of Barbados has had to assume now in order to make policyholders whole in relation to principal, as a result of their experiences with this entity.

Mr. Speaker, with those few words, I thank you, Sir.

Mr. SPEAKER: The Honourable Member for St. James South.

Mr. K. D. SYMMONDS: Mr. Speaker, I meant the Minister of Finance and Economic Affairs; no discourtesy but I was shocked that the Honourable Member was rising to wrap up the debate so soon, Sir. Mr. Speaker,

notwithstanding the interruption of the Minister of Education, Science and Technology, and Innovation, I want to begin by applauding the intention of the Government and the effort to extend assistance to policyholders and investors in this matter.

Sir, I recall well when a similar exercise was brought before the Honourable House in August of last year. It is a good thing, Sir. I heard the Minister of Finance say that he has heard in this Honourable House a view that Government should not involve itself in these kinds of - what I would loosely call - salvage and rescue exercises or if they did, that they should substantially limit the extent of its involvement. Mr. Speaker, Sir, we must be mindful of the fact that in the CLICO International Life Limited exercise we were talking about 30 000-plus policyholders and investor. In this particular matter with British American Insurance Company Limited we are talking about roughly 10 000 or more policyholders and investors.

Mr. Speaker, in circumstances where you have over

40 000 policyholders, Sir, who would have been faced with and exposed to substantial calamity of a financial nature; exposed, Sir, to consequential hardship that followed on that calamity, in the context of a very small economy, then, Sir, the fallout of that magnitude would have led undoubtedly to widespread contagion across the Barbados financial landscape and would have made, as I think the Leader of the Opposition pointed out, investor confidence such as it would have remained would have been very minimal and it would have made life for those investors, policyholders and persons who do business with them, whom they would rely on in matters of commerce, virtually impossible.

Sir, I start by acknowledging that Government has fought along what I perceive to be a correct path in making this effort and I laud the good intention of the Government. Where I have a difficulty with is in the approach that has been taken. I remember when I was a little bit younger at school, an English teacher instilled into the class and by extension into me, a poem which was called Andrea Delossantos. It was written by an English poet called Robert Downing. He made the observation that a man's reach should always exceed his grasp; failing that, what else is heaven for?

Sir, if one was to look at the stanza of Downing's poem, that English poet would have been inviting mankind to aspire always for a better and greater quality of existence. One of the most unwholesome aspects of this Democratic Labour Party Administration, Sir -- and there are many -- has been the fact that we have been brought to a point in Barbados where we are being asked as a country to accept what really is a mediocre standard of Government and governance.

Mr. Speaker, irrespective of the area that you look at, you know that better can be done; you know that better must and ought to be done but, Sir, you are being asked to accept mediocrity at the worst possible level. Mr. Speaker, I notice the angst which that observation causes in the Minister of Health, so for his own benefit, I direct his attention to the Queen Elizabeth Hospital. Only yesterday, Mr. Speaker, I listened with interest to the exultation in the voice of the Honourable Member for St James South, who was launching a website, of all things and there was great exultation about having a website in 2016. Mr. Speaker, the issue is not that you have a website; it is why it is that Government as a whole should not be able to facilitate the payment of all obligations by persons with whom Government does business via electronic commercial platforms.

Mr. Speaker, wherever you go this is the issue that is affecting Barbados. How is that relevant to this debate? It is relevant in this way, Sir because this particular matter of BAICO illustrates beyond any doubt in my mind that there are some acute governance issues.

Happily, Sir, we can do some equivalency assessments because when BAICO went under in 2009, there was not only BAICO in Barbados but it operated in the Eastern Caribbean as well. Its financial services products were to be found across the entirety of the Eastern Caribbean Currency Union (ECCU) and were an essential component thereof, Mr. Speaker. Sir, the issue that attracts me on the question of governance is that the ECCU moved with some alacrity in order to settle the issue to provide \$40 million to fund the deficit between assets and liabilities and to bring the same Sagacor Life Incorporated to the table as the party with whom they would make the transfer.

As part of that process, Sir, the Judicial Manager in the Eastern Caribbean was obligated to keep the governments of the Eastern Caribbean updated. If you look at the reports of the Judicial Manager for the Eastern Caribbean, you would see, Sir, that by 14 February, 2013 the Government of St. Kitts; by 06 February, 2013; the Government of Dominica; earlier in February the Government of Anguilla and across the Eastern Caribbean in February of 2013 these governments were in a position to have concluded the same relationship that we are now bringing to Parliament today with the same Sagacor Life Incorporated.

Mr. Speaker, I will hear that Barbados started a little bit later, a few months later but, Sir, the equivalency assessment that I invite this House to do is to look at its governmental framing. Mr. Speaker, the Judicial Manager was obligated to keep the government updated on all stages of the transactions and the operational issues surrounding the transactions and the transfer of the portfolio and the governments in turn, kept the parliaments of the Eastern

Caribbean, and by extension, Sir, the citizens of the Eastern Caribbean, up to date.

Sir, in contradistinction this process in Barbados has taken place, up until today, largely in the dark. To the best of my knowledge, information and belief, this is the first time that the Minister of Finance has condescended to report progress on BAICO to this Parliament. As I said, Sir, he spoke here in August in a similar exercise with CLICO. I am going to demonstrate to you, Mr. Speaker because in August of last year when we heard about the creation of New Life Insurance Company, between then and now we have had no update as to what is the status of it; what progress has been made between August and now. Today would have been an excellent opportunity, yet again squandered, gone abegging, for the Minister of Finance, if only he would, to appreciate the importance of communication in governance matters of this nature. He is coming to the Parliament, to people duly elected by the citizens of Barbados, to ask us to agree to facilitate the Government with financial obligations which will rest on the backs of the same citizens. It is not, as I have said before, the personal plaything or the piggy-bank of the Minister of Finance. Were it his own personal plaything, then it would not matter whether he condescended to share or dispose anything, but at a minimum; having agreed that we would walk the road with the Government that we are walking with respect to New Life Insurance Company and CLICO, we would have expected that we would have had the benefit of an update on that.

Mr. Speaker, we would have expected that which the Minister put to this House as being a "Barbados first" policy but that which the Prime Ministers of the Eastern Caribbean found difficulty with and said that in their view, it has become a "Barbados only" policy; an issue, Sir, which is of grave significance because we all know that the late Member for St. John, when he was Prime Minister, gave written undertakings to regional institutions like LIAT and to governments that Barbados would be there for them. Therefore, Mr. Speaker, we would want to know what is the extent of the difficulty as we perceive it to be between the Prime Minister of Barbados and the Minister of Finance of Barbados on one hand on this matter and the Prime Ministers of the Eastern Caribbean on the other hand.

Sir, with respect to BAICO, it would have been a good thing in the same way that the Government of St. Lucia brought the Parliament of that country up to speed on the extent to which existing policies were at the time, 2009. Those existing policies had been surrendered. Mr. Speaker, they gave updates in the St. Lucian Parliament as to whether or not policies or premiums that were being paid were no longer being paid, so that legislators would not have to come to Parliament one fair morning, or as the Minister said in his wrap-up, one sunshine morning, out of a clear, blue sky to make decisions on whether or not they

are going to support or hold the hand of Government on these matters. It would instead have been something that was kept constantly before the public and the legislature.

Mr. Speaker, the issues that went before the Eastern Caribbean Parliaments was whether or not policies continued to be written. Mr. Speaker, it is a fact that across this region, as with CLICO, so too with BAICO, there was a question of whether or not certain types of policies continued to be written, even after the 2009 collapse and even after the Supervisor of Insurance may have issued certain instructions or stop orders.

Mr. Speaker, there is also the question of Government's position on Executive Flexible Premium Annuities (EFPAs) and again, we have not benefited as a Parliament from Government's perspective on that matter with respect to BAICO. We do know, that we have in many for a, indicated to the Government that an EFPA was something so generic and subject to principles of interpretation of its own kind that sophisticated people, having at their disposal pension funds; people who benefited from extensive accounting and actuarial advice; chose deliberately to take up money which they had at their control and placed them into these so-called EFPAs.

The issue, therefore, arises as a question of governance as to whether or not the Government of Barbados ought properly to be trying to stand in the shoes of persons who made that kind of calculated and conscious investment on the basis of potentially sound or purportedly sound professional advice and whether you can treat that kind of individual in the same way as you would treat an old lady who went and bought a life insurance policy and through no fault of her own and mindful of her own limited ability to assess; understand and analysis these things, may have happened upon hard time.

Mr. Speaker, Sir, there are a raft of issues about which the Government of Barbados did not bring the Parliament up to date before they have come her to say, "Look at 'muh' here, I want your support to get \$86 million". Sir, that is effectively what has happened, that they keep people in the dark of night, in stygian gloom and then arrive here one sunshine day as the Minister himself says, and say, "Look at 'muh' here, I come to get your support to get \$85 million".

Mr. Speaker, Sir, there was no update prior to today on the status of the portfolios. There is no update prior to today on the value of the assets. Sir, pause on this matter of the value of the assets to raise a few issues because especially with respect to the asset in Bishop's Court Hill; I hear now for the first time that it is valued at \$18 million. The world is witnessing an exercise which is perhaps jocular in part, embarrassing, I am sure for the native of the United States of America but from which they are lessons

to be learnt. There is an individual who has emerged on the political landscape of the United States of America who has gone on record as describing leaders in that country as "stupid people" and he has sought to justify that accusation on the basis of the fact that they make deals which did not stand up to scrutiny and which could only be made by Government because Government is not spending its own money but rather is spending the public purse.

Mr. Speaker, Sir, I make no such accusation about any member. I hear the Ministry of Education already getting riled up and I have made no allegation of that nature about him. He needs not prepare to break skies; he can rest comfortably but the fact of the matter is, Mr. Speaker, Sir, that if the Minister was spending his own money, and I wish he could; if the Minister was ceased of \$18 million to invest today in office space, I doubt that the Honourable Member would choose the building in Britton's Hill. The Honourable Member knows that it has been on the market for the last five years and cannot find a buyer. The Honourable Member knows that efforts have been made to procure the sale of the building and it is only in these circumstances, where Government is doing what the private sector would not do; what sound financial advice would not allow it to do. Sir, again, I am being told as a legislator in this Parliament and these things boil my blood because I consider it to be personally very offensive that there are two geo-technical studies.

Mr. Speaker, Sir, if you have temerity to come to the Parliament of Barbados and say that you want my support, then at least you should have the decency to show the geo-technical studies upon which you promise the suitability of the investment that you are saying that you are getting. Mr. Speaker, Sir, if you do not condescend to share with Members of this legislature, the allegedly hard scientific information that you have at your disposal then, Sir, you are asking us to buy a pig in the proverbial poke. You are asking us to walk the road blindly; having faith only the word of the Minister of Finance that there are these geo-technical studies. Why can they not be laid before the House? Why can this place not do like other Parliaments. I do not care how angry the Minister makes his face looks or how much he contorts his facial muscle, Mr. Speaker, Sir, the reality is that you cannot come in good conscience to ask the representatives of the people of Barbados; to hold your hand so as to inflict on them that which may be an additional burden down the road, without at least condescending to share on the particulars, upon which you say you have premised your decision to walk this way.

Mr. Speaker, Sir, what about the Judicial Manager in this country? Sir, in the Eastern Caribbean, the Judicial Manager and the fees of the Judicial Manager were made public. Again, I ask the question, why is there this stygian gloom surrounding all of the fundamentals and yet you ask us to participate in that which you cannot own because the

only reason that the Minister is here today is because he could not carry this to conclusion independently and by himself. He had at some day to face the light of day in the Parliament of Barbados and face some level of scrutiny. There would have been no need to speak in these terms about a matter which I begin by saying is laudable. It is a desirable thing in a small economy to go out of your way to try to avoid contagion; to avoid dislocation; to avoid the consequential widespread impact across this economy which would have fallen upon 40 000 to 50 000 people being dislocated financially.

Mr. Speaker, Sir, you cannot treat it as though it is your own personal piggy bank. Sir, I am going to go a little bit further on the question of the quantum of the bond issuance. Sir, the local Judicial Manager a gentleman by the name of Mr. David Holukoff told the Press in Barbados in 2014 that an actuarial review had been conducted; that there had been a valuation of assets and that is why is speak in these terms because all these things were within the domain of the Government. I guess I would also hear because I know the Minister of Finance very well; I have known him for a long time. Sir, it would be a bowler in the nets with a spin bowler, Sir. You kind of know where the ball is going to pitch and how it is expected to bite and turn.

Mr. Speaker, Sir, I would not be surprised when I heard that the Financial Services Commission would have had the Report so, therefore, we could have gone in there and get it, as though Members of Parliament are not expected to be treated as Members of Parliament and have certain documents placed at their disposal. All of us, Sir, are not like the Prime Minister who will get a report from the Judicial Manager and six months later has not got a chance to read. Sir, all of us are not that way and that may be how things are done over the other Side.

Mr. Speaker, Sir, it is not how things are going to be done in the future and certainly not how things are to be done here. I say to you, Mr. Speaker, Sir, that Mr. Holukoff, the Judicial Manager, indicated clearly in 2014, that he understood on the basis of the valuation of assets and the actuarial reviews that had been done that the shortfall was supposed to be around \$48 million. Now I have listened to the Minister today and the Minister did not take us back to that position. Sir, I have no idea and because the Minister has not condescended to come and give us regular updates, I have no clue as to how the shortfall moved from \$48 million to where it is now.

Mr. Speaker, that is the crux of the difficulty that we have and beyond those governance issues and the methodology of the Minister of Finance and the Government by extension, there is the question of those people in Barbados whose fears must now be allayed; whose concerns must now be allayed.

Mr. Speaker, Sir, a lot of people in this country do business with Sagicor Life Incorporated and Sagicor Life Incorporated will now be gifted with receipt of Government bonds. Sir, the way I understand credit rating and something I differ with the Honourable Prime Minister. I have learnt a lot from the Prime Minister during my life but there are some things that I differ with him on. Sir, I am one of the few, perhaps, the pure blind and dumb, I concede all these things that have been said about me but I am one of the few who believe that credit ratings indicate creditworthiness. It is not a nonsense thing; foolishness uttered in the dark and so when credit rating companies, for example, Moody's, before the Government fired it, gave a rating of BA3 and Standard & Poor's gave a rating of much more of B. All of those ratings have a description which is internationally understood to mean, highly speculative; beneath investment grade; having a considerable risk attached to them.

Mr. SPEAKER: Honourable Member, you have four minutes in which to conclude.

Mr. K. D. SYMMONDS: Thank you, Mr. Speaker. The Minister of Finance do not like to hear the word junk bond so I use all of those other terms.

Mr. Speaker, for the people who do business with Sagicor Life Incorporated, it has to be a matter of concern. What is it that is backing this transfer and is it worth the paper it is written on? Beyond that, Mr. Speaker, the point of the value of the real estate is another considerable point in this matter because as I said to you before there is nobody in Barbados who had the money to spend independently of Government, personally or corporately was going to make the investment where that building exists.

Mr. Speaker, I want to end on this note because we cannot pretend that certain things of a highly reprehensible nature did not take place in this country. The Leader of the Opposition raised the issue of what transpired when the Honourable Member for St. John was in the Chair as Prime Minister but uttered an invoice purporting to be an attorney-at-law at the same time. Mr. Speaker, that invoice involved, as it did, an allegation that it included a retainer for watching brief for one Maurice King Q.C., esteemed senior counsel in this land. Mr. Speaker, the same Queen's Counsel issued a letter indicating that he had nothing to do with any \$250 000 or any amount relating to CLICO International Company Limited. Mr. Speaker, it therefore meant that the document that was uttered was substantively a document that was fraudulent.

Let us face reality, Mr. Speaker because I have heard all of the talk about who is whose friend; who is whose pal. I am aware of the birthday party that was attended by one of the more senior Members of this Government last year;

where the people were chastised and told do not mind the people of Barbados, they are only envious of your success my friend.

Mr. Speaker, there is the inconvenient truth that we have to work our way around a piece of paper or a few pieces of paper which are called the Anti-Money Laundering Act. If money moved unlawfully from CLICO, it collided therefore with the prescriptions of the Anti-Money Laundering Act, therefore there is an issue of substantial importance before this country. Was money laundered so as to facilitate its movement in the sum of \$3.33 million from CLICO not for the officers of Thompson and Associates as the junior counsel, now called Denova Legal, wrote in a letter dated 29th January, 2013, where they disclaimed any knowledge of the money but was added to the personal account of the then Prime Minister and then passed through the law office.

Mr. Speaker, the inconvenient truth is that there is an Anti-Money Laundering Bill in this country. The Attorney-General has chosen to turn a blind eye to this matter. The Government as a whole, treats to the matter as though we are being fouled and unfair but what cannot be avoided is the harsh reality that the world has now been exposed to, that a Judicial Manager published in black and white the fact that the invoice was uttered by the former Honourable Member for St. John; he published the fact that the invoice was approved for payment by the then Chairman of CLICO Holdings. Mr. Speaker, those are issues which if they took place with respect to coconuts under a tree in Barbados, the illegal and fraudulent movement of my coconut to somebody else's place, would attract the attention of the police and the scrutiny of the heaviest hand of the law; a different set of rules applied.

Sir, we have to be clear that we do not allow the signal to be sent out there that these things are acceptable and can continue to happen. From where I stand, Sir, there is a solution. In the United Kingdom what they do is to say that where once a Director of a company has been implicated for fraudulent activity, then an investigation must take place and at that time a suspension order is triggered by the Minister of Commerce or the Secretary of State for Commerce in England.

Mr. SPEAKER: Honourable Member, please wind up.

Mr. K. D. SYMMONDS: When once there is evidence as I believe there now is; that that which is alleged is true, then there is a disqualification order entered against the Director so that he cannot hold office as a Director of any company again because there has been a breach of trust. That is how they do it in the United Kingdom. Similar things are followed in other parts of the civilised world.

Mr. Speaker, I am saying that we cannot just have this debate without putting plausible future solutions on the table and that where we go forward, is to say to the Government that if the Government is prepared to recognise that wrong things were done and to use the example that I have just given to this House of what happens in the United Kingdom and elsewhere, then I am with you but if the Government comes here just to collect \$80-something million in obligation and to go along about its business; stapes its mouth and pretends that nothing has happened here of significance to affect the people of Barbados so that it could happen again...From the time I was a little boy we had Trade Confirmers; Plantations and it keeps going on and on and on and the reality is...

*Asides.*

Mr. K. D. SYMMONDS: Mr. Speaker, when we have these problems...

Mr. SPEAKER: Honourable Member, please wind up please.

Mr. K. D. SYMMONDS: I am obliged to you, Mr. Speaker.

Mr. SPEAKER: Yes, the Honourable Member for St. Michael North West.

Hon. C. P. SINCKLER: Mr. Speaker, I rise to bring this debate to a close. I want to thank the two Honourable Members from the Opposition who spoke, for their contributions. I cannot say that I thank them for everything they have said. I thought that the competition going on between the two for leadership - because there was clearly a competition going on this morning and it is very unfortunate the House had to be subjected to it - I do not know if it is for leadership of the Barbados Labour Party or leadership of the third party... The competition going on between the two had to be played out on the Floor of the Honourable House of Assembly dragging other people; third parties, who are not really interested in what they have to say or why they are doing into it; rehashing things that have already been said in here when we had the CLICO debate; things that were canvassed in an election; special public meetings were held; documents dropped off of a truck, we had the recitation of all of that; trying to create relevance.

I am very sorry, Mr. Speaker, and I apologise to the people of Barbados that we had to be subjected to that even though I had no control over it. I was really hoping against hope that we would have been spared that type of thing. In fact, I was hoping that the level of enthusiasm and passion that the Honourable Members from the Opposition who spoke, particularly the last one that spoke, that I would have seen that two or three weeks ago when we were

debating the Domestic Violence (Protection Orders, (Amendment) Bill. We did not get that because we could not find neither of the two Honourable Members at all. They did not venture in here even though the debate spread over a few weeks but they rushed in here today with all of this pent up enthusiasm to try to abuse the Government for something which... The fact of the matter is that if we were being obscenely political, one would have to ask the question where the two Honourable Members who spoke in this debate about all this governance and transparency; where were they, other than in the Cabinet of Barbados when these two companies were doing all of the things that they said that they should not have done and that led to the collapse of these two companies, when it happened?

One was the Attorney-General and the other one was loitering on the steps of Bay Street, under the guise of being a Minister of State in the Ministry of Foreign Affairs and Foreign Trade on which he was given no responsibility but was able to sign more files; put more minutes and contributed to nothing at all.

Mr. Speaker, where were the two Honourable Members other than in the Cabinet of Barbados, when their political leader went and addressed the Annual Award Ceremony of one of the very said companies and said that it was the best run company in Barbados? They were all in the background jumping up and cheering but now in a display of the most incredulous politically sanctimonious commentary, we are now to hear that it is this Government who has created all this and this Government is subjecting the taxpayers to all of these things. When under their watch, all of these things happened, as though they can excuse themselves from the responsibility.

Where were the two Honourable Members when the files that would have permitted for the restructuring of the Office of the Supervisor of Insurance; behind the many consultancies and recommendations that were made by experts both from in Barbados and outside of Barbados repeatedly put to the Government of the day, the Barbados Labour Party, for a restructuring and a strengthening of that office, so that it could manage and better regulate the insurance sector? Where were those two Honourable Members?

Sir, when those documents; those files; those recommendations were being left in File 13? It is this Minister of Finance, under this Administration who had to pick it up and bring the Financial Services Commission and all of the new regulatory techniques, an enhanced and improved regulatory regime, into place in this Parliament. Where were they? Mr. Speaker, all of the people who know them have not left the earth, some of us are still here and we know the facts.

Mr. Speaker, the Honourable Member for St. James Central, and we thank him for his presence today, I said in his enthusiasm, picked up some report from the Judicial Managers down the islands and tried to give the impression to the public of Barbados that this Government is supposed to be giving some running commentary to the Honourable House of Assembly, every two weeks on what is going on with a judicial management exercise. The Honourable Member is a lawyer, I am advised. I know that he went to the right place to get his papers, so I can put my neck out for him.

The Honourable Member knows very well or ought to know that under the Insurance Act Cap. 310 in Barbados, a Judicial Manager is appointed at the asking of the Supervisor of Insurance, now the Financial Services Commission. The operative word in the title Judicial Manager is judicial. I am not a lawyer and I know that. The Judicial Manager acts under the instructions of the Court and it is not the responsibility of the Minister of Finance or any Government or any Cabinet to so insidiously, insert itself in that process. That process is directed by the Supreme Court of Barbados. They said they wanted to put it under judicial management.

Mr. SPEAKER: Yes, Honourable Member.

Mr. K. D. SYMMONDS: On a point of order. The Honourable Member is misleading the House.

Mr. SPEAKER: Yes, tell us in what way.

Mr. K. D. SYMMONDS: The Honourable Member must be aware of the fact that in the Eastern Caribbean, the same process was followed by way of judicial management and in those States so as to ensure that Parliaments would have been kept abreast, Attorneys-General moved the Court because ultimately the public's funds would have to be exposed in the Eastern Caribbean to the tune of \$40 million. The principle of transparency there but not followed here, is that you cannot come to Parliament and call for the \$40 million without having kept the public abreast of what you are doing.

Mr. SPEAKER: That is a point of elucidation, no point of order found.

Hon. C. P. SINCKLER: The Honourable Member knows that he is far out in the left field; one of his football boots is falling off; he is now running up and down and he knows he has no point. The problem with him is that if when he was studying law he spent less time in the Faculty of Social Sciences and more time in the Faculty of Law, he would understand the law.

The Judicial Manager is under the supervision and direction of the Court and the Court decides what

documents are to be released either to the Parliament of Barbados or to the people of Barbados and when those releases are to be done. In fact, Mr. Speaker, Sir, the final Report for this British American Insurance Company Limited, I understand, has been submitted in the last few days to the Court in Barbados. The Court has not yet decided you know.

Mr. Speaker, we could go, if we want to, and force our way to get a copy of that document and bring it in the Honourable House of Assembly but I have no jurisdiction to do that. The Court has not ruled on it; most of these documents, particular when it relates to CLICO, were held under confidential cover as instructed by the Court. I just cannot go and take up the documents; breach the authority of the Court; be in contempt and bring it in here. Sir, not only would it be a poor reflection on me as Minister of Finance but it practically would be against the law. I am hearing the Honourable Member for St. James Central, who is a lawyer in Barbados, I am advised, telling me that I should break the law.

Mr. K. D. SYMMONDS: On a point of order. The Honourable Member is misleading the House. I did not say that to the Honourable Minister. I said to the Honourable Minister that in other parts of this region the Attorneys-General of the Government, of which he is part... Do not pretend that this Government does not have the Attorney-General in his presence, I could see him.

Mr. SPEAKER: Honourable Member, you made that point already. Honourable Member, please take your seat.

Mr. K. D. SYMMONDS: The Attorney-General moved to ... in order to obtain... It is the people's money that the Honourable Minister is coming...

Mr. SPEAKER: Honourable Member, please take your seat. Honourable Member, do not let us get out of tangent. You have made that point already and I asked you to take your seat, I am not going to tolerate it.

*Certain remarks made by the Honourable Member for Honourable Member for St. James Central were ordered expunged from the records by Mr. Speaker.*

Hon. C. P. SINCKLER: Mr. Speaker, I understand his agitation but I want to advise the Honourable Member of something through you, Sir, because he says he is my friend and he has been for some time. The Honourable Member does not take my advice but I have always tried to counsel him not to go wrong. Barbados became a sovereign country on 30 November, 1966, in fact, even before then we were a very strident country but on 30 November, 1966 we established the nation of Barbados and this year we celebrate 50 years of Independence. Barbados does not run itself on the basis of what other people do. We run on the

basis of the Rule of Law in Barbados, backed by a Constitution that has been written and accommodated and nobody is going to advise me to breach the law in Barbados because it suits their purposes, I am not doing that.

You complained about getting documents. You are the person that says everything drops off of a truck. They even had the Judicial Manager's Report before it was laid in Court. You know which Prime Minister signed which cheques. You got all of the information already. You presented it in the public. You canvassed it in an election but having now found yourselves in a state of total disarray; needle-less and rudderless; shifting and drifting all over the place...

Mr. SPEAKER: Honourable Member, are you still addressing me?

Hon C. P. SINCKLER: Come in here now to give the public the impression, that this is some organized group of characters or individuals or Members of the House of Assembly, to give a prosecution to the Government, in relation to these matters. Sir, I find it really childish, Mr. Speaker, Sir, politically childish and so since the Honourable Member for St. James Central has created such a mess, I am going to take off his political diapers and wipe him, as he properly should be. I will put some powder on him and fix him back.

*Asides.*

Hon. C. P. SINCKLER: Mr. Speaker, the Honourable Member talked about trifling with people's money. Sir, there was no money involved; the money is now coming here and we have come to this Honourable House of Assembly. Mr. Speaker, could you imagine? We have come here to ask for a financial process to be put in place. When you listen to the Honourable Members of the Opposition, you cannot figure out if they really want this thing to go through or not because they raised this argument how is it going to cost so much money to do; how it is going to stop us from getting garbage trucks; how it is going to stop us from getting Transport Board buses; how it is going to stop us from doing all of these things.

Sir, on the one hand they are saying that we have to help out these poor people, these 46 000 persons in households and families in Barbados who need this help but then on the other hand, they are complaining about how much it costs. Which one do you want, do you want us to help them or not? Do you prefer us to say to them we are not going to help them, let them go suffer, let us buy ten Transport Board buses and twenty Sanitation Service Authority trucks? This Government says, even in spite of the liabilities; even in spite of the difficulties that it will face and that it will confront for us; we say we should be able to do both. We should be able to help the people in

this situation and also still be able to buy the trucks because that is the right thing to do.

Mr. Speaker, Sir, they then argue about the value of the assets. Sir, fixed assets valuation are always variable, you could value an asset today at \$100 million and by next week, it can worth \$75 million. Sir, that is just the vagaries of the market. A valuation is an opinion, so you take it as it is. Mr. Speaker, the structures that we put in place both for CLICO International Life Limited and for British American Insurance Company Limited assumes that if we go to market to do force sale, in these conditions we will not get a fair representative book value for the product. Mr. Speaker, it is always said by valuers that something is only valued for what it is sold for; you could value something for \$100 million but if nobody is willing to pay that amount for it, then it is only worth what it is sold for.

Mr. Speaker, the point is this, we have said in relation to CLICO International Life Limited - that is why we created property trust - that we are going to hold the assets because these assets have variability and they have the potential to grow in value as the economy grows; as the economy gets better and as the market improves. So you do not have to rush to do a force sale to get an undervalue on assets that we know and suspect are valued at more; we are going to hold them.

Mr. Speaker, the gap between the assets and liabilities will be \$300 million, that is why we issued the bonds over such a period of time, 10, 15, 20 and 25 years, so that in 10-years' time, the value of those assets may increase by another \$50 million which brings down the gap between the liabilities and the value of the assets that much more and the serviceability for the Government reduces. That has always been the way in which we do these restructures because there is no other way to do it.

Mr. Speaker, that brings me to this point. The Opposition has been railing and ranting about the solutions that we have brought here. Sir, I brought the first solution in August and I am now bringing the other one. Sir, up to now they have not produced one idea in terms of a different plan. They have not brought an alternative strategy for how it can be done and rather than stop wasting the House's time with a lot of political palaver; they should just come and say that they support it but that they have one or two concerns here and there, could we please explain how this is going to work or whatever the case may be. Mr. Speaker, instead, they come here and try to create this big set of feud about the plan that we are putting in place.

Mr. Speaker, the truth of the matter is that there are only two plans, the Opposition knows it too, one is liquidation and the other is the plan that we present. Sir, I am assuming that since they do not seem to support the Government's plan, they seem to prefer liquidation because

there are only two ways to deal with this: liquidate and sell out in a bargain basement sale and who gets, gets, and who does not get, does not get, or you accept the plan of the Government of Barbados.

Mr. Speaker, I am making this point in this Parliament today, those are the only two (2) options that exist with this company. The plan that the Government of Barbados has presented, either in this case or in CLICO International Life Limited case or a liquidation of the assets; a ranking in terms of priority of the creditors and the rest is there.

Mr. Speaker, I am not in the take-it-or-leave-it world but I live in the real world and this is what is on the table.

*Asides.*

Hon. C. P. SINCKLER: Mr. Speaker, to the extent that all of that is true, my point is that we have presented a fair and reasonable plan. We have brought it to the stage where the Judicial Manager has been able to finally come to us and say, these are the options; this is what we want you to contribute; are you prepared to do that? We said yes, based on certain criteria, you have satisfied these certain criteria and we are good. Our next stage of operation is to come to the Parliament of Barbados.

Mr. Speaker, you do not come to the Parliament first; you do not come to the Parliament in the middle; you come to the Parliament when you have something substantive to put before the Members of the House for consideration. That is what we have done, because that is how it has been done from time immemorial, so this thing that I am going to rush up here every day, every two weeks or every two months with some half of a programme to update the Parliament and then I have to come back and remind them about what I said last month, "that I am now doing something else, so come up with a different plan." Sir, that cannot work, you do not conduct Government in that way.

Mr. Speaker, if the Honourable Member for St. James Central used to be given responsibility when the Honourable Member was a Minister of State the Honourable Member would know but the Honourable Member spent time in Government; he was appointed as a Minister and left with nothing other than what he came in here with. Sir, that is the problem because whenever the Honourable Member puts his name up in the pool for leadership, they always say he has no track record, like Marco Rubio. No track record!

Mr. Speaker, what did he do when he was in Government? What did he do? As the Cabinet Master once put on his report card, "Best left alone". Like when you go to the Garrison and you get a horses' form sheet. Mr.

Speaker, the Honourable Member for St. James Central was “best left alone”. The point of the matter is, though, we have brought a plan. It is not perfect. We do not expect it to be perfect and going forward we expect that some tweaking and changes will be made and we will keep the House and the country updated when solid information is available for us to share and that can stand scrutiny. Until that time, especially when the Judicial Manager is given the appropriate release from the court to show that information; we will share that information with the public of Barbados as is our responsibility to do. Until then, we can do the best that we can in the circumstances and I think that this brings and leads us closer to a resolution. Certainly, to some type of appropriate solution for those persons who have been disaffected by these unfortunate circumstances which, as I said earlier, really developed under the last administration. With those few words, Mr. Speaker, I beg to move that this Bill be read a second time.

Mr. SPEAKER: Honourable Member, there is just one thing I want to bring to your attention. I thought you were wrapping up so let me bring it to your attention then. The use of the term “wasting the House’s time with political palaver”; no Member does that. I consider it withdrawn and it is struck from the record. Fine.

*On the motion of Hon. C. P. SINCKLER, seconded by Hon. J.D.E. BOYCE, the question that the Bill be read a second time was put to the House by His Honour THE SPEAKER. This question was resolved in the affirmative without division.*

*On the motion of Hon. C.P. SINCKLER, seconded by Hon. J.D.E. BOYCE, the House resolved itself into Committee. Mr. J.D. PAUL in the Chair.*

#### COMMITTEE

Mr. CHAIRMAN: This House is in Committee.

*Clauses 1 -- 6, inclusive, were called and passed.*

*On the motion of Hon. C.P. SINCKLER, seconded by Hon. J.D.E. BOYCE, Mr. CHAIRMAN reported to His Honour the SPEAKER the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.*

*On the separate motion of Hon. C.P. SINCKLER, seconded by Hon. J.D.E. BOYCE, the Bill was read a third time, passed and cited as the British American Insurance Company (Barbados) Limited Preservation of Investments Act, 2016.*

#### SUSPENSION

Hon. J.D.E. BOYCE: Mr. Speaker, I beg to move that this Sitting be suspended for lunch until 2.30 p.m. today.

Hon. C.P. SINCKLER: I beg to second that, Sir.

*The question that the Sitting do now suspend until 2.30 p.m. was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the Sitting accordingly.*

#### RESUMPTION

Mr. SPEAKER: This Sitting is resumed. When the Suspension was taken for, lunch, we were on Government Business and with that, we shall continue.

#### ORDER NO. 24 – TRAFFICKING IN PERSONS PREVENTION BILL.

Mr. SPEAKER: The Honourable Attorney-General.

Hon. A.D. BRATHWAITE: Mr. Speaker, thank you. I rise to introduce the Trafficking in Person Prevention Bill, 2016. This Bill simply put, seeks to repeal the Transnational Organised Crime Prevention and Control Act, 2011, in order to make further provisions for the prevention of trafficking in persons under the implementation of United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons, especially women and children.

This 2011 Act over the last couple of years, having looked at the Act in terms of international best practices; we have accepted that there were certain deficiencies within the Act which led to us being here this afternoon to discuss the present Bill. The Bill broadens the scope of offences by creating an offence where trafficking of persons takes place within Barbados; that is one of the deficiencies identified in the 2011 Act and creates a special offence with heavier penalties, relating to trafficking of children. There are a couple of other areas that I will come to but, as I have said, there were certain deficiencies in the 2011 Act, that we have accepted and thus this Bill before us seeks to address those deficiencies while enshrining in law certain practices that we have adopted. Sir, by way of example, we have a Cabinet Sub Committee of which I happen to be Chair, which addresses the trafficking in persons issues and when this Bill become law, the work of that Committee becomes enshrined in law. Of course, the whole issue of how do we treat persons who have been trafficked; how do we treat to the victims. We have made that very clear within the law.

Mr. Speaker, we take it for granted that all before us are familiar with the whole issue of trafficking and I would like to take this opportunity to spend some time on the whole issue of trafficking. Sir, just for the record and certainly I would not lose the opportunity to educate anyone who is unfamiliar with the issue of trafficking of persons.

Mr. Speaker, trafficking of persons is considered to be modern day slavery. Indeed, if you listen to the international news at any point in time and in particular, anyone who watched CNN international news programme, you will hear stories of trafficking of persons being the second most lucrative criminal enterprise depending on whom you are listening to, that it is second to the drug trade. Sir, as I have always said, given where we are in this part of the Caribbean and in particular being products of the slave system ourselves; we should be at the vanguard to ensuring that our shores are not utilised for the trafficking of persons and ensure that anyone who is part of Barbados, either visiting our shores or residing here, are not trafficked.

Mr. Speaker, the general accepted definition of trafficking of persons is found in Article 3 of Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children also known as the Palermo Protocol. Sir, I will just go through Article 3 for the benefit of the record, which says as follows:

*(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;*

*(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*

*(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;*

*(d) "Child" shall mean any person under eighteen years of age.*

Sir, there are usually three indicia in that one of trafficking. The first one involves the recruitment which involves the transportation within a country or across borders whether it be legally or illegally; a transfer or harbouring of receipt of persons. Sir, if one examines our 2011 Act that I have mentioned earlier, one of the issues raised in that present Act was the fact that we addressed trafficking from the international perspective; that is utilising our borders, whether it be going out of Barbados or into Barbados but we did not address the issue that someone actually residing in Barbados could be trafficked.

Mr. Speaker, the other thing that one looks at is that trafficking usually involves threats or use of force, that is, physical; verbal or sexual and there is always an element of deception, coercion or control of that individual who is being trafficked.

The third element that one looks at, is the purpose of the trafficking. It usually involves the exploitation of the individual whether it be through the sale of individuals and organs or utilising the individual for financial gain.

Mr. Speaker, just this morning on my way through the door, there was an article on the whole issue of trafficking. Sir, as we know in Europe today, there is the largest migration of individuals probably in the history of the modern world and there is always some confusion between trafficking of persons and migration. One does not necessarily follow from the other although the biggest concern that I am hearing from what is happening in Europe is that many individuals are being trafficked and because of what is happening in Syria and other parts of that region.

Sir, in other words, they may honestly have thought they would like their homeland because of the wars, strikes and unaccepted way of life and, therefore, be part of the mass migration but unscrupulous individuals and in particular, transnational organised gangs have gotten involved and, indeed, if you accept what the news is saying, there are hundreds of thousands of individuals possibly being trafficked in Europe at this point in time. Sir, when one thinks of Europe, one thinks of the First World in comparison to what is happening to us here in the Caribbean and Latin America.

Mr. Speaker, just to give you a set of distinction between migration and trafficking. Usually it is an element of consent. In migration, as I said, one normally consents to being moved from one's home territory and the circumstances are usually as we could see undertaking a very dangerous or degrading circumstance; so usually with the migrant there is that consent. In the trafficking situation though, the issue of consent is irrelevant in the case of human trafficking. In other words, the person may have originally agreed to be facilitated in terms of moving from

his or her homeland, to where they ended up but the minute that consent begins to be exploited and in particular, I would say the illustrations for sexual purposes, then the fact that the individual must have consented originally does not matter but consent is usually there when it comes to migration.

Similarly, on the issue of exploitation, in trafficking the victim there is always that element of exploitation but that does not necessarily occur where there is migration; where the individual may simply pay to be transferred from point A to point B but in the case of the individual who is being trafficked, he pays to be transferred from Point A to Point B but when he arrives at Point B, there is that element of exploitation whether it be forced labour as constantly happens especially when it comes to females; the exploitation for sexual favours.

Sir, of course, there is the whole element of profit. Again with migration, there might be a one-off fee but where an individual is being trafficked sometimes you do not stop paying. They are continually in bondage or in debt to that individual who would have paid to arrange their transportation. Another difference is that smuggling is always transnational whereas trafficking needs not be transnational.

As I said earlier, one of the deficiencies pointed out in our present legislation is a fact that we assume or another legislation provided for the transnational nature of trafficking but we are aware of the fact that it is possible for someone to be trafficked within our own shores and stuff.

I want to make that slight distinction between migrant smuggling and human trafficking just for the record and for the elucidation of anyone within the sound of my voice because, as I said, we also want to use this opportunity to share with all and sundry the whole issue of trafficking and the damage it causes and has caused to hundreds of thousands. In fact, if you believe the statistics, although I do not believe it is based on any empirical evidence, you are seeing figures of 20 to 30 million people allegedly being trafficked worldwide today in the modern world that we live in.

Mr. Speaker, there are usually three major forms of trafficking. There is a little bit of exploitation and there is a reason why I am going to spend some time on this because I am going to spend a little time in terms of our own Barbados situation, in particular our situation as enunciated by the US State Department from time to time, in its Annual Report on trafficking worldwide. It is usually the labour exploitation; there is sexual exploitation, including the sexual exploitation of children and children there does not mean females only it includes young boys and girls. Then there is the issue of domestic servitude. Those are the

three major forms of trafficking that one sees internationally, that is: labour exploitation, sexual exploitation and domestic servitude.

Sir, as I said to you, the estimate is that there are about 30 million individuals being trafficked worldwide on a yearly basis. Depending on where you read, there is a suggestion that in fact in the Caribbean and Latin America, there is as much as 10 per cent of that figure that is somewhere between 2.5 to 3 million individuals being trafficked in Latin America and the Caribbean on a yearly basis. One of the difficulties that I have consistently is that when it is appropriate for certain international agencies, they speak of the Caribbean and Latin America so there is no way for you to be able to make the distinction in terms of what challenges we actually have or the size of the challenge we have in particular in the English-speaking Caribbean and how do you separate it from Latin America. The figure that I am reading from time to time is somewhere between 2.5 and 3 million individuals being trafficked in Latin America and the Caribbean.

From the Caribbean's perspective, we have accepted that there is an issue and in particular, the transnational nature of trafficking of persons in the Caribbean and therefore not only from a regional security perspective but certainly if I could speak on the behalf of my colleague Attorneys-General. We accept that this is an area that we need to pay particular attention to in particular because of the transnational nature of it and it is one aspect of the whole criminal network. In other words, it is not a case where nowadays that the networks are saying that they are involved in illegal drugs only or in weapons only, that in fact that they all seem to be intertwined in terms of what these sometimes massive criminal networks are involved in.

Mr. Speaker, moving closer to home, as I have said, on a yearly basis, certainly since I have been Attorney-General, I have paid particular attention to it, since 2010. You have the Annual Report of the US State Department in which it looks at the state of trafficking of persons worldwide. I know that one of my colleagues and very good friend, the Honourable Member for Christ Church West Central favourite thesis is by what authority does the US State Department on a yearly basis, almost have this blame and shame report where it categorises sovereign nations in terms of how they are perceived to be doing in terms of what the United States of America have termed to be international best practices or international standards in terms of their legislative and other initiatives, to combat the trafficking of persons in their respective jurisdictions.

In our own case, we have done much work over the last couple of years. As I have said in the past, I was mandated to chair our own Committee which addresses the whole issue of the trafficking of persons. I dare to say that

the work of this Committee has significantly enhanced our reputation internationally as a jurisdiction that has been taking the trafficking of persons very seriously, not only in terms of our legislative initiatives but the other initiatives that we have undertaken that I would spend some time on, with your permission, Mr. Speaker.

Mr. Speaker, what I intend to say is that the Members of our Committee and I could speak for the members of that Committee which is made up of individuals from the Bureau of Gender Affairs; the Immigration Department; the Royal Barbados Police Force; the Ministry of Labour, Social Security and Human Resource Development; someone from the Director of Public Prosecutions' Office and others. The members of that Committee do not work as hard as they have been working because they are concerned about the report from the US State Department.

We do what we do because we honestly believe that we have an obligation as a country to ensure that our own people, in particular our young boys and girls and the more vulnerable, are not exploited and to ensure that our shores are not exploited by unscrupulous individuals, who would break our laws through these illegal and horrible acts through the exploitation of individuals. Yes, we want to ensure that the international community via this Annual Report of the US State Department that our work is recognised. We want to ensure that Barbados is listed as a Tier 1 territory; we are listed presently as a Tier 2 territory but that is not our driving force. Our driving force is that we believe that we have this moral responsibility to save as many of our people as possible and ensure that people who live within these shores are not exploited by these unscrupulous individuals who are involved in the trafficking of persons.

If one, therefore, examines the 2015 United States of America Government Report on Barbados, it claims that Barbados is a source and destination country where foreign women, men and children are subjected to sex trafficking and forced labour. I am stating that evidence suggests that foreign women are forced into prostitution in this country. The Report further speculates that in the past foreigners were reportedly subject to forced labour in Barbados as domestics with other risk sectors being agriculture and construction. The Report further suggests that the majority of these individuals who were exploited in that fashion, came from Jamaica and Guyana in particular and some from the Dominican Republic who appeared to be more vulnerable to trafficking within Barbados. The Report further suggests that there is the prostitution of children in Barbados.

Mr. Speaker, I read this not to be critical of the Report but to make the point because the Report is out there for public consumption and has been out there for the

last couple of years, that we have engaged the US State Department and asked for the evidence to support some of the contentions in the Report. If I could take the whole issue of forced labour, we have said as I did that is why I have made that call that I mentioned that as part of the constitution of our subcommittee, the Ministry of Labour, Social Security and Human Resource Development is represented. We have engaged the Ministry of Labour, Social Security and Human Resource Development and the Labour Officers go around Barbados and we have said to them if there is any truth to this Report that individuals are forced to work in Barbados, then let us root out these individuals; let us assist these victims and let us root out these employers. Over the last couple of years that I have been chair of this Committee, I have not yet been into contact with any credible report of someone being forced to work in Barbados against their will.

Sir, the Report speaks to child labour in Barbados. I have said in the past that sometimes one has to be very careful when one asks questions of children in particular and how it is interpreted against international laws. For example, if you do a survey in some schools; in particular, rural schools. We just had Agrofest. Certainly, all of us grew up at a time when we kept some sheep and chickens, et cetera, so if one had asked me in those days do you do any work at home, the answer would have been yes. We kept a stock of animals and I helped fed them and watered them, et cetera and I assisted with the chickens, et cetera and my mother had a kitchen garden so we went and work in the kitchen garden, et cetera. These are all normal accepted practices in Barbados.

In many ways, it was a way not only of assisting with the growth and development of our youngsters but the way of life for some of us for generations. Something that we did not at all considered to be work on the behalf of our children. Our children themselves only considered it to be work from the point of view that it keeps them away from playing cricket or whatever especially in my time but it certainly was not considered to be work within the context of the definition of work for the Ministry of Labour, Social Security and Human Resource Development. Certainly from an international perspective, when one looks at the analysis of the answers to those questions, then we hear that there is child labour in Barbados. You might have a situation where someone has a law practice and the child is happy to come down on afternoons to "work in the office" and to work in the office just mean opening some envelopes and spending time with his mother or father and those scenarios become work. We have spent some time addressing the whole issue of where is the forced labour in Barbados and where is the child labour in Barbados.

We have asked the Ministry of Labour, Social Security and Human Resource Development to do some work in terms of having some flyers; of having more

consultations with the public; even doing some public advertisements, et cetera so that if in fact there are any cases in which individuals know they are victims, they should come forward and we would assist them.

Mr. Speaker, child labour and forced labour are two areas in particular that I have taken strong objection to. Yes, several years ago, we used to hear stories of many individuals living in a two-bedroom house because they wanted to save rent and from working on certain farms but even in those cases the Ministry of Labour, Social Security and Human Resource Development had gone out and I dare say that I am fairly confident that in a 2015-2016 Barbados, you do not hear of these cases anecdotally anymore but yet the United States of America has hang on to that and that has remains part of our Report for quite some time.

Again, there is the issue of women being forced into prostitution. We have paid particular attention to this issue. In particular, we have been very concerned that the Royal Barbados Police Force as part of our initiatives to ensure that if there are any cases of women in particular being forced into prostitution that we can rescue them and assist them. The Royal Barbados Police Force has been doing a tremendous amount of work over the last couple of years.

Mr. Speaker, used to hear stories of individuals being brought to Barbados for dancing purposes in clubs and their passports being seized and they being asked to sell their bodies to individuals in clubs.

As a result of the work of the Royal Barbados Police Force (RBPF) over the last couple of years, not only have they gone into many of these establishments in Barbados and tried to assist any of these women in particular who allegedly have been exploited but what I am told by the Royal Barbados Police Force is that when they interview these females, they produce their passports; they say that they are not prevented from going out; that they can leave the country when they feel to. They say that they are just dancing, that they are not being sexually exploited, et cetera.

There have been two or three cases that have been investigated where, from what I am told, the police officers investigating are fully confident that those individuals were being exploited but that they were unwilling to give any evidence. Sir, again that is why I continue to spend a considerable amount of time working with women who work in clubs and any individuals who we hear might be exploited for sexual purposes, to let them know that, in fact, we consider them to be victims and that we will provide support for them, that they need not be concerned about giving evidence against any alleged perpetrator.

Mr. Speaker, over the last couple of weeks we have had a couple of reports in Barbados about missing females

and at a time when we were discussing the status of our trafficking issues in Barbados we had these reports; some members of the Committee said to me that if we did not know better we would think this is a conspiracy, that in fact just at a time when we are looking at how well we are doing, we hear these reports, etcetera.

Sir, when you hear these reports, if one looks at the some of the nasty reports that one sees by some individuals on Facebook about our young people, then no wonder the international community in particular, especially the United States of America Department suggests that we have a situation where some of our young females are selling their bodies for sexual purposes and that there is prostitution of children.

We do not accept that, in fact, that there is any wide scale prostitution of children in Barbados. I say that, Sir, because I am not going to stand before this Honourable Chamber and say that I do not believe that there are no cases in Barbados. What I will say is that our law has always been as a country that if we are aware of any individuals being exploited, particularly any children being exploited, that, in fact, we report them to the authorities and that the authorities take the necessary action.

Mr. Speaker, this brings me to the work of the Committee in terms of ensuring that if there are reports that, in fact, individuals are given the type of support that is required. The first challenge that we have is the issue of how do you persuade a potential victim that he or she will be protected or that he or she needs not fear for his or her life or the lives of their families. We have a Protocol in place which agrees and as per the United Nation Convention to which I referenced earlier, that, in fact, we will provide protection for any victims of trafficking. As I said, we have that Protocol in place and it is for that reason that the Royal Barbados Police Force plays such an important and pivotal role in terms of the work of our Committee.

Mr. Speaker, to ensure that any potential victim is identified, over the last couple of years we have done a substantial amount of training to all the actors who we believe would be involved or could possibly be involved in identification of a victim. We have trained police officers across the length and breadth of Barbados. We have done a considerable amount of training with Immigration Officers because they are the first point of call into Barbados and so we want to ensure that if there are potential victims coming into Barbados that they can be identified by those officers who are trained to ask the right questions when they see certain individuals.

We have had actually to show that our training is working; we have had certain tips by the Immigration Officers who have said to us that they believe that "X" or

“Y” individual may be a trafficking victim. When that happens, of course, we get the Royal Barbados Police Force involved to do the requisite interviews, etcetera.

Sir, we have done training in communities, in churches and in schools. Like all things, Mr. Speaker, we will continue to do this because unless we do this on a continuous basis, sometimes the message may become loss. Indeed, until we reach the stage where all 290 000 souls in Barbados have heard that message and are in a position where they believe that they can identify a victim of trafficking, then we do not believe that our work would be finished, but Mr. Speaker, as I have said, it is a continuous work.

Mr. Speaker, let me also recognise the work of certain non-governmental organisations that are absolutely critical for us when we have identified victims in the past. As I speak, I can think of at least one victim who is in the care of one of these non-governmental organisations that is providing the daily support for that victim. As you will see from the Bill when I get to it a bit later, certainly when I get into Committee, that, in fact, we have undertaken that where necessary, the relevant Minister in Barbados will provide the requisite level of care that a victim may require; so that if a victim has health challenges then as a Government, we have committed that we will provide healthcare to that victim that is on par with any citizen or resident of Barbados. Mr. Speaker, so that if the victim becomes pregnant while in Barbados, then we have an obligation to ensure that mother-to-be is provided with the requisite level of care, as would a Barbadian citizen who becomes pregnant and goes to the Queen Elizabeth Hospital.

Mr. Speaker, to repeat myself, in terms of all these support mechanisms that we now have in terms of our Protocols, the Bill clearly sets them out so that they will become part of our law and it will not be up to the whim and fancy of any particular officer or Minister but that it will be part of our laws in Barbados when this Bill becomes law.

We have had a considerable amount of training also with the International Organisation for Migration, which has over the last couple of years done a considerable amount of training, not only in Barbados but regionally. If I can identify a couple of agencies in Barbados that have received training, they are: The Immigration Department; the Office of the Attorney General; the Ministry of Labour and Social Security; the Bureau of Gender Affairs; the Ministry of Family and Youth; the Ministry of Defence and Security; the Ministry of Foreign Affairs and Foreign Trade; the Child Care Board; the Welfare Board; the Royal Barbados Police Force; the Business and Professional Women’s Club, among others.

Mr. Speaker, one of the deficiencies identified in our 2015 report by the US State Department, which I alluded to earlier, was that we needed to ensure that all of our foreign diplomats were trained to identify victims of trafficking. We have started that process and that is why we have done training with the Ministry of Foreign Affairs, so that we want to abide by and satisfy that commitment that all frontline officers, whether in Barbados or in our embassies or consulates, are in fact able to not only identify victims of trafficking but understand our ways and responsibilities and know who to contact in the event that they do come across a victim within our shores or within any of our consulates, et cetera.

Sir, you would have heard that we have a national crime observatory which was set up in 2012. Just last week, I believe that we had a seminar on just to define the work of that observatory and part of the role of that observatory is to look at our crime statistics and see how that can assist us in terms of formulating policy. One of the things that we have asked them to do is to assist us with the issue of human trafficking, so that based on our statistics, they can determine the nature of human trafficking in Barbados. One of the challenges that we have as a country and one of the differences that we have between us as those who interpret our information and realities of Barbados and what we are seeing in terms of when we see reports on Barbados, is that we see reports that suggest that the fact that we have not charged or convicted any individuals means that we are not addressing the issue of trafficking in Barbados. I say about this issue that it is almost like if, just for so, you are supposed to go out, find a few people and charge them. It does not matter what their constitutional rights are, or whether or not we believe that the matter will stand up in court. Just to look good, we should go out and charge some people so that the report would say that the Government of Barbados charged ten persons for trafficking of persons and has a good passing grade. The fact that we have investigated several matters; the fact that we may have assisted several possible victims; even though they did not accept that they were victims or even though they may not have fully cooperated, is not as important, it would seem, to some agencies as whether or not we had actually charged persons and placed them before the court.

Sir, as I said, we are actually doing some real hard analysis. At the end of the day, if I can go back to the work of the Committee, we are not as interested in the report as we are in trying to save any individual who has been trafficked into Barbados, in particular any of our young men or women. This observatory will look not only at the nature of human trafficking in Barbados but who has been exploited; where they are coming from; when cases of human trafficking have occurred; who the perpetrators are and what needs to be done from a scientific perspective to address the problem. We have presently lots of anecdotal information which does not reflect what the agencies who

are involved in the day-to-day practice; who are going into the clubs; who are going into the communities and who are interviewing the potential victims when they come to the airport and seaport, are telling us in our committee. Notwithstanding, we continue to do lots of training and lots of work. I am sure, Sir, that the next time you travel, if you have not noticed, if you have come into the Grantley Adams International Airport, one of the signs you will see displayed there, through some work that we did with Crime Stoppers in Barbados, is a sign with respect to trafficking of persons to send a signal at our main port of entry that it is an offence in Barbados and that we will enforce the Laws of Barbados in any case where we suspect that an individual has been involved in trafficking of persons.

Mr. Speaker, if I can go back, then I will soon finish my presentation. We accept that there is a greater challenge in some parts of Caribbean, in particular -- and this is not a name-and-shame exercise but I am just using illustrations -- in Jamaica and parts of Haiti. What I am seeing from my reading about Trinidad is that, given the challenges that they are having with their neighbour next door in Venezuela, they are seeing lots of Venezuelan women coming into Trinidad and Tobago. Why is that important, Sir? It is so because of the transnational nature of trafficking and the fact that there is such freedom of movement across our borders in the region, so we have to pay closer attention to what is happening in many parts of our region.

We here in Barbados believe that in fact this is one area that we probably need to have a closer regional approach. To the best of my knowledge, we have never had a regional conference on trafficking of persons; at least certainly not during the last five years that I have been involved in this. Although from time to time at meetings it is raised, we have never really sat down as a region in the last couple of years to discuss best practices; to have a sense in terms of the challenges that we are all having individually so that we can see how we can address this more from a regional perspective.

In closing therefore, Mr. Speaker, the purpose of this Bill is to address certain deficiencies that were identified in our 2011 Act, in particular with respect to the issue of trafficking within our shores. The United States State Department raised the issue of the level of penalties that a trafficker was possibly subjected to in comparison with certain other offences. It was felt that the penalties under our present Act were not stringent enough and thus you will see that in this draft Bill there are some very severe penalties for persons who are found guilty of trafficking of persons. The whole issue of confiscation of assets is an area that we have spent some time on.

Sir, we want to send the signal that we need to take the profit out of crime and in this draft Bill, you would see

that it is clearly set out that where the court is satisfied, that there is a nexus between an asset and the particular crime that the individual that the individual is convicted of, that asset can be seized by the court.

Mr. Speaker, before I close, there are two other Bills at present on the Order Paper that we need to have a look at that are directly connected to this Bill but because this Parliament is not being asked to discuss them this afternoon, I will not do so but if all goes well, sometime within the next fortnight, we will be in a position to discuss those two Bills which are also address certain deficiencies that were identified in the Transnational and Organised Crime Prevention and Control Act, 2011.

Mr. Speaker, just to reiterate that modern day slavery, as we call it, trafficking of persons is a serious crime, it is a vicious crime and as a country and as a Parliament, in agreeing to this Bill and in agreeing to the changes that are being proposed, we will be sending the signal to all persons within our shores and to all persons coming to our shores that Barbados is serious about the trafficking of persons and that Barbados is serious about ensuring that the less vulnerable is protected and, in particular that we do not wish to have a situation where our most vulnerable, our women and our boys and girls are exploited.

Mr. Speaker, I beg to move that this Bill be read a second time.

Hon. D. KELLMAN: I beg to second that.

Mr. SPEAKER: The Honourable Member for St. Joseph.

Mr. D. D. MARSHALL: Mr. Speaker, this is a matter that I am happy to advise the Government that there will find absolutely no opposition from us. The historical records will show that this particular Protocol or Treaty was signed back in 2001, when the Barbados Labour Party was Government. We participated fully in our negotiations and from I am informed from the individuals in the Ministry of Foreign Affairs on those occasions, we very robustly participated in all of the negotiations. It would be more than disingenuous of the Barbados Labour Party if were to signal other than support for this particular Bill. Sir, in those circumstances I would not wish nor would any of the Honourable Member on my side wish to say anything of any substance really. We support the Bill and we naturally recognise that the notion of human trafficking is something that we see as a small issue.

I think we can see many more pernicious harms taking place in our society than human trafficking but certainly that does not mean that we can, or should our heads in the sand. There are many wide reported instances

where this is happening. I remember just a few years ago, I think about six or so young ladies between 17, 18 and 19, who were rescued from a particular establishment, who really were in that situation because of unfortunate factors in their homeland. Sir, these are things that do not redound to the credit of our country and, therefore the Barbados Labour Party stands alongside the Government in this particular instance in our support for this measure.

Mr. SPEAKER: I am obliged.

Mr. SPEAKER: The Honourable Member for Christ Church South.

Hon. J.D.E. BOYCE: Mr. Speaker, Sir, I rise to say a few words on this Bill because although it gets the support of the Other Side, I do not think we can relegate a discussion on the matters which were so ably led by the Attorney-General without joining in supporting him as Barbados meets an international standard which is necessary as we continue to operate in the modern environment.

Mr. Speaker, even as we meet this international standard, we ask ourselves questions about the developed world, who daily have to deal with challenges way beyond anything encountered in the Caribbean so far, in terms of human trafficking or movement of persons across borders for reason other than simple opportunities for development, training or whatsoever.

Sir, we see in Europe today, a situation which has to be managed by European countries although the situation was not created by them; the situation largely has been created by turmoil in what we often refer to as the Middle East. The Attorney-General in his presentation hinted to the fact that we have had to persuade international Governments, so-called leading developed countries. The situations which we have to deal with here in the Caribbean are much milder but the truth is, it is not a reason to sit on our laurels. The facts are that one instance of exploitation of labour; of servitude; of sexual exploitation by a person's force entry into another country is one too many.

Mr. Speaker, the figures quoted by the Honourable Attorney-General spoke to some 30 million cases worldwide, that is a lot of people and in the Caribbean we are responsible for sometime between 1.5 and three million. Mr. Speaker, the Attorney-General has covered a lot of the areas. Sir, in Barbados, we have experienced questions asked about whether persons entering Barbados -- I speak of cases where I have been involved and certainly on construction sites, we have heard some members of communities out of Guyana for instance complaining that they were less than comfortable with the arrangements being made for them in terms of

remuneration and living conditions in their quest for greater opportunity.

Sir, the Attorney-General also referred to that too. Sir, there are degrees of development in the Caribbean too which people would naturally tend towards. There was time when Barbadians went to Guyana in their droves to work in the sugar industry in Guyana. Sir, those days are over now and there a couple of Barbadian investors and workers who would go to Guyana now more to deal with the exploitation for gold, which though not a massive industry in the sense, there are still a couple of investors who head that way.

Sir, we speak often in Barbados about opportunity which we should take advantage of for Barbadians to go to Guyana to develop agricultural products. Sir, I am aware of one Barbadian entrepreneur who has taken tremendous advantage of that kind of opportunity. There are some members who continue to be puzzled in respect to the reasons for discussing these issues, but certainly in the Ministry of Health we have a very important responsibility in respect to the monitoring of the movement of workers in what is commonly referred to as the sex trade. This is work which started vigorously way back in the 1980/90s, when we recognised that the activity in our areas of entertainment were one of the major sources for the spread of HIV/AIDS in our country. Through the help of the World Bank and the HIV/AIDS Commission here in Barbados, we have been able to keep an eye and to monitor and work with those persons who operate in these kinds of businesses, so as to at least control the spread of the HIV/AIDS virus in Barbados, and we have done well.

Sir, the Attorney-General was careful to refer to the fact that a lot of the information we have at this time is indeed anecdotal but it is important that we pay attention to this anecdotal information and we put in place the kind of research programmes that would allow us to put a handle on the extent to which the problem needs to be monitored continually and indeed on the fact that we need to really initiate new programmes to ensure that this spread does not occur.

Barbados has achieved, as I indicated, a tremendous progress in respect of the management of the HIV spread of our country. We have not, at least for the last two years, reported any cases with mother to child transmission of HIV. Even in instances where it has occurred, it is largely attributable to individuals, that is, women who are in Barbados in what we call in circumstances where they are not supposed to be in Barbados, who are therefore operating under the radar and can create tremendous problems.

Mr. Speaker, when disease starts to take hold of a society, it has no prejudices. A disease in our society can

affect Barbadians; it can affect visitors; it can affect illegal immigrants and it can affect men, women and children. I think it is an important step today where the Honourable Attorney-General is entering into this Chamber, legislation which seeks to demonstrate to those who may be perpetrators of this great evil, that we in Barbados will not look kindly on this kind of activity and we are prepared to join the international community in making sure that the penalties associated with infractions of this kind, are suitably harsh so as to make sure that the crime is deterred.

Of course, a lot of this activity, as the Attorney-General has said, is very, very difficult to get information on because of the nature of the activity and that is why we need this level of sophistication in our approach. I certainly as a Member of this Cabinet of Barbados would love to join the Attorney-General in putting this piece of legislation to this Chamber for our consideration, recognising that it is a very important step in terms of Barbados' continued adherence to international law and indeed in our overall respect for human life and equality of human life.

Mr. Speaker, I am grateful for the opportunity to say a few words in support of this legislation and I am obliged to you.

Mr. SPEAKER: Yes, the Honourable Member for St. James Central.

Mr. K. D. SYMMONDS: Mr. Speaker, Sir, I too would wish to just make a few observations on this matter without prejudice, of course, to the comments which have already been made not only from the Opposition Bench but also from the Government side.

Sir, the Attorney-General is absolutely correct when he addresses the clandestine nature of the activity which we are trying to do our best to bring to heel by this piece of legislation. Sir, the Bill at Clause 2 speaks to the issue of exploitation and it offers a definition which is very expansive which in my judgement, speaks to some aspects of those things that we know to take place in Barbados and frankly speaks to things which obviously we would wish to keep out of Barbados but may not yet be relevant to the country to the best of my knowledge and belief. For example, at Clause 2, Exploitation includes:

(a) keeping a person in a state of slavery;

(b) subjecting a person to practices similar to slavery; and

(c) compelling or causing a person to provide forced labour or services.

In a very real sense, Sir, (a), (b) and (c) have been features of the labour relationship in Barbados between persons who have found themselves here especially from places like Guyana and the persons who have brought them here or caused them to come here. We have, certainly I have, come across situations where there are Barbadians who have facilitated the movement of persons into this country ostensibly for employment but then you hear the horror stories that have emerged thereafter where the person might be a tradesman but his tools have been taken from him and kept and his passport is taken from him and kept. There is, in fact, one very outstanding case in Barbados where the gentleman who went through that experience eventually emerged as being one of the leading craftsmen in this country, starting his own business, et cetera, and when you talk to him you hear how he was forced to sleep at night in a chicken coop and did not had access to the tools that he came to Barbados from Guyana with, et cetera.

Sir, it is a significant issue that the Parliament of this country must look at because forced labour, we tend to fool ourselves that these things do not happen, has been a reality in our domestic experience and not within necessarily only within distant times but it has happened within recent times as well.

Indeed, Sir, I believe it would be correct to say that what we have now treated lightly as the story about how the "Africans came here", people tend to be very dismissive about it but that was a set of circumstances which, from all I can gather about it, seemed to be surrounded with the aura and the stigma of forced labour.

Mr. Speaker, I am also under the exploitation definition directed to the definition of exploitation of what is called here the prostitution of another. Under that rubric, reference is made to engaging in any other form of commercial sexual exploitation including pimping; pandering; procuring; profiting from prostitution; maintaining a brothel; deriving a benefit through the abuse of another person and that would be a commercial benefit no doubt.

Mr. Speaker, again I say that there is something very important about this legislation even if only to the extent that we cause Barbadians to reflect on things they tend to take for granted. We can look in our newspapers, Mr. Speaker, on any given day of the week including Sundays and find in the commercial advertisements, advertisements for the provision of escort services, which to the best of my understanding are services that are offered out in the newspapers and you have contact numbers and oftentimes a big description of the type of benefit that you might derive from the escort above and beyond companionship.

*Asides.*

Mr. K. D. SYMMONDS: Sir, it is a serious thing. We know these things to exist, the presence of those things that we loosely now call gentlemen's clubs, though I am made to understand that they are frequented by ladies as much as by gentlemen. From all that I can gather because I certainly have never attended one in Barbados..

*Asides.*

Mr. K. D. SYMMONDS: Sir, all I can say is that about which I am told.

*Asides.*

Mr. K. D. SYMMONDS: Sir, I will not make any snide comment about any other Honourable Member who may or may not be able to speak from a greater depth of knowledge. I am saying, Sir, that what the common consensus of those clubs are is that they provide to commercial clients a wide array of services which may not only be visual in nature. The question therefore that arises is when you have a definition such as commercial sexual exploitation on profiting from the abuse of another person.

*Asides.*

Mr. K. D. SYMMONDS: Yes, I believe it is financial profit. The point is that along with those things we have always known, brothels, the reality is that there is a pattern that has evolved in Barbados that we cannot realistically turn a blind eye to especially when what is happening is that there is the procurement of young females and males, many of whom are brought in from outside of Barbados, for the purpose and I will concede that many of them may come here consensually; some may even participate in these things consensually... Mr. Speaker, I am pleased about the definitions in this Act because I think that what is being achieved here hopefully is to cause this society to start to look seriously at the things that we tend to take for granted and oftentimes, participate in without understanding the extent of the problem that we are contributing to.

I was very interested, Mr. Speaker, a few weeks ago to observe on television a programme in which policemen in the United States of America went undercover accompanied by cameras, into brothels and so-called strip clubs where you had ordinary average men, a truck driver, for example, who wants to spend a little money on Friday night certainly go to amuse and enjoy himself. The reality is that when once taken into custody because obviously it is like a sting operation, you had females there who were set there purposefully for the purpose of ensuring that an arrest takes place and a prosecution can be brought and when they were interviewing the persons, many of them did not appreciate the fact that the women whom they were going to, to procure sexual services might well be and in some

instances were, persons who were there performing those services on a commercial basis but doing so under circumstances which fall within the definition of the exploitation that we are trying to curb here.

When you give thought and the Minister of Health spoke sensibly to this matter, to the consequences of a small economy in which we are then going to have to find ourselves, especially if those persons are local, dealing with diseases and that economic and social fallout that follows consequential upon these things, it is a burden that Barbados and indeed the region could well do without.

Mr. Speaker, I want to support entirely that which is being achieved here but I also then wish to take my seat by supporting it. Sir, I feel that better can be done. Indeed, I almost heard an echo of that which I said in this place earlier today, that better should be done.

Sir, there is an obvious economic component to this. Economics is not a very difficult thing with respect to the Honourable Member for St. Peter who has obviously mastered the art and would tend to crave it in mystification; basic supply and demand. On the supply side, Mr. Speaker, we are addressing that aspect of it through this legislation or rather we are attempting to do so. Mr. Speaker, I ask the question whether or not there is not the need for there to be a greater degree of stringency in the policing of some of these entities that we know exist in Barbados. I believe that there has to be a greater level of penalty associated with persons who participate in this type of activity, on the procurement of the services side. In other words, we have to make sure that we do things which make it particularly unattractive, which implement a level of...

*Asides.*

Mr. Speaker, that is the reason why I made this intervention, and I will go back a little bit into my early days at the Bar. In my early days at the Bar, a very senior lawyer once told me that the reason why certain things always come back around in Parliament and in law is simply because of the fact that those people who are lawyers and those people who are legislators, very often do not want to do or swallow the bitter pill that they have to swallow in order to curb a problem and cut it out at the root.

We all know, Mr. Speaker, that for the sake of having a good time, many, many men including your humble servant have enjoyed a fine and wonderful bachelor party but the reality is that there has to come a point in time when you make certain types of activities so fraught with potential risks, even if it is only financial risk in terms of a fine that might be paid or a penalty that may have to be faced, that you say to yourself I do not know if it is worth

that to go that particular route. The reality, Mr. Speaker, is that in Barbados today part of the...

*Asides.*

Mr. K. D. SYMMONDS: Mr. Speaker, Sir, the reality is that in Barbados today there is, in my judgement, a need for us to become a lot more strident in the level of penalty which is associated with some of the activities that they are trying to curb. Sir, it sounds good and it goes some distance to put these things down in black and white but you only have to do the policing and the policing has to be seriously done and enforced. Sir, when I speak of these things, I think that almost every Honourable Member in here would have experienced, first-hand, a drive through Bush Hall at night; not necessarily to stop but to pass through. Sir, I know the Honourable Member for St. Philip North would tell me that he has never been anywhere near there but...

Mr. Speaker, the reality is that you pass through there and you would see the police parked out. When I say police, I do not mean that way, I do not mean that the police themselves are parked there to enjoy the ambience of that occasion. What we really need to know is that when there are clubs in Barbados that are engaging in these kinds of activities, that the clubs are seriously going to be policed, then we know that we can pick up a newspaper and somebody gives you a telephone number and tell you what kind of services that they are going to provide and they have the temerity to publish that kind of stuff, that you know that you can police that in order to curb it; in order to solve the problem that the Minister of Health quite rightly speaks to. Sir, if we allow all these things to continue to flourish under our nose, then quite frankly we are just turning an eye away from a problem that is going to cause this country an ongoing level of difficulty. That does not make me any less huge in my well-known appetite for the finer things in life but what I am saying there is about this matter not just those things that are clandestine.

Mr. Speaker, the Honourable Attorney-General spoke to the difficulties that are arising because by its very nature a lot of this takes place in the dark and under the table but all of it does not. To the extent that it does not, then I think that the country has to robustly now rise to the challenge of responding to the difficulties and remove the incentives. We have to do our best to make sure that there are many disincentives built into it so that we can make sure that we protect the community from itself, quite frankly and protect the public purse on the public health, which is really the wealth of the nation from the onslaught of the disease, breakdown of family life, et cetera, which will follow consequential upon this type of activity. Those were the few words I wanted to share, Sir. I am obliged to you.

Mr. SPEAKER: The Honourable Member for Christ Church West Central.

Hon. S. A. LASHLEY: Mr. Speaker, I would also like to enter this debate in support of this particular Bill before the Honourable House and to start by complimenting the Honourable Attorney-General and his Ministry for moving very swiftly to bring Barbados in full compliance with the United Nation Protocol which governs such an important matter in relation to preventing, suppressing and punishing trafficking in persons.

Sir, I also want to compliment the Honourable Attorney-General Office because in the previous debate the relevant spokesperson for the Opposition made the observation, I believe it was the Leader of the Opposition, who made the comment or critique that legislation brought to this Honourable House should have an Explanatory Note. I want to make the point that certainly in relation to this Bill before this Honourable House, it contains a very detailed Explanatory Memorandum. Sir, it just goes to show that the critique was an isolated one because it is certainly the practice of this Government to have Explanatory Notes in all of its Bills brought before the Honourable House, so I am very pleased today to compliment the Honourable Attorney-General for showing that that is the practice of this Government to have Explanatory Notes in our Bills.

Mr. Speaker, I also want to say that this Bill, I believe, is of critical importance to Barbados. I would have been involved, to some extent, in the early stages of the establishment of the relevant Task Force and I am happy to see that the Bill seeks to give the legislative framework to the establishment of the Task Force which will be engaged in ensuring that the various requirements of the Protocol are adhered to. Mr. Speaker, I also want to say that we talk a lot about governance and the extent to which the Government is following the best practice of governance. I think that this particular Bill before this Honourable House in terms of how it has moved along the various paths of approval is certainly a good example of the Government engaging in very high levels of governance.

Mr. Speaker, I say this from the perspective that this issue of trafficking in persons over the last, I believe, four or five years at least has been catapulted to international attention by a number of incidences occurring across the globe. Much of it has had to do with a tendency of persons who are involved in illegal activities, most of them brothels and prostitution across border have actually used ports of entry to engage in the salacious act of modern-day slavery. I must say that the United Nations, I believe, is very proactive to engage the global community from as far back as I believe December 2000 when it called upon State parties to strengthen their various legislative arrangements and to sign onto a Protocol which would further enlarged

the protective mechanisms which would have been in place under the previous convention. State parties were called upon in 2000 to sign onto this particular Protocol.

Mr. Speaker, I mentioned the whole question of governance because I believe it was in the year 2003 that this Protocol entered into force and Barbados would have signed the Protocol in September, 2001. I believe that something happened along the pathway that certainly we did not see Barbados moving with alacrity to ensure that the Protocol was ratified. Certainly upon entering into Government and being seized of the importance of this issue, it is clear that we took a very serious approach to this. In 2014, 11 November to be precise, the Government of Barbados ratified this Protocol.

Mr. Speaker, I believe that if you look at the movement of this particular Bill; the establishment of the Task Force because the Task Force was established even before we had first clothed it with legislative authority but I think this Government and the Honourable Attorney-General Office should be congratulated for taking this matter very seriously and ensuring that Barbados, certainly in relation to its international obligations, appear serious in the international community in dealing with a matter that has engaged the attention of the United Nations.

If I were to make one critique, I would say that certainly it should not take a period of over 11 years after signing onto a convention of this kind to move to the stage of ratification, given the importance of this matter of trafficking in persons, particularly as it relates to women and children. This matter is of utmost importance and I believe, ought to have been ratified certainly before we entered into Government. I make the point to just underscore the fact that if we are to be taken seriously as a country, we have got to be very proactive in ratifying conventions of this kind. It is within that context that I wanted to highlight the very serious approach that we have taken in relation to governance issues and in relation to taking our international obligations seriously. I again would like to compliment the Attorney General and his Office for demonstrating that this particular matter was serious enough within a very specific time, to bring this matter to the attention of the House in the form of a Bill; to strengthen the legislative framework for Barbados as it relates to dealing with this issue of trafficking in persons.

We have taken the matter beyond just the question of intent to bringing this now before the House in the form of legislation and hence the difference in terms of how this Government approaches governance; when we consider how the Barbados Labour Party certainly does not treat governance in the way that it ought to be treated. Sometimes it might be difficult for the Opposition to accept these facts but it is important to point it out, particularly when we are castigated on a daily basis that this

Government is not serious about governance. This is a live example of the Government being focused on ensuring that governance issues are taken seriously.

Mr. Speaker, I want to say further that there are a number of important areas that this legislation has addressed and I think it is extremely important that it has done so. The other point I want to make has to do with what we have to deal with in relation to addressing this problem of human trafficking and the actual Protocol and legislation, particularly focused on protecting women and children. There is a fallacy which, I believe when the United Nations crafted this particular Protocol, took very seriously into account in relation to what has now become a very close-knit world, where borders are more easily accessible. Cross-border movement of persons has really become a very easy thing to do, and therefore, it has become important to look at the whole issue of border control.

Sir, I believe this Bill does address the issue but the issue is first looked at in its entirety while the debate ensued in relation to this Protocol at the level of the United Nations. Barbados, of course, is one of the founding nations within the whole context of CARICOM. The Revised Treaty of Chaguaramas speaks to the whole question of the free movement of persons across the Caribbean. In recent times we have had debate in relation to what extent the whole question of the free movement of persons must be confined or constrained in relation to matters of national security; in relation to matters which strike at the very bedrock of the protection of the rights and freedoms of the most vulnerable. In this case, of course, there is the vexing issue of how we can protect our women and our children from exploitation in various areas, including sexual exploitation.

I believe that one of the issues which you will find buried in this Bill and certainly which would have been identified at the level of the Protocol, is the question of challenging nations to again re-examine to what extent the free movement of persons need now to be examined within the context of the possibility of taking advantage of aspects of free movement to the extent that we have to now control and put mechanisms in place to control the incidence of sexual exploitation and cross-border trafficking of persons. I believe, had it not been for this issue of trafficking of persons and what we call modern-day slavery, this matter would not have come before the purview of the United Nations and certainly the purview of the 169 countries that have to date become state parties of this particular Protocol.

Mr. Speaker, I think it is still a real issue for us to address because as much we speak of cross-border prostitution and the movement of persons sometimes without even the notice of the various security personnel, they become real issues within the context of what happens

in one's country. I want to say that I am pleased that the Bill has a focus on protecting children, and that even in relation to the whole question of the prosecution of offenders, how we gather evidence and certainly how that evidence is placed before the courts.

The Bill very expressly makes provision for hearing of these matters in camera, particularly when they are dealing with victims such as children and women. I think that is a very important safeguard because, certainly, the confidentiality of the evidence and persons who give evidence in this matter would help to provide easier means of prosecution. I believe I heard the Attorney General saying that there is the spotlight being placed on the fact that, yes, you may have put in place legislation to deal with this matter but one of the acid tests that the United States State Department highlight in all of its various reports is the extent to which a country has in fact prosecuted offenders. I believe one of the things that may have been preventing that is the question of how evidence is tabled in court. The ability, of course, to be able to move into a court system and have in camera hearings, I believe, would help to ensure that victims would come forward and be part of successful prosecution of persons who violate the provisions of the Bill.

Sir, I think that in order to detect successfully offenders under the Bill, we have to recognise it will be very important to train those persons who man our borders. I believe some of that training has already occurred because the issue of trafficking in persons and being able to detect persons who violate is really a specialist task. To be able to manage it requires the most highly skilled personnel. I am aware that some of that training has already taken place and I believe we will have to continue that training to ensure that persons who are manning our borders are trained to be able to detect and manage cases of human trafficking. I also feel it is important that the Bill goes beyond the whole question of targeting individuals who violate the provisions. The Bill has very skillfully lowered target of its sights at offending corporate entities. Companies, as you know, many of which are engaged in various freighting endeavours, are often victims themselves and it is known that the whole question of trafficking in persons has been one of the things that is done not through individuals but through corporations and this Bill has taken the approach of ensuring that the net is cast very wide and not only does individuals who offend are likely to be prosecuted but also corporate entities as well.

Mr. Speaker, one of the areas I thought we had not engaged in a lot of discussion for quite a while and which has been flagged internationally as a serious development, is the whole question of illicit trafficking of human body parts. This has become a very lucrative but illegal activity across the globe and I do believe that before the provision in this particular Bill, that we in Barbados had put in place

any preventative measures to safeguard against the illicit trafficking in human parts. Sir, the virtual removal of persons' body parts and selling them in various markets have become a very real phenomenon across the globe. Sir, we in Barbados by making sure that we are capturing this particular matter are demonstrating that we are being futuristic in how we go about this particular issue.

Mr. Speaker, the other point I want to make is that oftentimes, we can put in place legislation but the enforcement of the legislation becomes an issue because there are either the absence of provision that allow for the police to get the evidence that is necessary to prosecute offenders or there are other gaps in the legislation. I believe that I have seen in this Bill, a provision which I am happy about in relation to how warrants can be obtained and the various levels of which you can obtain a warrant to ensure that information is quickly safeguarded. We know that particular in this particular trade, I heard the Honourable Member for St. James Central talking about the various practices that he is told about that occurs within the various circles of prostitution and the various persons who occupy these places. I am happy that the police can obtain a warrant, not only from a judge or a magistrate but also from a Justice of Peace, where necessary to quickly nab offenders or to safeguard evidence in this particular regard. I think it makes for a stronger piece of legislation and certainly safeguards quite a bit of the integrity of the legislation, as we are seeking to enact in this Parliament.

Mr. Speaker, the work of the National Task Force is now a part of the law. I want to congratulate the members of that Task Force for working exceedingly hard even as they respond to the various reports within the context of the United States State Department and ensuring that Barbados remains above board in relation to its compliance with the Protocol. I think they have done a good job particularly in relation to the public awareness campaigns that they have had to ensure that Barbadians are aware of what this thing called trafficking in human persons is all about. It is a serious matter and I think it requires serious approaches in seeking to address it.

I believe also that the trafficking of persons and the issue pertaining to protecting our children in particular; there is room to ensure that we can further sensitise children themselves in relation to the dangers of human trafficking. I believe that we would need to do a bit more in terms of expanding the gamut of our public relations exercise; engaging our schools in particular and purposefully ensuring that our young people are aware of what this danger of human trafficking is all about. It can impact on societies. I think the statistics globally show that it is a real problem and Barbados is moving very quickly to ensure that we can bring this Bill before the House and place this within a legal and legislative context, is a step in the right direction.

Mr. Speaker, I believe the Bill understands and sensitises us that we need to be able to link what the Bill is seeking to address with existing law; where those laws are also geared to strengthening the whole regime for ensuring that people can feel safe moving across borders. I believe that there are provisions of the Immigration Act and other bits of legislation that would come in very handy in bringing the kind of combining effect to ensure that our laws are sufficiently strong to withstand what I believe is a real pressing problem.

Mr. Speaker, I want to make those few points but certainly I wanted to underscore that real work has happened in bringing this legislation to House. It is a credit certainly to the hardworking officers of the Office of the Attorney-General and all the partners involved because it is not only the Attorney-General's Office that is involved in this but the other partners who are involved in ensuring that Barbados can be seen in the international community as being not only forthright but willing to modernise its laws to bring us within compliance of international standards.

I believe the Attorney-General made the observation that it is no secret that I have enunciated my belief that in spite of the work being done by the State Department of the United States of America, in terms of seeking to enforce compliance through its various reports that I believe that the time has come for the United Nations itself, having taken the very proactive step in the year 2000, to call upon nations to become signatories of this particular Protocol and to move to place within a legislative context the requirements of the Protocol, I think the United Nations needs to go a step further and to bring within its gauge and responsibility, the gathering of the reports and the ensuring of global compliance with the requirements of the Protocol. I do not believe it should be left to one country to do that.

Sir, when I reviewed the latest report in relation to compliance and those countries that really have become signatories to the Protocol, Barbados has not entered into any reservations at all, as far as I can see in relation to the provisions of the Protocol but there are several countries that have entered reservations of varying kinds, signaling the ways in which they will handle those provisions of the legislation. I think that it is sufficiently a serious topic for the United Nations to see its role of ensuring that you can have the Annual United Nations Reports and also to ensure that they can obtain compliance from various countries in relation to the provisions of the Protocol.

Mr. Speaker, with those few remarks, again, I want to signal my support for this Bill and, again, to compliment the Office of the Attorney-General for moving very quickly to ensure that Barbados, having ratified, this Protocol in 2013, can bring legislation here within a very short period of time to ensure that we are fully compliant with the provisions of the Protocol.

I am obliged to you, Mr. Speaker.

Mr. SPEAKER: Yes, the Honourable Member for St. Michael North East.

Hon. Miss M. A. MOTTLEY: Thank you very much, Mr. Speaker. Sir, I rise to support this legislation which is before the Honourable House. I think the Honourable Member for St. Joseph and the Honourable Member for St. James Central spoke with clarity as to the support of the Opposition in relation to this legislation that seeks to incorporate our obligations under the Convention that we signed to the Protocol to prevent, suppress and punish trafficking in persons especially women and children.

This is a matter, I believe, upon which there is no divide in this Chamber and it is largely because a country that knows what it is to have been built on the backs of forced labour; slavery as we commonly referred to it then, cannot in any way support any form of forced labour or exploitation of any individual whatsoever. I think that we are fortunate that philosophically as a country that is our perspective given our history.

Many of the crimes referred to here and I think the Honourable Member for St. James Central made the point, really fall outside of the normal purview of what type of crime we see within our jurisdiction as a whole but there are some regrettably that are still found within our borders and it is to both that we must speak with a clear and strong voice; to ensure that at no time should any Barbadian believe that it is acceptable in any manner, form or fashion to exploit in any way whatsoever or indeed to oppress or to put into a situation of forced labour, any other human being; child or adult; boy or girl; man or woman.

There is no doubt that girls and women probably suffer far more than men do but I would not stand here and say that there have not been instances where men have been victims even within our own jurisdiction because the truth is the holding of passports for persons in exchange for persons completing jobs or tasks as immigrants have been a feature regrettably of our landscape and therefore to that extent it also more often than not would affect men. The bigger issue and perhaps the one that leaves the greatest scars are when women and children in particular are the victims of these types of crimes. It is by no accident therefore that the legislation speaks to restitution in terms of paying bills for the medical and psychological consultation of the victims because there is a clear recognition that there are deep psychological scars that are left upon persons who have become victims of this type of activity.

I am not going to be distracted by the comments of the Honourable Member for Christ Church West Central in

relation to who can lay claim or who cannot lay claim. The reality is that both parties played a role and the reality is that regrettably not just in this matter but in many other conventions to which we have become signatory. The process of ratification takes longer than is acceptable largely because there has been a disconnect between the lead ministry and the Ministry of Foreign Affairs and Foreign Trade signing and the recognition that many of the obligations cut across multiple ministries in order for us to become compliant and in order for us to make sure that when we bring the domestic legislation, the Government itself is not the chief perpetrator of any breaches of the offences and these things take time.

Mr. Speaker, regrettably, one of the things that we have not appreciated fully is that small states have to meet the same obligations as large countries but do not have the capacity in terms of the size of Government or the size of legal advisors or the quantum. This is a reality of modern governance in the world in which we live. I do think that there is room for far more functional cooperation at the regional level and that that is one of the advantages that being a member of CARICOM ought to deliver to each of us. Indeed, if you look at the work that was done on climate change, you then begin to see where there are deficiencies in the volume or the numbers of people with the technical expertise that we can share that more efficiently and effectively across a whole range of areas.

Indeed, in the 2007 Heads of Government Meeting, it was recognised that functional cooperation is really one of the major reasons for the continued commitment to a community of sovereign nations, under the legal structure that we have decided to adhere to as a region. This area of human trafficking is one in which I believe that level of cooperation can most effectively be brought because in many instances people are coming from close by. I believe that the Attorney-General made the point that he would like to see some kind of regional consultation or conference on it and perhaps this is where I now express the greatest regret because when we were preparing for the Cricket World Cup, we put a whole range of systems in place to allow us to monitor and track the movement of people within this community both by aeroplanes and boats. Once you seek to open up your borders for legal travel, of course, you are going to have illegal travel and illegal activity somewhere there or thereabout. Mr. Speaker, it may be useful to share the perspective with the House because having been involved in it deeply, we recognised that there had to be a mechanism for monitoring the movement of people.

Back in 2001/2002, when Barbados was undergoing a major spate of crime, in fact, I believe that it was the LIAT Quikpak Robbery, just very close to the precincts of Parliament, that was one of the last major ones. When the police literally withdraw all free time from all officers and

forced all officers to come to work straight off in order to be able to manage the spate of crime.

We introduced, based on the intelligence received, the requirements for people to submit their immigration card at departure because the intelligence was that we were having a large number of persons coming into the country, committing crimes for a day or two and then leaving the country and that was necessary at the time. By 2007, once we would have established the Joint Regional Communications Centre (JRCC) which is the repository for all of the advanced passenger information for the entire region, the truth is that there was no longer a need for that Immigration Officer at the point of departure and it maybe something that the Government may wish to reconsider as a matter of urgency because every bit of information that you need at the Grantley Adams International Airport, is in fact located in that Centre. The Honourable Member for the City of Bridgetown is nodding because he was part of the team that established the Joint Regional Communications Centre back in 2007.

Sir, in addition, not only is the information located in that Centre but the Caribbean has more systems to check it than almost any other region in the world because we have two separate agreements. One that allows us to verify the data against Interpol databases in real time and we became the first region in the world to do so, Switzerland being the first country. It also allows us an agreement with the United States of America Government to be able to check against the United States of America databases in real time again as well. The extent to which you can check and monitor the movement of people in and out of our borders is far more comprehensive now but I suspect because there was no review after the Joint Regional Communications Centre worked out its kinks, we have simply left the system there. This is not meant to be a criticism, it is just a reality but the truth is that at this stage we can appropriately remove it while still complying with our obligations under this treaty and other treaties and indeed the primary obligation of keeping Barbados safe for our people.

Mr. Speaker, that led to Heads of Government agreeing that security should be the fourth pillar and that the Revised Treaty of Chaguaramas should be amended to include cooperation and security. It is largely because it is trans-border movement that it was felt that security needed to be added as a pillar of the Caribbean Community.

In addition to the advanced passenger information systems, we were also supposed to develop the advance customs information system which is now to track the movement of goods. I am not aware as to how far you have gotten with that because there were some challenges with that given the disparity in the way each country was with their own customs authority but the Immigration Department was on the same page because we are

dependent more or less on the same aeroplanes pretty much moving through the region but moving people on boats needs to be tracked by the radar and that is why Barbados implemented the radar system. Trinidad had a radar system and at that time Trinidad undertook to absorb the cost of putting in the radar for St. Lucia, St. Vincent and Grenada so that in the southern and eastern Caribbean you would have a clear, clear, clear way of monitoring to see vessels that were bringing in people inappropriately from jurisdiction to jurisdiction.

Sir, I believe that this Parliament must speak with one voice on this issue. I said so on a few issues recently. The Right Honourable Prime Minister and I had the opportunity to speak on offenses against children, especially given what transpired in Barbados last year where too many of our young children became victims of crime in this country. I think in three or four cases, the children actually died. There are a lot more who are victims who do not end up dying and therefore it stays below the radar and the Child Care Board and the police intervened to treat to these issues.

I take the comments of the Honourable Member for St. James Central as a comment asking for us to recognise that it is not only the passage of legislation that matters but it is the change of a culture that is important for us to send clear signals as to what is and what is not appropriate conduct.

The protection of our children is the most important thing. We exist because others before us facilitated and allowed for an environment within which through procreation children can exist and we have a duty to do the same for those coming up. Whatever else may separate us as political parties, it cannot be on the issue relating to our children.

Mr. Speaker, I want to go a step further because I believe that parental education is absolutely critical because in many instances, the only reason a child has become a victim of these kinds of heinous crimes and activities is because the parent has been unable to protect that particular child.

Mr. SPEAKER: Honourable Member, just a minute, sorry to interrupt you.

*Mr. Speaker vacated the Chair and Madam Deputy Speaker assumed the Chair.*

MADAM DEPUTY SPEAKER: You may continue Honourable Member.

Hon. Miss M. A. MOTTLEY: Thank you, Madam Deputy Speaker. Whether through ignorance or through wickedness, a child is protected by their parents. A child

ought to be protected by the community within which the child lives too because I believe that the community must have eyes and ears to be able to protect because a parent is not around a child 24/7 and therefore when persons see inappropriate behaviours or conduct on the part of children, then they ought to play a role with the parents in bringing that child back into line, especially if the child is being exploited because they do not quite understand what the person is saying or doing.

There is a famous song by Sparrow, which says, tongue in cheek, my mother tell me don't drive with strangers in their motorcar. As Sparrow went on to say, but Sparrow is a decent stranger and he is not going to carry you too far but the truth is there is no decent stranger in today's world that you can appropriately rely upon especially with vulnerable children. Regrettably, people in communities, yes people who you know.

One of the unfortunate characteristics of much of this activity is that it is not strangers who very often exploit children; it is people that they know. We have therefore to change the culture, not only to change the legislation and to that extent, if that is one of the things that we can continue to achieve as we move forward. We are talking about this being the 50th year of independence and I am saying that there are certain things that we need to agree upon such that there be no doubt in anybody's mind as to where we as a people and we as a Parliament, in trust for the people who have put us here, stand on certain issues.

Madam Deputy Speaker, I therefore join this debate to send the very clear message that trafficking and exploitation cannot be acceptable in any form or fashion; that we are cognisant that in other parts of the region, there is migration of people and trafficking not because people want to be victims of trafficking but because of their economic circumstances and hence, while it is not a phenomenon known to us. In the northern parts of the Caribbean there are serious issues with migration and trafficking because of the economic circumstances of people. In our situation, ours relate more regrettably to forced labour that may come as a result of people holding people's passports and corruption within the context of immigration but that equally is heinous and must be prevented.

In relation to the security measures, the other point that I want to make about the regional architecture that I should have made, is that it was not only the advanced passenger information systems that are important to check against Interpol and against the United States of America Government list. There was a CARICOM list that was also supposed to remain active and it is that CARICOM list along with something that was set up as a regional intelligence community, which is not a structure but a

network of cooperation that, in my view, is absolutely critical, if we are to get on top of this issue.

Madam, the Attorney-General spoke about persons moving between Venezuela and Trinidad and the recognition that once you are within the community there is freer movement therein. It is therefore critical that the mechanisms across the Member States of the region work if we are to give true expression to being able to rid our region and our countries of this kind of behaviour.

Hon. Miss M. A. MOTTLEY: Madam Deputy Speaker, I want to say this with sincerity to the Government, there are enough security mechanisms and there are enough institutions now to allow us to successfully get on top of this, as well as all transnational crimes, that we do not need to be able to take the fingerprints of Barbadians on departure or entry into this country.

Madam Deputy Speaker, with all due respect, I think that it is important to recognise that if you have access to the Advance Passenger Information Systems; if you have access to the Regional Intelligence; if you have access to Domestic Intelligence; that to submit citizens to the giving of biometric data, be it fingerprint or otherwise upon departure and entry, is an overkill. What is more is that you do not have a database in existence to compare any fingerprint that you take against, to make any sensible judgment.

Madam Deputy Speaker, when we went through the whole issue of issuing machine readable passports and even then we knew it was a five to seven-year exercise. It cannot be done through an announcement on the radio that as of 01 April, all persons entering or leaving, with the exception of diplomats or holders of diplomatic passports and children under 16, will now be subject to this.

I want to appeal to the Government in good conscience. I understand why you have to put security at the top of your list because I too feel that the most important function of a State, is the preservation of security but the risk of abuse when compared to the advantage derived from asking people to give their fingerprints, is way out of skew. We need to ask ourselves what do we really achieve because there is no country that I know in the western hemisphere that requires its citizens -- they may require visitors -- to submit to giving their biometric data or fingerprints upon entry or departure.

Madam Deputy Speaker, I believe the Honourable Member for St. Joseph has spoken to this already and I trust and pray that this is a matter on which the Government can have a sensible conversation with us on as the Opposition; reflecting not only the Opposition's perspective but others. We want to keep Barbados safe but

we do not need to do this to keep Barbados safe and that is the fundamental point. We will work with the Government to make sure that measures such as that which is before the House today and the corresponding amendments to the Extradition Act and to the Immigration Act and indeed for the establishment of the Criminal Asset Recovery Fund, we will support them.

Madam Deputy Speaker, I would like to believe that at some point we would also have a Criminal Asset Recovery Fund to which domestic victims of crime generally in Barbados and I do not mean in domestic disputes. I am sure this is a matter that I heard the Right Honourable Prime Minister from This Side spoke about, where persons ought to be the beneficiary, particularly with heinous crimes, where their capacity to readjust into society is significantly compromised. Those are things that I believe are worthy of our entire support and keeping this country safe but we on This Side are not convinced that you need to take biometric data to deal with it.

Madam Deputy Speaker, I am not going to get into the point that the Honourable Member for Christ Church West Central would want me to get into by trying to poke fun at governance because the truth is that even if the Government wants to go there then there has to be a conversation with the country that goes beyond notices of three months. I suspect that when you reflect on the regulations that were introduced last year, that we would recognise that Barbados is (1), not ready for it but (2), that it serves no useful purpose to ask our citizens to share their data for the purposes of entry and departure, even if there is a case for the taking of biometric data for persons coming to apply for status or even if there is a case for other limited aspects of it in relation to identification cards that they did benefit to the individuals. Not to mention, that you cannot manage the flow of traffic through the airport at a very time when the airport itself is the subject of numerous complaints in relation to the space and time that is needed for people to be able to move through and out.

I hope, Madam, that we could develop a public education programme that speaks to the change of culture and not just the change of legislation. I really do hope so, Madam. I really hope as well that the Government will reflect soberly on the request to ask all Barbadians to submit their biometric data upon entry and departure, recognising that the efforts to get the CARICOM systems fully functioning will reap far more reward than this and that a fully functioning radar; a fully functioning Joint Regional Communication Centre and a fully functioning Regional Intelligence Community Framework is what we need to protect these borders.

At some point, we are going to have to see how best the needs the Eastern Caribbean can be protected in terms of maritime intrusion because the truth is, as small islands

they have close borders and that is where our vulnerability comes but we protect ourselves with our radar but they still become vulnerable and we are as strong as our neighbours are weak and to that extent, I believe that there has to be deep functional cooperation there, both regionally and perhaps internationally, to make sure that we can protect everything coming down St. Lucia; St. Vincent; Grenada; Barbados; Trinidad and Tobago and ultimately into Guyana. Madam, if we do those things then hopefully we would be able to see an improvement in our circumstances.

I also want to make the point, finally, that having said that it is corrupt practices very often that will lead to persons inappropriately holding people's passports and forcing them to work for them, in exchange for trying to get some form of status; it is critical that the Government addresses this issue as well because the failure to address it allows some level of trafficking to take place. Other than that, there would be limited and very few examples of breaches within the Barbadian context.

Regrettably, there are some people who try to bring in young ladies in particular from other jurisdictions; that needs to stop! The Honourable Member for St. James Central, I think, tried to approach it from a supply and demand perspective, it may well be appropriate for discussion at that level, as has happened in certain Scandinavian countries at the moment but what is more common within our borders now is the exploitation of immigrants for work and to the extent that they have children, that their children become victims of an inappropriate and irregular immigrant status such that they are not at school and they are not the beneficiaries of appropriate public health immunizations and therefore will constitute a weakness within our system because every child who is not educated is more likely to end up in crime and any child that is not appropriately immunized is more likely to be the victim of a public health outbreak and to help spread it in a way that we have understood for more than 100 years in this country that we must protect ourselves at all cost against public health outbreaks.

Madam Deputy Speaker, this morning I learnt that there were two doctors in another Caribbean island who may have passed from H1N1 and it just reinforces the vulnerability of our citizens. We are not only talking about people on the street, in the markets or whatever but these are real and serious issues and that is why two or three weeks ago, I said to the Right Honourable Prime Minister through you, Madam, that I also believe that we have a duty to tell our citizens that they have a responsibility for the reduction of garbage. At the same time, I believe that Government has to place as the second priority, public health so that the acquisition and procurement of garbage trucks; the resumption of debushing and the removal of derelict houses, are critical.

It makes no sense having a big banner across Broad Street about Zika and public health protection but you are not doing those other things because garbage, derelict properties and bush are the perfect recipe for disaster. The Minister of Health really ought not to concern himself with my speech this afternoon, and be more concerned as to how many trucks Barbados has to fog. The truth is, that to have the Vector Control Unit down to two people and to have one fogging truck for the whole island is inappropriate. I do not want to otherwise be distracted by him because I do believe that these are issues that go beyond the partisan divide and go to the safety and security of our nation and our people and I therefore want to end where I started.

No country where more than 95 per cent of its population themselves are the descendants of people who were exploited or the victims of slavery, ought in any way to condone any form of forced labour, however which way it is found. Any form of exploitation of children or adults, any which way it happens, we respect the dignity of each individual, and thankfully, this legislation gives voice to a commitment that was signed by this side; that was ratified by the current Government and that has come to the Parliament today to be supported with one voice because this is who we are as Barbadians. I am obliged to you.

MADAM DEPUTY SPEAKER: Honourable Member for Christ Church East.

Dr. Hon. DENIS S. LOWE: Thank you very much, Madam Deputy Speaker. I rise to first of all lend my full support to the Honourable Attorney General for bringing this legislation to the Parliament of Barbados at this time and I want to congratulate him for the way in which he has moved to have this matter brought before the House at this time. It has been established already by his presentation, which was a very focused and very guided presentation, that allowed us to get this discussion going on a very important matter at this time in our country's history. I thought the Honourable Member who gave the Opposition's response was very charitable in terms of not wasting the House's time by indicating his full support and the full support of his Side for this measure.

Madam Deputy Speaker, we have just been treated to a "Rambling Rose"; all over the place; from pillar to post; avoiding certain matters that are pertinent to this debate which, as you would know, I shall choose to focus on. Without rehashing the things that have been said before, it is established and accepted that human trafficking is a global concern that has attracted the attention of governments across the world; that has attracted the attention of various forms and levels of law enforcement; that has attracted the attention of civil society and that many persons have encouraged the private sector....

*Asides.*

Mr. SPEAKER: Yes, Honourable Member. Please continue.

Hon. D. S. LOWE: Thank you very much, Mr. Speaker. Many persons have encouraged the private sector as well as the media as partners in trying to stamp out this scourge on the human society. The discussion has risen to the highest level in global discussions when the United Nations General Assembly's president of the 66th United Nations General Assembly, His Excellency Nassir Abdulaziz Al-Nasser, called on member states; civil society; the private sector; the media and the like to step up efforts to address the issue of human trafficking. The Honourable Attorney General gave us a very erudite definition of what is meant by human trafficking and it is described in research that human trafficking is an appalling form of human rights abuse, where the very essence of the rights of humankind are trampled and trampled under the hooves of unscrupulous people, Mr. Speaker. Those are people who would use their power; who would use their influence or who would use their insatiable desires for pleasure, Mr. Speaker, Sir, to subject human beings under circumstances that should otherwise be reserved for non-humans.

Sir, as the Honourable Attorney General pointed out so clearly, there are different forms of human trafficking. One, of course, is trafficking for sexual exploitation and the Honourable Member for St. James Central went out of his way to indicate or to unleash an assault on brothels and other places that could be seen as encouraging sexual exploitation. I am joining him on the call for policing these places. The problem with his call, though, is that he may have some friends that might be caught in the dragnet because there is one other person who fancies himself in sitting in Another Place, who is often seen in the front row of the same places that the Honourable Member for St. James Central is calling for to be policed.

Mr. Speaker, I did not plan to talk that much but if I were fully prepared for this discourse I would have exhibits for the House, to present to the House capturing the person of one "Lord Haw Haw" - that is his name -- in the place where my friend, the Honourable Member for St. James Central, perhaps has rightfully said that we need to caution ourselves in how these places operate.

Sexual exploitation is driven by a number of factors and there are some people who involve themselves in sexual exploitation out of their own economic needs; out of their own need for belonging; out of a need for acceptance and out of a need to survive. We know full well that all human beings go through a sequence of developmental challenges, all leading to a place of survival and existence with a sense of belonging and so on, which we will get to in a minute.

Mr. Speaker, then there is domestic trafficking and this is the one that really caught my attention. Sir, I noticed with some interest, that the last speaker tip-toed around the constituents of domestic trafficking because as I perused the research, I find repeated theme in domestic trafficking, called domestic violence. Sir, I know that the House has engaged itself for two weeks on a debate on domestic violence and, Sir, you know the story. Sir, certain persons soon to exempt themselves and had no passion or desire, looking to come in here and as one friend said, "No bite".

Sir, to come in here and talk on a matter as critical and crucial as the issue of domestic violence but domestic trafficking is trafficking that occurs within the bowels of our domestic domain and very often is triggered by family members; by persons of power or persons who perceive themselves to have a certain depth of influence that can drive people in different directions; some of which may end up being situation of trafficking. Sir, I really queried what was really meant when the author of the piece of research suggested that domestic violence can be a driving force in persons being trafficked around their own geographic sphere within the area.

Sir, what I discovered was that there are certain people who go into relationship without any intentions of being involved or engaged in any kind of behaviour that can be associated with trafficking but the cause of the domination of one partner; demolition to the point of brutality of one partner that a person can find themselves in a situation where they would rather be somewhere else, even if it is against their will rather than allowing themselves to be subjected to that kind of behaviour.

Mr. Speaker, I know the Leader of the Opposition is not too fancy about being exposed to this kind of discussion. Sir, there is always a danger in when you feel you have the right to sit down and lecture people but when it comes times for you to be lectured, you find you make yourself not available. However, Sir, I must proceed.

Mr. Speaker, domestic trafficking is first driven, as I have established, by some form of domestic violence and domestic violence may involve physical hitting; emotional abuse and emotional terrorism. There are persons in our society today, Mr. Speaker, Sir, who have experienced emotional terrorism by persons who are in positions of power or influence and impose themselves on innocent people; young people; young girls; young boys and then leave them out there stranded emotionally; bruised emotionally; scarred emotionally. Sir, as a matter of fact, the Leader of the Opposition suggest that there is a scarring that goes on and that the perpetrators should be made to paid for that. Sir, I agree with that. Sir, if there is one thing that I agree with her on is that there is scarring that occurs emotional and physical scarring and that it should be the

responsibility, as a little child would say, the ‘scarrer’, or the person who perpetrates the crime.

Mr. Speaker, it is serious. Right now we have in our country a case where it is alleged that a couple of young ladies are missing. Sir, we do not know why and we cannot purport to know the reasons why they are missing but the point comes home to us that we cannot live in a society where persons who have authority and persons who are designated with power become part and parcel of that driving, negative, putrid behaviour that puts the emotional well-being of innocent victims at risk. Sir, you cannot do it. It is something that we have to face.

Mr. Speaker, that is why the Attorney-General must be applauded for bringing this legislation to the House because what happens in domestic trafficking is that domestic violence would occur but then there is psychosocial depravation where the persons who are responsible for creating a psychosocial space; where the very emotions and identity and emotional well beings of individuals are protected, become the chief violators of that space. Sir, when we speak of psychosocial space; we are talking about a person’s ability to dwell in a space where their developmental needs from birth are met; where their visceral needs: the need for food; shelter; water and safety are met.

Mr. Speaker, it is important because if we do not choose to protect these very important virtues in the development of an individual, you may end up with a society of deviant, displaced individuals who may seek to find their emotional or psychosocial peace through other means and they may attach themselves to adult figures who they may see as persons who are capable of delivering those needs but who end up being the exploiters of those individuals.

Sir, while we may not be able to understand fully what is happening across the world, what we have to do is to understand what is happening here domestically and what we have to do in that regard is to ensure that as policymakers, we are in the forefront of delivering the type of responsive policies that allow us to provide an environment for persons to live and to move and to have a being. Sir, that is what this legislation is about. It is not only about instituting a piece of law; it is about creating an environment, a facility, where the right kind of environment can be brought to bear on people’s lives.

A lot was mentioned about labour trafficking and we understand that. The Honourable Member for St. James Central was very clear in indicating that we have to protect persons who come to our borders from exploitation. Sir, it is true that it happens from time to time where individuals would seize peoples’ passports and refuse to give them the wages that they deserve, would seize their tools of

engagement and so on and so forth. Again, in this House, we have to ensure that we deliver the kind of responsiveness that allow these individuals to be protected. Then, of course, there is child trafficking, we talked about that. What the research shows is that in Asian countries, child trafficking is a huge business and children are being trafficked for sexual reasons; others for child labour, and so on.

Mr. Speaker, I will say this and we may not want to face this reality but there was a time in Barbados when children provided labour, it is a fact. You had children from as early as nine and ten years old working in the fields alongside their grandparents but it was not seen as exploitation at the time; it was seen really as sharing, out of necessity, the opportunities and the requirements for survival. Thank God, now our children go to school and are protected against those things and our children have become enlightened so that when you try to impose certain characteristics on them, they will say “absolutely not”.

Human trafficking is a clear and present threat to human rights and human dignity. It is a clear and present threat to our sustainable development because it threatens the viability of our human capital. Mr. Speaker, if we are going to be able to sustain our development, it means that every tier of our society must be protected against this very variant activity and that our young people; our young adults; our middle-aged people and the elderly, must be protected from these things. There are some people who also experience a certain level of elder abuse that could contribute to this whole topic.

We talked, of course, about rights and responsibilities. A lot of times those who advocate rights are some of the biggest violators of people’s rights. If I were to go back to the thing I touched on earlier, that is in fact the problem in our society. We have some persons who pose themselves as having a right to lead; who purport themselves as God’s gift to this country and that they must become the leader of this country but when you study their script; when you peel off the layers, the mask and look deep into their souls, you are horrified by the kind of thoughts, thinking and behaviours that they engage in.

Sir, I was not designated by God to be any leader of Barbados and I am grateful for that. I like where I stand right now and I will try to do my best to deliver what I have but I am not going to go out there and try to scandalise people’s names and tear people down and exploit people and destroy people. Mr. Speaker, Sir, the last time I was here on my feet, I drew reference to the Honourable Member for Christ Church West, who was savaged; brutalised.

*Asides.*

Dr. Hon. D.S. LOWE: When you search for the “why” in the way that Honourable Member has been treated; you cannot find an answer. You cannot say it is disloyalty because if you say that, then you have to explain how other persons who openly were disloyal against their political party were not so debased. It is hypocrisy.

*Asides.*

Dr. Hon. D.S. LOWE: I am saying that you might as well traffic the Honourable Member for Christ Church West because if she could be treated like that; you are just as guilty of taking her and sending her to some desert land.

*Asides.*

Dr. Hon. D.S. LOWE: It makes no sense and I am saying that I honestly believe and accept that there are Honourable Members on the Opposition side of this House; persons who are imbued with a commitment to human dignity; human rights - this is what this is talking about, human rights - therefore, I submit to this House that anybody who engages in treating another human being; in driving it and saying “it is my way or no way or the highway”, that person is just as guilty as the Taliban. It is a fact. I am in no way casting, not aspirations, aspersions, on any Honourable Member on the Other Side. As a matter of fact, Mr. Speaker, I applaud those Honourable Members who have taken a stand and decided that they would fight for the human dignity of that dear Honourable Member and they must be applauded. When we begin to talk about deprivation and the stripping of people’s rights and the stripping of people’s human dignity and the compromise of the country’s human capital, I am saying that before we jump on board and begin to waggle our mouths over this topic, we should really look at ourselves.

Mr. Speaker, human trafficking, as it occurs against the will of the individual, not only compromises human rights; sustainable development; health and wellness that was talked about by another Honourable Member but it compromises the capacity for someone to self-actualise but that is another issue. Self-actualisation is a journey of human development, best achieved in an environment where there is nurturing and where there are persons disposed to assisting individuals to go through the stages: trust versus mistrust; the identity formation stage; where they are searching for themselves. How do you extract a person’s dignity and at the same time expect that person to grow up as a psychologically and emotionally healthy individual? It cannot work.

Sir, I therefore submit that what this law is about is building a network of principles that will allow the State and those who operate within the ambit of the State the opportunity to build and in some cases, to rebuild the kind of environment that is not a depravity-driven environment,

where the visceral needs of individuals are met and where there is no inability to reach those critical developmental milestones. Mr. Speaker, that is where I wanted to tackle this topic from.

Mr. Speaker, it is important that we understand that this whole phenomenon is one that is a critical detriment to any developing society. We also must understand that there is a taxonomy of drivers that force this kind of behaviour and activity into being. There are political drivers. We all see the international news, especially up in the Middle East where thousands and thousands of people are being displaced and, just to survive, they are being exploited. We see it every day. Then there are social factors, where there is a breakdown in the social constitution of a society and where the family is becoming distorted.

I was at a church on Sunday worshipping with people that I know well and a couple of Members of Parliament and I was encouraged when an old lady who must have been 80 or something stood up in defiance of any view that Barbados should surrender this society and the family to a view that we must now pursue a law to institute having same-sex marriages and so on. Look, I understand that there are persons out there who are not happy with me but that is their problem. They have a right to choose their lifestyle and I have a right to choose mine. They advocate their’s openly and I have a right to advocate mine openly because Barbados is still undergirded by a democracy.

Mr. SPEAKER: Honourable Member, you have five minutes in which to conclude.

Dr. the Hon. D. S. LOWE: Thank you, Mr. Speaker. Mr. Speaker, there are economic forces which are drivers. I have already said that there are psycho-emotional forces and the media. Let me speak a little about the media. I am of the view that the media in this country needs to do more stories that educate people about the rudiments of what is right and what is wrong in this society and stop peddling gossip. When your biggest seller on a week is a gossip paper, you are in big trouble. When people are galloping to the newsstand to pick up a gossip paper, you are in trouble.

*Asides.*

Dr. the Hon. D. S. LOWE: We are not going to talk about the electronic media yet but I am saying that it becomes very, very important that we understand what these drivers are. Political conflict; home instability; extreme poverty; social dislocation; exploitation and economic pursuits that do not yield progress. These are the things that impact upon people’s way.

Let me wrap up. I am not ready to wrap up but the rules require that I do within the limited amount of time

that I have. What should be the response of the State is what the Honourable Attorney-General is doing today, that is, to bring a piece of legislation that would bring into force in this land, conventions agreed to by this country. The Honourable Member from the Other Side, who led the response for the Opposition made it clear that the Honourable Member understands and accepts that as a reality.

It must be noted, Mr. Speaker, that in order for us to have a sustainable response, we must activate the national conscience. I applaud the women's group and the other similar organisations that are in the forefront of advocating against these kinds of practices and also advocating for women, children, families and the like, so the national conscience must be activated. The state of national leadership also must be brought to the fore and it cannot be leadership that is permissive or promiscuous. That is why today I can stand proudly behind my leader; line up with pride and admiration for the type of leader he is. It cannot be permissive or promiscuous. The truth is that it must be transformational in nature; strong in moral leadership and must lead by example.

*Asides.*

Dr. the Hon. D. S. LOWE: The Honourable Member for St. James North is trying to engage in this discourse but the truth of the matter is that the Honourable Member for St. James North really was spared because I could talk about human trafficking of Jamaicans.

*Asides.*

Dr. the Hon. D. S. LOWE: Mr. Speaker, I must conclude. I believe that it is important that we focus on that kind of leadership and that we and this country continue to embrace a leadership type that accords this great country which would be celebrating 50 years of Independence very shortly; the kind of quality consistent and persistent leadership that is required particularly during these times. He stands head and shoulders above everyone else, in my view, who have ever taken on that responsibility. I say that because I believe it. I am not like some who have to sing on that side just to survive. I own my rights to be here and I earned it by the graces of God and the goodwill of the people of my constituency. Nobody bequeathed any seat to me; I had to go and fight to prove that I was able and capable of leading my constituents.

*Asides.*

Dr. the Hon. D. S. LOWE: I do not have enough time but do not talk about St. John because the Opposition got in here this morning and desecrated the name and reputation of a man that is deceased; that cannot defend himself and after he was exonerated by the law, they still

tried to drag his name through the mud but his ghost will haunt you all for eternity. As the Rastas would say, 'bun fire on them!'

Mr. Speaker, I am grateful to have had the opportunity to make my contribution to this debate and again I fully support it and fully congratulate the Honourable Attorney-General for his good work.

Thank you, Sir.

Mr. SPEAKER: Yes, the Honourable Member for St. Lucy.

Hon. D. St.E. KELLMAN: Mr. Speaker, I too rise to support this Bill and to say from the outset it is rather surprising that there are persons who would say they do not want to do something in their country but they go and line up elsewhere and allow the same thing to occur to them and do not even ask a question why or do not open their mouths.

It is clear, Mr. Speaker, that in any country, security is the most important thing and if it means that taking biometrics of everyone in Barbados would allow us to have a safe country for our people, I am totally in support of it. We know that there is a possibility that someone can look like who we think that person is, only to find out that person is not really who we think it is.

*Asides.*

Hon. D. St.E. KELLMAN: Mr. Speaker, because the Honourable Member for St. James North has surprised himself with some new suits, he is now looking at an eight-year old suit and is calling it new.

Mr. Speaker, as I was saying, we in Barbados have a right to protect our borders and to ensure that we do not allow anybody in this day and age, now that there is a lot of human trafficking; now that there is a lot of terrorism and so on. To come into our shores and we say that person looks like somebody, the time for saying that we think that somebody is somebody else in this type of atmosphere is over. That is why I fully support the fingerprinting of those persons who want to leave or enter our country for the simple reason we have to be sure that we know who it is that is coming in and going out.

Mr. Speaker, someone has asked me how we can stop somebody who is coming in as a citizen, that is true. We can do something about somebody who wants to go out. We may not be able to do somebody coming in but the important thing is that we have to ensure that our borders are protected.

Mr. Speaker, I am saying that I fully support the Bill and would want to say that I am sure that once this Bill is passed that there is a possibility that persons who replace each other will not be able to trick the Immigration Department or would not be able to impact on Barbados in a negative way.

*Mr. SPEAKER VACATED THE CHAIR. Madam DEPUTY SPEAKER ASSUMED THE CHAIR.*

Hon. D. St.E. KELLMAN: Madam Deputy Speaker, the Honourable Member from the Other Side is saying that I am mixing up human trafficking with something else. I am saying that in order to correct human trafficking, someone can bring someone else into the country while claiming to be somebody who relates to them or they begin a citizen of Barbados and if we do not have the fingerprints, that person could easily come into the country disguising as a relative when in truth and fact, that person could be coming into the country under their own disguise.

Madam Deputy Speaker, I am very sorry for those persons who are ignorant of that fact or who cannot appreciate those things. We know that there are a lot of persons who bring people into Barbados and into other countries under the disguise that they are "X" "Y" or "B", when they are really "Z". Those who want to pretend that they do not know that human trafficking can occur like that I am very sorry for them and I cannot correct their ignorance. If anybody who wants to tell me that human trafficking cannot be stopped by fingerprinting, I am very sorry for those persons and I will not limit myself to that ignorance or lack of knowledge.

Madam Deputy Speaker, what I am saying is that this procedure, there is a symbiotic relationship between the two and all who do not see it I cannot apologise for their ignorance on these particular matters. I will make the point that what we are doing here is far-reaching and in the interest of country Barbados. I say this, I have no apologies. The Honourable Member for St. James Central has now been educated on a particular matter and the Honourable Member has now led a person to behave like a "dupidoo" shark for falling for his bait and ignorance on this particular matters.

Madam Deputy Speaker, I am saying that I fully support this matter and I am saying that if anybody did not see the relationship between the two, now they can better understand why we are here today and why we have to ensure that we cannot take a one approach to the security of the country and that we can link human trafficking and also the fingerprinting to help us to solve the issue of human trafficking et cetera.

Madam Deputy Speaker, I want to say that I totally support this matter and that I am very happy now that I

have spoken because it is quite obvious that there were some people who were very ignorant of these matters and did not understand the seriousness of what we are debating today. Madam Deputy Speaker, I thank you!

Madam DEPUTY SPEAKER: The Honourable Member for the City of Bridgetown.

Lt. Col. J. D. BOSTIC: Madam Deputy Speaker, I am happy to join this debate at this time to support the Bill and to make a few brief remarks in terms of that support and also one or two concerns. The whole question of human trafficking is a global phenomenon and a very serious one at that. It is one that affects about 161 countries, according to my research, either source, transit or destination countries. I am advised that people are reported to be trafficked from 127 countries; to be exploited in 137 countries affecting every continent and every type of economy that is the magnitude of this problem at the global level.

The problem is also exacerbated because of the profits generated from the activities associated with human trafficking. According to the statistics, some US\$36 billion a year are generated from human trafficking so it is nothing that should be scoffed at; it is indeed a global problem. It is also a regional problem in the sense that Latin America and the Caribbean together account for about 10 per cent of those persons who are affected by human trafficking and about 4.9 per cent of the profits generated from this accrue in the Caribbean and Latin America. It is a global phenomenon with regional implications and also national considerations.

Madam Deputy Speaker, from a Barbadian perspective, I believe that we have to look at this problem beyond the need to satisfy international obligations hence the passing of the enactment of legislation and that is important but it must not be seen as the most fundamental issue when dealing with human trafficking because human trafficking by any other name is another form of slavery and it is said to be modern slavery and in all of its manifestations rather domestic servitude, forced labour or sexual slavery, it is something that should concern us all and rightly so because Madam Deputy Speaker, for all of us within this Honourable Chamber and the vast majority of Barbadians who are descendants of the Atlantic slave trade; of those persons who know of that perilous journey called the Middle Passage. Any form of slavery is something that we should all abhor as an evil and an atrocity and so human trafficking is no exception.

Like I said, beyond the passage of legislation, this is something that we should feel a deep commitment to either eradicate or certainly to significantly reduce in our nation. At the regional level, it is a problem whether or not one sees that as a reality. Obviously, if it affects the CARICOM

region and if there is a perception within the international community that this is a serious problem in our region or in our country, then it is something that we really ought to address in a very real way.

It is interesting to note that out of those CARICOM countries that were reported on by the United States State Department in the 2015 report, we had about six CARICOM countries that were placed in Tier 2 and the watchlist, which means they are very close to going to bottom at Tier 3. There were about six countries. Another two were placed at Tier 2, one at Tier 3, and one at Tier 1. It means that as a region, we are viewed by the international community as a serious human trafficking region and that should concern us all. That is the United States State Department which was referred to before by Members on the Other Side, Madam Deputy Speaker. My view is, of course, we cannot everything lock, stock and barrel that comes from anywhere outside of this country or this region but we would be fools, Madam Deputy Speaker, if we do not recognise that the perception has been created and that is a perception that we must also deal with.

Madam Deputy Speaker, Barbados, as a tourist destination and also operating within the framework of the free movement of skilled labour within the region, has to be very careful in terms of how we treat to these issues. One of the recommendations coming from the United States and I think it was alluded to by the Honourable Attorney General, was the fact that Barbados needed to strengthen its legislation and the penalties to make them sufficiently stringent to exclude fines and to focus more on custodial sentences. That is one of the recommendations coming out but I realise in this Bill that we still have both, even though the fines have been set at fairly high numbers. That is not to suggest that we have to accept everything that is recommended to us but I am just noting that as one of the recommendations, Madam Deputy Speaker.

Legislation without enforcement really does not do what it is that we are seeking to do and I am happy to learn that a lot of training has taken place, certainly for the law enforcement agencies and prosecutors, for Government officials and also for diplomatic personnel. This certainly is a step in the right direction in terms of being able to police this matter. For me, this certainly is something that will get my full support and also the support of the Opposition. It is all part of the responsibility of all of us as Barbadians and certainly as a proud nation, to be able to take care of our security concerns, some of which have been mentioned here today.

I am not taking it too far or going too deeply into this subject because I believe this will be discussed at another time but I just want to mention a few comments with regards to the biometrics that have been spoken to during this debate.

My take on this, Madam Deputy Speaker, is that we must give full support at all times to our Immigration officials who I see as border security officers; who should be treated as such; who I believe should be given all of the support that is needed in order for them to carry out their functions as the first layer of security in terms of persons entering this country. I also make mention of the work that has been done and was spoken to by the Honourable Leader of the Opposition with regard to Cricket World Cup 2007 and the legacy items out of that in terms of the security arrangements not only for Barbados but for the region. There are some arrangements there, Madam Deputy Speaker, that have done us well not only as a country but as a region and are capable of and have been doing exactly what the biometrics seek to do.

I also want to caution us about the fact that there are some countries that have already discovered some vulnerabilities with regard to the use of biometrics, in that there still has been identification fraud using biometrics and other types of technology, so this is something that we should be careful of. Although I support the use of biometric systems, my problem is the whole question of doing so in terms of Barbadian nationals; that does not conform to other jurisdictions, and I think that is something that needs to be reconsidered in terms of this particular issue.

Madam Deputy Speaker, all in all, I support this Bill. I think we need to continue the effort towards eradicating or eliminating human trafficking and with that I am obliged.

MADAM DEPUTY SPEAKER: Honourable Member for St. Michael South.

Hon. FREUNDEL J. STUART: Madam Deputy Speaker, I just thought I would say a few words on this Trafficking in Persons Prevention Bill; a Bill which has been brought to this House to, as it were, complete our obligations under the United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organised Crime. This is a very important piece of legislation, not only because Barbados has subscribed to this Protocol but because trafficking in persons is in and of itself a crime unredeemed by any one extenuating circumstance.

From the dawn of human history, there has been slavery because from the dawn of human history, people who have had power have tried to use that power or have been inclined to use that power, against persons whom they perceived to be weak and vulnerable. Many years ago, when I was student in Trinidad and Tobago, I remember a calypso song by a calypsonian by the name of John King -- not our John King, a Trinidadian John King - and that

calypso proclaimed to the anger of one of the lecturers at law school, that the destruction of the weak is Nature's plan and the humble and the meek must understand. That philosophy has pervaded human thinking from the dawn of human history down to the present. In ancient societies, there has been slavery. When we look even at the origins of Western democracy in ancient Athens, that democracy excluded women from the vote but also excluded slaves from the vote; evidence that slaves existed in ancient Athens. Of course, during the days of the Roman Empire, slaves existed as well. On the African continent, there were various forms of slavery and we here in the Caribbean were introduced, from the 17th century on for about 200 years, to plantation slavery.

Madam Deputy speaker, after the fall of the Roman Empire in the west in the year of our Lord 476, Europe was plunged into the dark ages and some horrible things at the level of various kinds of persecution and enslavement happened across Europe during that Dark Age period. Once the Dark Age came to an end and this so-called New World was discovered, perhaps a better way to be invaded; we were introduced to plantation slavery in this part of the world. No conscious person living in our part of the world can feel any sympathy for slavery of any kind.

Madam, plantation slavery was State sponsored. Governments actually sponsored slavery during that 200-year period that I am talking about and the level of human degradation; the scale of human degradation that took place during those dark days have filled the pages of many distinguished and not so distinguished works.

178 years ago, slavery was abolished in this region and we all felt that we had slavery behind us. The windows and doors of democratic expression and opportunity were opened for us; we began to describe ourselves as free societies and we felt that slavery, especially State sponsored slavery was behind us. For 200 years, we were telling the people in Europe, the British; the Dutch; the French; the Portuguese and the Spanish that slavery was wrong. It took us 200 years to persuade them and that is why in the year 2016, I know that they can get it wrong because we took 200 years to persuade them that slavery was wrong and we were right and, therefore, when they come with their new doctrines on other subjects now because they have changed their minds on those subjects, they want us to change ours in dealing with Barbados they are going to have to fight on their hands because I am not marionette that can be pulled and pushed in any direction because anybody anywhere else changes his or her mind on any subject but, Sir, that is just by the way.

Madam Deputy Speaker, we got rid of State sponsored plantation slavery and we have begun to build democratic societies in this region. We are still trying to create societies in this region. There are still a lot of

dysfunctionalities in our societies which we are trying to correct. The Government, of course, over which I preside has committed itself to creating a Barbados that is socially balanced; economically viable; environmentally sound and one characterised by good governance and creating a socially balanced society is inconsistent with the end base of slavery of any kind because a socially balanced society is premised on a philosophical commitment to concepts of equality and slavery is a negation of any concept of equality.

Madam Deputy Speaker, the Government is very clear why we are here today and I know the Opposition is also clear why we are here today. I do not think there is any divide on this issue but this Bill makes a point that these kinds of battles are never won. Sir, slavery was abolished in this part of the world around 1838. It took a much longer time in the United States of America and it had to go into the 1860s and if you listen to some of the noises still that come out of the United States of America, you realise that certain mindsets still exist.

Madam, in more recent times, you have been hearing some noises coming from certain parts of that country that tell you that these battles are never fully won; you have to be constantly fighting them over and over again. We have managed to get rid of State sponsored slavery and, of course, here in the Caribbean, we have been even talking about reparations because the damage done to our people by State sponsored slavery; the consequences of that damage are still being felt in this region today. Madam, small wonder that the United Nations declared slavery a crime against humanity and smaller wonder still, that the United Nations declared the present decade as the International Decade for People of African Descent because it is people of African descent who were the major sufferers of plantation slavery and State sponsored slavery in this region.

Madam Deputy Speaker, this Bill does not deal with plantation slavery or State sponsored slavery. The articulate major premise of this Bill is that the State has set its face against slavery but yet the State still has to deal with slavery because a more insidious kind of slavery has now wormed itself into the life of the western world and certainly into the life of our region.

Mr. Speaker, I do not regard this matter as an academic one because I had to sit and listen some time ago to a young lady who told me the story of being seduced; being persuaded to come from a neighbouring country to Barbados for work. Madam, obviously the need for a job; the need to have means for your own subsistence is a strong enough need; that if you cannot get a job in your own country, you would want to go to another. Madam, only when she got here, did she realise what the job was. The job was to work at nights on Bay Street and when she

tells her story, the torment of that experience, sponsored by a couple in Barbados, a husband and a wife, you can feel the pain that she continues to experience. She ended up being hospitalized; she was visited by this couple consistently and when they thought that she was in hospital too long, they told her that her being in there so long was causing them to lose money and she left hospital prematurely and when she thought she would be home; get a bit of rest and get herself back together, she was back on the streets.

That happened here in Barbados. Now, I know what I know about it. I know she asked me to keep certain commitments and I have kept them. Fortunately, she is not any anymore but the residual pain is still being felt, so all is not well with everybody in this country.

We have the capitalist system, State sponsored plantation slavery but the money making by any means is still a driver for certain individuals. All those universal values to which we subscribe as a nation; those values that we have held up as exemplary values, we have to guard them jealously and vigilantly because there are people in this society who do not subscribe to those values and who see nothing wrong with the degradation of other people for their own material benefit.

Madam, I am very glad this legislation has come because I feel sure that these animal instincts cannot be curbed overnight and that once this legislation is sufficiently well publicized, there may be people who would be willing to come forward and let the police know what they have been put through; the kind of exploitation to which they have been rendered subjects and we can get to the root of this problem.

Madam Deputy Speaker, let us not fool ourselves that because we got rid of plantation slavery and we celebrate that, that all slavery is over. It is not only here in Barbados. We see it out of the United Kingdom, the United States of America and all over the rest of the world. In that part of the world that we are most concerned with, that instinct to make the almighty dollar at anybody's expense is still very much a strong motivating factor.

As I said, for me, slavery of any kind is a crime unredeemed and unredeemable by even one extenuating circumstance. It is a non-starter for me. I think that this House has done itself proud today by joining hands on this issue because if we really believe in the promotion of human dignity, if we really believe, as I said in the House a few weeks ago, that our women are not items of private property to be used wantonly for sexual and exploitative purposes and for money making and if we really genuinely believe that the most precious thing any society can possess is the mind of a child and therefore that we have to rear our children and protect them especially, our young females

but young males are also at risk. If we really believe these things, we have to join forces against these crimes and these abuses. All that is required, as Edmond Burke said, "for evil to flourish is for good people to sit back and do nothing." If wrongdoers are possessed of more passion than those of us who are committed to doing the right thing, wrong will win the day in Barbados and the Caribbean.

William Butler Yeats in his famous poem "The Second Coming" passed that verdict on Ireland or the Ireland of his day, when he said, "that the best lack all conviction and the worst are full of passionate intensity." We cannot afford to allow the best people in Barbados to be so disemboweled of conviction that they do not stand up against these wrongs and allow the worst to be so full of passionate intensity that they can do these wrongs and get away with them.

Madam Deputy Speaker, I just thought I would add my voice to this support for this Bill. I want to thank the Opposition for its support of it as well. I think this is a battle upon which we are all embarked as a nation. This is our 50th year of Independence. We have to decide what kind of Barbados we want to create for the next 50 years and beyond and we have to decide what kind of Barbados we want to pass to future generations.

A reasonably good Barbados has been passed to us, a Barbados of good, strong, robust values but values unprotected can be taken away from us; can be undermined. We have to be vigilant; determined and we have to be committed to building a civilization here in Barbados and a civilization in the Caribbean that respects human dignity; that respects the rights of women and children; that respects the rights of all persons to enjoy a decent life unmolested by money grabbers and persons who want to get rich at all costs. People who would be indignant if any of these abuses were committed against their daughters or their children but who see nothing wrong in perpetrating these wrongs against others people on the excuse that they can make money but also on the excuse that they do not know them because they come from somewhere else.

We are separated by a few miles away in this Caribbean but this is a Caribbean family and we all have to be bearers of one another burdens in this region and therefore I think that has to be Barbados' commitment.

Madam Deputy Speaker, I want to thank the learned Attorney-General for the sense of urgency which he has demonstrated in getting this Bill to the House. I share the sentiments of the Honourable Member for St. James Central that it is not going to be enough to pass this. The Leader of the Opposition made the same point. A job of education has to be done but a job of enforcement also has

to be done because perpetrators must not be allowed to get away.

I went to a Caribbean Financial Action Taskforce Meetings in Haiti and heard European critics carrying on against Barbados because we had not prosecuted enough people or any people at all under the Proceeds of Crime Act and the impression was being given, not that there were no persons who were eligible for prosecution but that there were persons who were eligible but that we were turning a blind eye looking askance at these persons. When I thought that Barbados had been beaten up on enough, I had to intervene and ask them whether they thought that because a much larger number of criminals could be found where they came from that necessarily we had to have a lot of them down here too. Of course, that kind of brought the discussion, pleasingly for me, to an abrupt end, but they carried on as though we have to have people prosecuted under this legislation and because we did not have anybody prosecuted under it, we were looking askance at wrongdoing. If you have criminals and you are dealing with them do not assume that because you may have a large population of them where you come from that we necessarily have as large a population down here or any at all, we subscribe to the Rule of Law, and that brought the discussion to an end. That happened in Haiti, I think, in 2009 or something like that when we went up there.

Mr. Speaker, at the same time we do not want to have this legislation on the statute books and offences to which this legislation relates are being committed and people are not being brought before the courts and being made to pay for their misdeeds. I hope that those who have ears to hear are hearing and that we understand that there is a united front between the Government and the Opposition on issues of this kind and that we have to build a Barbados that respects women, children and families and a Barbados of which we can all feel proud. We do not accept any of the postulates of State sponsored or individual..., and that has to be made very clear right across this country and this region.

I deeply sympathise with all those who have been quiet muted victims of this kind of abuse. I do not believe the case that was shared with me by a victim is the only such case that we had around here. There are many muted quiet suffering victims of this kind of abuse and the perpetrators have to be ferreted out and made to pay for the horrible misdeed of dehumanising young women for their own perverse enrichment.

Madam Deputy Speaker, I just thought I had to make that intervention and to indicate to the House that this Bill has my full support. I am obliged to you, Mr. Speaker.

MADAM DEPUTY SPEAKER: The Honourable Member, for St. Philip South.

Hon. A. D. BRATHWAITE: Thank you very much, Madam Deputy Speaker, I am going to be brief. I just would like to associate myself with the comments of the Speaker who just finished his presentation, the Right Honourable Prime Minister and Honourable Member for St. Michael South, and in particular to thank all Honourable Members for their contributions. Let me single out the Honourable Member for Christ Church South for this reason because when the first Speaker from the Opposition was finished I was concerned that we were going to miss an opportunity as a Parliament to lend our collective voices in a very serious manner so that the public of Barbados and all who would read and would have heard our presentations would know that we abhor this kind of trafficking. Of course, the Honourable Member for Christ Church South said to me he would speak because this is too serious an issue for us not to lend our voices to this issue, so to the Honourable Member for Christ Church South I want to thank you in particular for what I consider to have been a catalyst that has led to a decent debate on an issue of extreme importance and significance to us as a Parliament and a country.

There are a couple of comments I would like to touch on. On the issue raised by the Honourable Member for St. James Central, yes we are going to have to do some education. I did spend some time on the fact that a considerable amount of training has already been done and you have my word that training will continue. Yes, we also need to change the psyche in terms of some of our officials because there is a feeling and it is encouraged by persons who have the authority to do better like some of the individuals in the Immigration Department and I dare say the Royal Barbados Police Force who see nothing wrong with arranging for these young women in particular to come into our shores notwithstanding the fact that there is always this possibility that they could be exploited, so we need to have a change of psyche and we need to have that discussion, which actually started here this afternoon by our own contributions in sending the signal that we as lawmakers want them to know that we see these individuals as victims and we not only intend to put the requisite law in place but we want by demonstrating by our own actions how serious we are about eradicating the exploitation of the less vulnerable from our shores.

By way of an example, in terms of training we have done prosecutors, magistrates and judges because one of the issues is that if you have a case before the court not only are the victims very tenuous in terms of wanting to give evidence but if per chance you take too long you give them more time to reflect and they become nervous, et cetera, so we want to ensure that these matters are brought before the Courts as quickly as possible and therefore we spend the time with respect of training of these essential actors so that these matters could be brought before the courts with alacrity.

The Honourable Member for St. Michael North East spent some time on the whole security apparatus, and I would like to associate myself with much of the comments. I believe that what has been happening over the last couple of years is that with the serious financial challenges that Member States have had and crime as a whole that we been looking more inward than outward and may have taken our eyes off the ball a bit in terms of maximising the potential of the security apparatus that we already have in place.

We have had discussions at the last counselling meeting in particular that I attended and we spent quite a bit of time on that and the whole issue of the lack of cooperation in terms of the exchange of information and sharing of information. This is not a situation where we can do it individually, it has to be a collective effort, so to the Honourable Member again, as I said, I thank you for your comments but rest assured that in fact that all is not lost that we recognise that we do have some serious opportunities if we work together as a region and we will continue to do so.

In closing, I want to thank all Honourable Members for their contributions. I believe we have sent the signal to the people of Barbados and to anyone who reads this debate that we abhor as a Parliament trafficking of persons and we intend to ensure that we do all within our powers to protect the less vulnerable in this country.

With those words, Madam Deputy Speaker, I beg to move that is Bill be read a second time.

Dr. the Hon. D. S. LOWE: I beg to second that, Sir.

*On the motion of Hon. A. D. BRATHWAITE, seconded by Rt. Hon. F. J. STUART, the House resolved itself into Committee on the Bill. Mr. J. D. PAUL, Chairman of Committees in the Chair.*

#### COMMITTEE

Mr. CHAIRMAN: The House is now in Committee. The Honourable Attorney-General.

Hon. A. D. BRATHWAITE: Mr. Chairman, just briefly to note a couple of points, (1), to note the increase penalties under Clause 3 in particular for trafficking in persons, Mr. Chairman, you would note that anyone found guilty of the offence of trafficking of persons is liable on conviction and indictment to a fine of \$1 million or to imprisonment for 25 years or to both.

Mr. Chairman, similarly, under Clause 4 there is a new offence in trafficking in persons and again the significant penalty for anyone found guilty of trafficking of children; anyone found guilty under Clause (4): "A person who incites or directs another person to traffic in children is

guilty of the offence of trafficking in children and is liable on conviction on indictment, to a fine of \$2 000 000 or to imprisonment for life or to both."

*Clauses 1 and 5, inclusive, were called and passed.*

*Clause 6 to 10, inclusive, were called and passed.*

Hon. A. D. BRATHWAITE: Mr. Chairman, similarly, again this was a matter raised by the Honourable Member for St. Michael North East on the whole issue of unlawfully destroying or withholding travelling documents. You will see that is being addressed under Clause 6 (2) in particular because we would have heard stories of persons' passports being withheld, et cetera, so that it is clearly placed in the law again significant penalties if anyone is found guilty under Clause 6(1):

"Unlawfully destroying or withholding travel document etc.

A person who for the purpose of trafficking in persons or trafficking in children acts or purports to act as another person's employer, manager, supervisor, contractor, employment agent, or solicitor of clients; and knowingly procures, destroys, conceals, removes, confiscates, or possesses any travel document belonging to another person or document that establishes or purports to establish another person's identity or immigration status, is guilty of an offence and is liable on conviction on indictment to a fine of \$250 000 or to imprisonment for 20 years or to both."

Mr. Chairman, similarly, there is an offence under Clause 8 for a person who knowingly receive financial benefit from trafficking in persons, so that it is not only the traffickers but anyone who is associated with them who may have received financial benefit from the trafficking of persons:

*"Knowingly receiving financial benefit from trafficking in persons:*

A person who receives or obtains a financial or other benefit, knowing that the financial or other benefit results from the offence of trafficking in persons, is guilty of an offence and is liable on conviction on indictment, to a fine of \$1 000 000 or to imprisonment for 25 years or to both."

*"Knowingly receiving financial benefit from trafficking children:*

A person who receives or obtains a financial or other benefit, knowing that the financial or other benefit results from the offence of trafficking in persons, is guilty of an offence and is liable on conviction on indictment, to a fine of \$2 000 000 or to imprisonment for life or to both."

Mr. Chairman, penalties under Clause 10 are important because as I said in my earlier presentation, we want to take the profit out of crime and that this is another important provision.

*Clause 11 to 15 were called and passed.*

Hon. A. D. BRATHWAITE: Mr. Chairman, under Clauses 11 to 15, I would wish to bring to this Honourable the House of Assembly attention particularly to Clause 11 which deals with restitution. It states:

#### Restitution

*‘Where a person is convicted of an offence of trafficking, the court may, in addition to any penalty imposed pursuant to this section, order that person to pay restitution to the victim.*

*Restitution must compensate, where applicable, for any of the following:*

- (a) costs of medical and psychological treatment;
- (b) costs of physical and occupational therapy and rehabilitation;
- (c) costs of necessary transportation, temporary housing and child care;
- (d) lost income;
- (e) attorney’s fees and other legal costs;
- (f) compensation for emotional distress, pain and suffering;

Hon A. D. BRATHWAITE: Sir, you would have heard from the Honourable Member for St. Michael South, the Honourable Prime Minister in his presentation, giving a story of a victim and the long-lasting scars that remained.

- (g) any other losses suffered by the victim which the court considers applicable.

*Notwithstanding subsection (2), where the property of a person convicted under this Act is forfeited, restitution shall be paid to the victim as far as possible from that property or from the Criminal Assets Recovery Fund.”*

Mr. Chairman, I draw to this Honourable the House of Assembly Clause 11 in particular and that under Clause 15, there is another important consideration which deals with the protection and safety of victims. You would have heard in my earlier presentation that I said that we have a Protocol in place but that what we are now doing here in this Bill is actually putting it into law, so that there is no

doubt the Government of Barbados and as a Parliament, we would ensure the protection and safety of victims. I bring to this Parliament’s attention Clause 15. With those words I beg to move that Clause 11 to 15 stand part.

Rt. Hon. F. J. STUART: I beg to second that, Sir.

*The question was put and resolved in the affirmative without division.*

*Clauses 16 to 20 were called and passed.*

Hon. A. D. BRATHWAITE: Mr. Chairman, under Clause 16, particularly Clause 16(2) I would wish to bring to the House’s attention which states:

“Privacy of victims

*In a prosecution for trafficking under this Act, the identity of the victim and the victim’s family shall be kept confidential by ensuring that names and identifying information of the victim and the victim’s family are not released to any member of the public or published in the press or media.*

*A hearing under this section shall be held in camera unless the court otherwise directs.*

*A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 000”.*

Mr. Chairman, that Clause is important because it is consistent with our recognition that these are victims, that there are security considerations and that they are concerned that the public would know what has happened to them and therefore we would want to keep the information of the protection to the families, et cetera, as private as possible, so that I would like to bring this particular Clause, particularly 16(2) to the attention of this Honourable the House of Assembly.

Mr. Chairman, again under Clause 16 (2) to the attention of this Honourable the House of Assembly:

“Privacy of victims

*In a prosecution for trafficking under this Act, the identity of the victim and the victim’s family shall be kept confidential by ensuring that names and identifying information of the victim and the victim’s family are not released to any member of the public or published in the press or media.*

*(2) A hearing under this section shall be held in camera unless the court otherwise directs.*

*A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$100 000.”*

Mr. Chairman, Clause 17 sets out the following:

*“Information for victims*

*The Minister shall ensure that, as appropriate, a victim of trafficking is informed of his legal rights as well as the progress of court and administrative proceedings in a language that the victim can understand; and such information shall include,*

*(a) proceedings involving the criminal offenders;*

*(b) proceedings for the return of the victim to his country of citizenship or,*

*(c) lawful residence; and*

*procedures for seeking legal immigration status for the victim under the Immigration Act, Cap. 190.”*

Hon A. D. BRATHWAITE: Mr. Chairman, we presently do this but when this Bill becomes law, it will be clear to victims, to their attorney-at-law and to their Embassies that, in fact, is on our landscape.

Mr. Clause 18 (1) deals with assistance to victims, it sets out as follows:

*“Assistance to victims*

*A victim of trafficking who is not a national of Barbados and the victim’s accompanying dependent children may receive for the duration of their stay in Barbados, such benefits as may be determined by the appropriate Minister responsible for the relevant benefit; and those benefits may include:*

*(a) appropriate housing;*

*(b) education and training opportunities;*

*(c) psychological counselling;*

*(d) legal assistance and legal information; and*

*(e) assistance in obtaining any relevant documents and information to assist with legal proceedings;*

*(f) the provision of safe shelter;*

*(g) assistance to cover living expenses; and*

*(h) medical assistance.*

*(2) In the absence of exigent circumstances, a victim of trafficking, when identified as such, shall not be housed in a prison or other detention facility for accused persons or convicted criminals.”*

*(3) A child victim of trafficking, when identified as such, shall not be housed in a prison or other detention facility for accused or convicted criminals under any circumstances.”*

Mr. Chairman, these are things that we have in our Protocol but we are now making them law so that victims are clear as to what this Government intends to provide for them.

Mr. Chairman, I beg to move that Clause 16 to 20 stand part.

Rt. Hon. F. J. STUART: I beg to second that, Sir.

*The question was put and resolved in the affirmative without division.*

*Clauses 21-25, inclusive, were called.*

Hon. A.D. BRATHWAITE: Under Clauses 21-25, Mr. Chairman, in particular just Clause 21 which I wanted to emphasise which is special consideration for child victims. Not only have we brought a new offence to deal with children, but we are saying that when it comes to consideration of children under this legislation that in fact what should always be the determining factor is what is in the child’s best interest. That is consistent with how we as a Parliament and a Government incline to the treatment of our children when they come before our criminal justice system.

*On the motion of Hon. A.D. BRATHWAITE, seconded by Rt. Hon. F.J. STUART, the question that Clauses 21-25 stand part was put to the House by the CHAIRMAN, and was resolved in the affirmative without division.*

*Clauses 26-30, inclusive, were called.*

Hon. A.D. BRATHWAITE: Under Clauses 26-30, I just want to bring Clause 27 to the attention of Parliament, and to remind Parliament that we as a Government formed a national committee to address trafficking in persons’ issues. That committee has been functioning for the last four years and has been doing significant work. What we are now doing is formalizing the work of that committee and ensuring that in law, there will always be a committee whose responsibility it will be to ensure that trafficking of persons’ issues will always be kept at the front burner. Therefore, I just want to bring to the attention of Parliament in particular Clause 27.

*On the motion of Hon. A.D. BRATHWAITE, seconded by Hon. J.D.E. BOYCE, the question was put to the House by the CHAIRMAN that Clauses 26-30 stand part. This was resolved in the affirmative without division.*

*On the motion of Hon. A.D. BRATHWAITE, the question was put to the House that the CHAIRMAN report to Her Honour the DEPUTY SPEAKER the passing of one Bill in Committee.*

*This question was resolved in the affirmative without division.*

*Her Honour the DEPUTY SPEAKER resumed the Chair and reported accordingly.*

*On the motion of Hon. A.D. BRATHWAITE, seconded by Rt. Hon. F.J. STUART, the question was put to the House that the Bill be read a third time.*

*This question was resolved in the affirmative without division.*

*On the motion of Hon. A.D. BRATHWAITE, seconded by Hon. J.D.E. BOYCE, the Bill was read a third time, passed and cited as the Trafficking in Persons Prevention Act, 2016.*

#### ADJOURNMENT

Hon. J.D.E. BOYCE: Madam Deputy Speaker, I beg to move that this Sitting be now adjourned until Tuesday, March 8 at 10 a.m.

Hon. A.D. BRATHWAITE: I beg to second that, Sir.

*The question that the Sitting be now adjourned until March 8, 2016 was put to the Honourable House and was resolved in the affirmative without division, and the DEPUTY SPEAKER adjourned the House accordingly.*

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**EDITORIAL NOTES — NOT PART OF THE REPORT**


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*Prepared with the transcript; for checking against the recording and the Minutes.*

**EDITORIAL QUERIES**

*Points noted while preparing this report from the edited transcript. The text has not been altered except where stated.*

**Q1. Masthead.** The session is not stated in the source, so no session line is printed.

**Q2. Order No. 21, Mr. K. D. Symmonds's speech.** Mr. Speaker calls 'The Honourable Member for St. James South' before Mr. K. D. Symmonds speaks, but elsewhere in the sitting Mr. Symmonds is referred to as the Member for St. James Central. Printed as in the source.

**Q3. Order No. 21, Mr. Speaker's ruling.** The procedural note reads 'Certain remarks made by the Honourable Member for Honourable Member for St. James Central were ordered expunged'. Printed as in the source.

**Q4. Order No. 21, title.** The Order Paper heading reads 'BRITISH AMERICAN INSURANCE (BARBADOS) LIMITED PRESERVATION OF INVESTMENTS BILL, 2016', while the Act is cited at third reading as the 'British American Insurance Company (Barbados) Limited Preservation of Investments Act, 2016'. Printed as in the source.

**Q5. Order No. 24, Committee.** The procedural note reads 'Clauses 1 and 5, inclusive, were called and passed', presumably Clauses 1 to 5. Printed as in the source.

**Q6. Order No. 24, Committee, Clause 16.** The Attorney-General reads the text of Clause 16 ('Privacy of victims') twice in succession. This is a quotation in the debate and both readings are printed, as in the source.

**Q7. PRESENT.** The Speaker, His Honour Michael A. Carrington, and the Deputy Speaker, Her Honour Mrs. M-J. Mara Thompson, appear on a single line of the PRESENT list. Printed as in the source.

**DEBATE SUMMARY**

*(Editorial summary — not part of the record.)*

The House of Assembly met on Tuesday, 1st March, 2016 at 10.15 a.m., with the Speaker, His Honour Michael A. Carrington, in the Chair; prayers were taken by Reverend Father Mark Harewood. The Minutes of 26th February were deferred, the Speaker welcomed back the Member for Christ Church West from her official absence, and Standing Orders were suspended on the motion of Hon. J. D. E. Boyce.

Order No. 21 was the second reading of the British American Insurance (Barbados) Limited Preservation of Investments Bill, 2016. The Minister of Finance, Hon. C. P. Sinckler, traced the matter to the Supreme Court Order of 30th September, 2010 placing BAICO under Judicial Management. He said the gap in the Statutory Fund, first put at about BDS\$58 million, had grown to \$84.6 million because properties worth \$26 million could not be included, and that Government would issue bonds and pay \$8 million to make whole the pension plan of 72 BAICO employees. Under a Sale and Purchase Agreement of 21st December, 2015, BAICO's policies would pass to Sagicor Life Incorporated.

Miss M. A. Mottley asked for full Explanatory Notes, a list of the assets behind bonds of just under \$85 million, and their forced sale value, including the building at Bishop's Court Hill. Mr. K. D. Symmonds supported the intention of rescuing some 40 000 policyholders but questioned the approach, the value of the real estate, and what backed the transfer to Sagicor, and called for disqualification orders against directors in breach of trust. In reply Mr. Sinckler said no public money had been trifled with; points of order from Mr. Symmonds were ruled out, some of his remarks were ordered expunged, and the Speaker struck out the Minister's phrase 'wasting the House's time with political palaver'. The Bill passed all stages, Clauses 1 to 6 being passed in Committee with Mr. J. D. Paul in the Chair.

After the lunch suspension, the Attorney-General, Hon. A. D. Brathwaite, moved the second reading of the Trafficking in Persons Prevention Bill, 2016 (Order No. 24), which repeals the Transnational Organised Crime Prevention and Control Act, 2011, gives effect to the United Nations Protocol, creates an offence of trafficking within Barbados and allows assets linked to the crime to be seized. Mr. D. D. Marshall said there would be no opposition, recalling that the Protocol was signed in 2001.

Mr. Boyce, Mr. Symmonds, Hon. S. A. Lashley, Miss Mottley, Dr. the Hon. D. S. Lowe, Hon. D. St.E. Kellman, Lt. Col. J. D. Bostic and the Prime Minister, Hon. Freundel J. Stuart, all supported the Bill. Mr. Symmonds spoke of brothels and the clandestine nature of the trade; Miss Mottley described biometric checks on citizens as overkill where passenger and intelligence information was available; Lt. Col. Bostic cited some US\$36 billion a year generated by trafficking. Madam Deputy Speaker took the Chair during the debate.

In Committee the Attorney-General drew attention to penalties of up to \$2 000 000 or life imprisonment for trafficking in children, the offence of knowingly receiving

financial benefit, restitution to victims, the privacy of victims and the rule that child victims are never to be housed in prison. All clauses passed and the Bill was read a third time and passed as the Trafficking in Persons

Prevention Act, 2016. On Mr. Boyce's motion the House was adjourned until Tuesday, 8th March, 2016 at 10.00 a.m.