
THE SENATE DEBATES

(UNOFFICIAL REPORT)

PARLIAMENT 2013 – 2018

THE SENATE

Wednesday, June 1, 2016

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, the June 1, 2016 at 11 a.m.

PRESENT

Her Honour Senator Miss KERRYANN F. IFILL, M.B.A. B.Sc. (Hons.) (President)

His Honour Dean Emeritus Senator the Very Reverend H. E. CRICLOW, G.C.M., B.A. (Hons.) (Dunelm)(Deputy President) Senator JEPTER INCE, J.P., M.B.A., B.B.A., Dip. (Mgmt) (Parliamentary Secretary, Ministry of Finance and Economic Affairs) Senator HARCOURT A. HUSBANDS, M.L.I.R., B.Sc. (Public Administration) (Hons.) Ed. Cert. (U.W.I.)

Parliamentary Secretary, Ministry of Education)

Senator REGINALD A. HUNTE, J.P.

Senator Rev. Dr. DAVID L. DURANT, D.D. (Hons.)

Senator the Hon. PATRICK M. T. TODD, B.Sc. (Minister of State in the Office of the Prime Minister)

Senator ANDRE R. WORRELL, B.A. (Hons.)

Senator Miss VERLA A. G. DePEIZA, LL.M. (Merit) B.Sc. (Hons.)

Senator WILFRED A. ABRAHAMS, LL.B. (Hons.)

Senator Sir Roy TROTMAN, K.A., M.A.

Senator Prof. Emeritus Sir HENRY H.S. FRASER, K.A., G.C.M., B.Sc., M.B.B.S., Ph.D., FACP, FRCP. Senator ALWIN A. ADAMS, J.P., B.A. (Ed.), Ed. Cert., M.Sc. Ed.

Senator JOHN A. WATSON

Senator Dr. JEROME X. WALCOTT, J.P., M.B.B.S., FRCS (Edin.) Senator Dr. Sir TREVOR A. CARMICHAEL, Q.C., K.A., S.C.M., B.Sc. (Econ.), M.A., Ph.D. Senator CAROL LADY HAYNES, M.B., B.Sc. Senator the Hon. DARCY W. BOYCE, M.B.A.(Finance) B.Sc.(Econ.), C.M.A., F.C.A., (Minister in the Office of the Prime Minister) Senator Dr. the Hon. ESTHER R.

BYER-SUCKOO, M.B.B.S., (Minister of Labour, Social Security and Human Resource Development) ABSENT
Prayers were led by Rev. Father Errington Massiah.

MADAM PRESIDENT: The Senate is now in Session.

MADAM PRESIDENT: I am in receipt of a message from His Excellency, which reads:

Message 1/2016

His Excellency the Governor-General to the Honourable the Senate.

His Excellency the Governor-General has the honour to inform the Honourable the Senate.

that he would be absent from the country during the period 7th June to 25th June, 2016, on official and vacation leave in the United Kingdom. His Excellency further has the honour to inform the Honourable the Senate that in accordance with the provisions of the Constitution Section 29(1)(a), Sir, Philip Marlow Greaves, K.A., Q.C., will perform the functions of the Office of the Governor-General for the period June 7th to June 25th, 2016.

Signed

Elliot Belgrave

Governor-General

Government House

May 31, 2016.

ANNOUNCEMENTS BY YOUR HONOUR THE PRESIDENT

MADAM PRESIDENT: I am in receipt of excuses for lateness from Senators Sir Henry Fraser and Irene Sandiford-Garner. I am further in receipt of the Minutes of May, 2016. Are there any errors or omissions. There being none, I ask that these Minutes be confirmed.

PUBLIC BUSINESS

ORDER NO. 1 – TRAFFICKING IN PERSONS PREVENTION BILL, 2016.

MADAM PRESIDENT: Senator Husbands, you have the Floor.

Senator H. HUSBANDS: Madam President, I rise to seek permission of the Senate to have (2) The Trafficking In Persons Prevention Bill 2016, (2) The Immigration (Amendment) Bill, 2016 And (3) The Criminal Assets Recovery Fund Bill, 2016, be taken as a cognate debate.

The question was put to the Senate and agreed.

Senator H. HUSBANDS: Thank you very much. It is with pleasure and a sense of honour that I rise to lead off debate in this Honourable Senate on the the Trafficking in Persons Prevention Bill 2016, (2) The Immigration (Amendment) Bill, 2016 and (3) The Criminal Assets Recovery Fund Bill, 2016. Madam, I sought the permission of the Senate to have these taken as one debate simply because they are all interrelated and set about to make broad changes to three piece of legislation in Barbados all dealing with the issue of the criminal activity associated with the trafficking of persons. I want to begin by making some general statements about the issue of trafficking of persons and then I want to highlight aspects of these piece of legislation that I consider to represent significant changes in the legislation.

Madam, last week, when we debated in this Senate, I had the pleasure of leading off the discussion and I made the point that every now and then we in the Parliament of Barbados have to place into our local law several of the conventions and protocols that the Government of Barbados over a period of time would have acceded to, agreed to and accept as part of international norms. This morning, we are undertaking what I consider to be an extremely important task in bringing into local law our laws as they relate principally to the trafficking of persons. We have to take sometimes again as I have said, a step away sometimes from debating what many people might consider to be issues that are more pertinent to Barbados at this time to emphasis and to pay due regard to our international commitments and responsibilities but in this case we are bringing into local law several of the

international protocols and agreements that the Government has acceded to. At the same time, this debate is an extremely important one in promoting international human rights and the respect for proper norms and practices at the local and international level. I can well imagine that some people in Barbados may hold the view that the trafficking of persons is not an issue that is extremely critical at this time to Barbados and that there are more critical issues to which we should address our attention. I want however to say that while we in Barbados may not experience the worst forms of trafficking in people and forced labour and so on, we still are on the frontline. One only has to go back to the year 2006 to recall that off the shores of this country a small boat was discovered by local authorities carrying the bodies of 11 dead and later identified as African probably from Senegal, at least one of them was identified officially as being of Senegalese origin, to illustrate that while on a day-to-day basis we may not confront the more serious aspects of human trafficking we, nevertheless, have first-hand experience in dealing with this issue and we have the responsibility to bring to the local parliament and to the local discussion and debate issues around the trafficking of human beings.

If I could just for a moment go back to that incident of 2006, one remembers that this small boat left the coast of Africa and apparently investigations revealed that it was under tow and way out to ocean. The larger vessels that was towing it, most likely toward the Cape Verde Islands or somewhere off to the southern coast of Europe, the captain of this boat that was towing the smaller one with the Africans on board severed the tow line between the two boats and this one ...

Aside.

Senator H. A. HUSBANDS: Thank you so much Senator. The Honourable Senator has great experience in maritime things, admittedly from the shore side, but he has great experience in these matters nevertheless. The tow line was severed and the boat with these African men drifted in the Atlantic Ocean and they all died on board. Note that when the local authorities in Barbados boarded the vessel they found a note from one of these dead men on the boat indicating the village from which he was and asking that contact be made with his family and that his family be informed of his death. It took the public spiritedness of the local Muslim Association and the Catholic Church to arrange the burial of these men here in Barbados. The one who was identified by his village and so on was returned to Senegal through the work of the Barbados Government and the Government of Senegal. It is said that the boat actually had 53 persons on board and to this day we do not know what happened to the other 40 odd. It is assumed that many of them may have jumped overboard or were thrown overboard or whatever but nevertheless only earlier again the local Muslim community through the Muslim

Association arrange and you may see in the local newspaper that they arrange the headstone to be placed on the graves of these 10 dead African migrants right here in the Westbury Cemetery. While we may not experience this daily we in Barbados have first-hand experience of the savagery associated with the trafficking of people for all kinds of corrupt and nefarious means. It is clear, Madam President, that we therefore need urgently to bring our local laws in line with international regulations so that we can take strong, firm actions whenever we are confronted and in whatever situation and circumstance we confront this issue of the trafficking of people. The local organisations, the Catholic Church, because as you know Senegal is mostly Muslim but also part Catholic so it also caused a real unique working together of these various agencies and local organisations to assist in bringing this tragedy to notice and, if one can use the term, successful conclusion.

There is one other point I need to make on the issue of how Barbados interacts with this but we will come to that later. Furthermore, I want to emphasise the critical nature of this issue of trafficking of people by referring to an incident which occurred only last week. One remembers that there was wide-scale media reports that in the space of three days, 700 migrants attempting to cross the Mediterranean Sea probably from Libya, drown in the Mediterranean Sea. During that same week 13 000 migrants were rescued attempting to cross the Mediterranean Sea and it said that last week and the week before was the deadliest period in the Mediterranean Sea for people attempting to cross from northern Africa over to Europe.

We also need to focus on these amendments and the Bills that we are dealing with today also focus on the criminal activity, not only do we need to highlight these instances, the mass deaths that occurred and so on, but we need to put the laws in place so that we will be able to deal with the criminal elements who are associated with the Mediterranean Sea with these acts. In the case of the Mediterranean, it is believed that criminal gangs operating out of Libya usually set these persons adrift sometimes on some very rickety vessels with the hope that as soon as they reach mid-ocean they would be rescued by either the Greek or the Italian Coast Guards. These criminal gangs associated with people trafficking in the Mediterranean know that these boats will not make it to the destinations. The plan is that as soon as the boats reach the open ocean and the alarm is sounded, it then becomes the responsibility of the authorities elsewhere to rescue these people. In that context therefore, it is understandable, if one can say that, why in three days 700 people would have drowned.

In the case of the Africans who were caught adrift in the Atlantic Ocean and ended up off the coast of Barbados, to this day the captain of the vessel, a Spaniard, that was towing/touring the African boat is being sought by Interpol.

It is believed that he is living somewhere in Colombia today.

There is considerable criminal activity associated with this trafficking of people. As I said, there are several aspects but the main things that we will concern ourselves with in these Bills that are before us today will be the very dangerous nature, the number of lives that are lost and the number of people that are subjected, in many cases, to forced labour. At the same time, these Bills that we are dealing with this morning also focussed on the issue of dealing with the criminal syndicate, sometimes individual criminals, who for profit... They are not just attempting to assist people who are running from difficult situations in their homelands because if we look at Libya today we know that it is a failed state and in many regards it is a lawless state, there is no rule of law and so on and life is extremely hard, so it is understandable why people may want to run away from Libya. With the civil war raging in Syria, it is again understandable why people would want to seek safe shelter in other countries. However, Madam President, the persons, the enterprises, the individuals pushing these people out to the ocean are not doing it for humanitarian reasons, they are doing it for profit. In many cases, it is said that the Africans on board the boat that was discovered off of Barbados each paid US\$2 000. Remember we said they were 53 of them, so when you multiply 53 persons at US\$2 000 a head... Clearly, the plan was never to deliver these people to whatever destinations they thought they were going to but to abandon them in the middle of the ocean.

Barbados as we are doing today, despite whatever challenges we have in this country, must stand up as a proud independent nation of 50 years and say that we too will join the international community not only to condemn but to take strong action in the fight against this very criminal activity, and that is what we are doing today. Many of the people who experienced or are victims of human trafficking end up in forced labour. For a country like Barbados that has a history in slavery and so on, the responsibility falls on us again to play our part in cutting off access and the whole root and activity of human trafficking which plays a role in eliminating examples and circumstances of forced labour.

According to the International Labour Organisation, there are currently 21 million people who are victims of forced labour, but if a broader definition, as I understand, of forced labour is used, there could be as many as 45 million people in the world today as we speak who are victims of forced labour. What I am saying to Barbadian people is that sometimes there are things going on in our own country and while we would say Barbados has no experience, we do not know anything, why are we wasting time with this, when I had the honour and the privilege to work in the area of immigration, a story was told to me by

a young man from Guyana, and I, the proud Barbadian that I am, told him to his face that he was lying. He said to me that he and his father came to Barbados in the 1990s to work on a road, from the description, somewhere in St. George. He then went through in great detail with me what he and his father experienced as forced labourers in Barbados and what he described to me was no different from what these 21 million or 45 million people experienced in forced labour. He told me that they were put up at a house in Black Rock, their passports were taken and they were not paid. I said to him: Man, you have to be lying, that did not happen in Barbados and could never happen in Barbados. Madam President, when we talk about these things and we talk as though they only happen elsewhere or they only happen to other people we are wrong, sometimes they may be happening right under our noses.

The point I am making about forced labour is that it is usually the end result of the trafficking in persons because you have to repay the traffickers and so on. In many cases people are promised pie-in-the-sky, at the end of the rainbow or whatever the term is only to discover that they end up in forced labour situations in an attempt to pay back the US\$2 000. In Barbados US\$2 000 is a lot of money but imagine how much US\$2 000 in Senegal is and how long a person in Senegal has to work to get US\$2 000. Madam President, I am saying to Barbadians that when they hear about these things happening elsewhere sometimes they have to check themselves because when we talk about these things we talk as though they only happen elsewhere or they only happen to other people, we are wrong, sometimes they may be happening right under our noses. The beautiful thing about these three Bills is that they make the point that people trafficking is not just a transnational crime but they make it clear that within this country, having no reference whatsoever to people from other countries because when we think of trafficking in people we always think that these people are coming from somewhere else but it is quite possible - and these three pieces of legislation make it quite clear - that trafficking in people could occur in Barbados by Barbadians to Barbadians. It may not necessarily have anything to do with things coming from abroad. Let me continue with the International Labour Organisation (ILO) data. It says that almost 19 million of the 21 million involved in forced labour are exploited by private individuals and enterprises, and two million are exploited by states and rebel groups. The point we are making about forced labour is that this is usually the end result of trafficking in people.

Let me go on. Some 4.5 million of the 21 million are victims of sexual exploitation. Forced labour generates US\$150 billion in profits annually; so we are not just talking about some little thing on the side that we are trying to clean up because we are good people, but we are looking at the fact that forced labour, the end result of trafficking in

people, generates US\$150 billion in profit. In short, this problem which we are being asked to confront is larger than the Barbados economy. Domestic work, agriculture, construction, manufacturing and entertainment are the main sectors involved in the trafficking of people and, hence, forced labour. These are the main areas in the economy where people involved in forced labour, or people who have been trafficked, end up.

Every now and then, you hear a story from the United States of America, of all places, where someone has been kept in forced labour, having been trafficked to the United States (US) from China or from India. We may even hear stories of people who have been trafficked to the US from Barbados or parts of the Caribbean, and who end up in domestic servitude in somebody's house, and have not been outside or paid for a whole decade. Every now and then you hear these stories, so we are not talking about something that exists only elsewhere. These are experiences that we all hear about. Migrant workers and indigenous people are the most vulnerable in the area of people trafficking and forced labour. All of this that I am saying here and all of these numbers fit into a general pattern. Once you say A, as the old folks would say, you will say B, because they are all inter-related. It is expected that these people prey, in short, on the most vulnerable: migrants, indigenous people and children. This is when we talk about people trafficking and forced labour at its most serious level.

I pause here to say that I had the pleasure, in the days when I attended the ILO, of sitting at the international labour conference and seeing one of our Senators here present leading the debate and piloting the Convention on the Elimination of the Worst Forms of Child Labour. It was a great pleasure to see Senator Sir Roy Trotman in operation as a Bajan. Bear in mind that I was on the side of the employers, while Sir Roy was on the side of the workers, but to see a Barbadian in that position in an international organisation leading the discussion and pushing the Resolution, it did not matter which side he was on. What mattered most was that he was a Barbadian. To see Sir Roy perform that function and to have so many countries ratify the Convention on the Worst Forms of Child Labour afterwards was truly an honour for me. I think that we owe him a debt of gratitude. However we slice and dice this issue, Barbados has some little part in it. In the negative, I began with the experience of the ship in the story I told about the guy from Guyana; but we are fortunate to have in our midst someone who has led the international opposition. Whenever we talk about these issues, the aspect of children and how children are exploited is the most serious issue.

Regarding a profile of the victims of trafficking and forced labour, 5.5 million are below the age of 18. This is child labour and trafficking in children. Fifty-six per cent

are subject to forced labour in their place of origin or residence. We think always of these things as related to movement of people and migrants and so on, but the point I was making earlier is extremely valid; that more than half of those people who experience human trafficking and forced labour are not going anywhere but are having this experience in their own countries. That is why eternal vigilance is so important. There are more adults than children, more women than men, and so on. That is the general profile. In Central America and the Caribbean, forced labour and the trafficking of persons generate US\$12 billion in profits, so it is an extremely profitable enterprise. That is why it so important that we, this morning, play the role that we are playing in the elimination of trafficking of persons and forced labour, especially among vulnerable groups. We may not be able to solve the entire problem at one time, but as they did at the ILO, they looked at the worst forms of child labour and put measures in place to eliminate them. From there, that forms the springboard to go on to eliminate child labour on the whole. We talk mainly about the most vulnerable groups -- and I have said what those groups are -- but our legislation deals with the broad issue of the elimination of trafficking.

Therefore, the Bills which we have before us, including the Trafficking in Persons Prevention Bill, 2016, repeal the Transnational Crime Prevention and Control Act of 2011, and bring us, as I was saying earlier, to the point of putting into local law the United Nations Protocol to prevent, suppress and punish trafficking in persons, especially where the victims are women and children. Our legislation, the first one on our Order Paper, the Trafficking in Person Prevention Bill, 2016, does, as I alluded to earlier, the first two things are, it repeals the 2011 legislation but it also brings us in step with the United Nations Protocol to prevent, suppress and punish the trafficking in persons especially women and children. I talked about the vulnerable groups earlier.

I want to mention a few highlights of the legislation and probably make a few comments about it. Firstly the legislation strengthens penalties, it creates the broad offence of trafficking in people and it makes the point, as I made earlier, trafficking in people does not necessarily have to be transnational, or it does not necessarily have to be gang related. So we are trying in the legislation to cover as many of the bases as possible. It is largely gang related but it can also be individuals. So if there are individuals who are caught in trafficking -- I used to hear, again when I did the immigration stuff, I have heard that at one time you could have gone to a shop in Black Rock, here in Barbados, and order a domestic servant from Guyana, or order a construction worker, a brick layer, from Guyana, or you could order a roti maker from Guyana by going to a particular shop in Black Rock. Barbadians ought to be aware of these things. I am not about -- we have this thing in Barbados, all these illegal things we talk about, drugs

and so on. We talk about some mysterious white people or rich people in the back and so on. I am talking about ordinary people who are involved in supplying labour, involved in the trafficking of people. They might not see it as such. They may hold the view that in Guyana or in this place or the next place people work for days, times are hard and so on, and try to cover it up by arguing that they are helping out. However you try to look at it is the trafficking of people, and it is wrong that you can order these people. This Bill makes the point that it does not have to be transnational. It can be internal to Barbados and it does not have to be gang related.

It creates a stricter offence on the issue of trafficking in children. In the name of the protocol it emphasises especially women and children. We all irrespective of our political affiliation, religious beliefs or whatever we believe, there is one thing that will unite us and that is the protection of our children and children everywhere. This is what the legislation attempts to do. So one will expect stricter tougher penalties when children are involved.

Madam, I know that sometimes, based on my immigration experience, people tend to get a bit annoyed when they are traveling with children and there are certain protocols they have to observe. For example, if you turned up at Miami and you have children with you, the immigration authorities will ask you certain questions. They will take the child away and carry it in a different room to ask it certain questions. These are all things that we have to start taking very seriously in our experience. I know people complain of inconvenience and so on, but if you are aware of the serious nature of this trafficking in children, the minor inconvenience that you go through at some international airports, or the slight inconvenience you have to go through when entering Barbados -- I have had friends of mine traveling with grandchildren and so on, they complained that they were asked... but that has to become standard practice. When you are traveling with children you ought to be prepared for all of that and take the necessary documents. So the legislation creates a stricter offence when dealing with children.

Additionally, the legislation makes the point that consent is not a defence and past sexual behaviour is inadmissible. This is probably -- yes, the penalties have been increased and so on, but this is probably the most significant change. Certainly to me, in that -- remember when discussion occurs about sexual harassment there is this concept of the reasonable woman standard. That has turned sexual harassment legislation kind of on its head because you asked the question what is the behaviour that a reasonable woman would tolerate or cannot tolerate? I know that generates a lot of discussion and so on. This will also, I think, generate a lot of discussion, because there are instances where people may enter a country to take part in some activity or the other, and because the person is an

adult and because the person is fully aware of the activity they are participating, and because they may have participated in that activity before, several places, and be fully aware of the activity and the implications and so on, that is sufficient to justify, when you get into arguments on the street and in a shop and so on, people would say, "She is an adult and she knows full well." That is not the full story. One has to take into account what are the factors that will force some person against their better judgement to take part in that activity, and what is the relationship, going back to the sexual harassment in the workplace issue, what is the relationship between the person paying and the person at the center of this. So there are factors outside of the person pushing them to do this. It may be extreme poverty in their home country, and then there is some person receiving in the position of an employer to dispense wages and so on and so forth. One has to take a much broader view of the situation. Just because the person is aware and they were not brought in chains does not itself excuse or give the person at the center of that activity, especially in situations where the activity they are involved in is illegal. So this will generate either a lot of debate and discussion in the country, but it shifts significantly, in my view, the discussion on the trafficking of people. It is quite necessary especially in this era where we want to deal, not only with the victim. Remember this person is the victim. They may not see themselves as the victim, but this person is a victim and we want to be in a position to deal harshly, not with victims, but deal harshly with those people who are responsible for the trafficking of people. People trafficking now have a much broader definition and a much broader understanding than we may have traditionally understood it to be.

Also, the legislation ...

Asides.

SENATOR H. HUSBANDS: The new legislation also creates a special offence in the destroying and withholding of travel documents. We know that persons, even those people who are not victims of human trafficking, but there are people who come to this country to work legally, who have work permits on good ground, and once they arrive in the country the employer takes their travel documents and refuses to return the documents. There are several cases, again from my experience in the trade union movement, from my experience also in immigration, this is a regular problem even for people who are in the country legally. It is an especially difficult situation for those people who are in the country illegally. For us who live, or for the residents of a country, one does not fully appreciate the significance, especially in this time. Several years ago, travel documents, ID cards and passports, and we are moving around the region these things were not... but to open a bank account, to get a drivers licence, if you are in the country you have to

present to the bank, you have to present to the various authorities some form of identification. So it restricts a person's ability if they do not have their documents. It severely restricts their ability to perform usually every day functions. Many people have left this country and had to return to their home country, not only this country but generally speaking because they do not have access to their documents, and they have money lodged in the banks and various accounts and they are unable to access.

We always run into trouble in Immigration. We discussed issue here. Those people who are in the country legally, a person may be in the country with a work permit and that work permit allows them to bring their spouse. The spouse is not on a work permit but the spouse cannot get a drivers licence, and it gets extremely complicated and bureaucratic and all kinds of problems can arise. So think of the situation where persons are in the country illegally without access to their travel documents. They are open to all types of exploitation. The legislation creates a special offence in that area.

Madam President, a special offence again clearly is the issue of the transportation of persons for prosecution. I spent some time discussing this early, so we do not have to look at that again. There is a whole set of provisions in the legislation that I consider to give or to expose victims of human trafficking some rights and privileges. For example the legislation makes provision for restitution for victims. So out of funds we shall discuss later, it is quite possible that victims of human trafficking, once the process has gone through the correct legal procedures and so on, victims of human trafficking can be paid restitution, or can receive. Businesses that engage or employ people who have been exposed to human trafficking can be closed if it can be shown that your business significantly benefits from human trafficking, the authorities have now the power to close that operation. Remember I said human trafficking and forced labour account for in excess of US\$150 billion in profit. So there are many enterprises, not only in this country but in other countries that benefit significantly and profit significantly from the activities of human trafficking. This new legislation also deals with that. Victims can be protected from the recaptured and imprisoned. So the State enters the picture not only to secure restitution for these victims of human trafficking, but it has the obligation to protect them recapture and imprisoned.

Also hearings of human trafficking can be held in camera so as to protect the victims. So we have accumulated in this legislation, we have stiffened the penalties. We have given a broader understanding of the issue and the nature of human trafficking, and we have established certain rights, privileges and protections for victims of human trafficking.

The Trafficking in Person Prevention Bill, 2016, I think is a significant development in our legislation. It places in local law many provisions of the international protocols that the Barbados Government has agreed and acceded to and is a significant development today. I think we are performing a very significant duty by passing this legislation.

This legislation, the Immigration Act 2016 brings many of the offences from the legislation that I have discussed previously into the Immigration Act and makes them immigration offences, so whether we are talking about trafficking in people by land, by sea or air, the fact that these offences are now in the Immigration Act, gives the power to the Immigration Department and the immigration officers at the various ports of entry the power to act in cases where they consider, bearing in mind what I have said earlier about the nature and this new understanding that we have about consent. Sir, when an immigration officer interviews someone at the port of entry and that person may be fully aware of the activity that there are travelling to participate in, they may be in agreement with it, despite what the person said the officer still make a judgement about whether or not this activity is part of the whole concept of human trafficking. Sir, these amendments to the Immigration Act 2016 creates these immigration offences and allows the Immigration Department and persons at the port of entry to act in a manner that would defend and protect victims of human trafficking.

Madam President, the Criminal Assets Recovery Fund 2016 repeals the tocpaca 2011 (2:49) but it allows for the continuation of a Fund to be created from those people who are found guilty of any crimes, not only crimes relating the trafficking of people but proceed from crime, it allows the State to seize these proceeds from crime, whatever that crime is but in this case, we are talking about the trafficking of people but it applies to we have a responsibility crime and to create Criminal Assets Recovery Fund. Madam, as I am told, legislation of this nature before which allowed the State to seize of crime. Sir, once people are brought before the courts and they are found guilty and they are found possess assets that they would not normally be in possession of, and so on and so forth, they have no means of justifying how they would have acquired these assets or funds derived therefrom, the State can seize these assets and place them in a fund.

Madam President, my understanding is that the Fund did not make provision for the disposal of the assets, so I am told by those persons who should know that at several of our police stations and in the yard of the now defunct Glendairy Prison, there are several boats, motor cars and other assets that the State has seized but does not have the power to dispose of so now with the Criminal Assets Recovery Fund, the State now has the power, as I understand it, to dispose of these assets and make use of the

funds. Madam, the money derived from these assets can be invested and so on and so forth. The Act outlines in a very transparent way how this Fund would be administered. The Fund is not limited to the issues we are discussing here today but certainly funds derived from those people who are found guilty of trafficking in persons, they too will victims of this Fund.

MADAM PRESIDENT: The Honourable Member has two more minutes.

Senator H. HUSBANDS: Madam President, I think we are performing and extremely important function here today. Madam, for most Barbadians they may not see immediately the benefits of such an activity but we have brought our law up to date and in concert with international best practice and we are now in a position to fully confront with the full force of the law those people who participate in the illegal and immoral act of trafficking in people for the purpose of personal financial gain, or for whatever gain. Madam, this is indeed a significant development in the country and this Senate ought to be proud today that we have undertaken this task.

Madam President, I confidence that these three pieces of legislation would serve us good stead and when we have to confront any issues in relation to the trafficking of people, forced labour and related acts, we are now in a very good position to deal firmly with those criminals associated with these activities.

Madam President, with those few words, I am pleased.

MADAM PRESIDENT: Before we hear from our next speaker, I wish to take this opportunity to acknowledge the presence in our gallery of 22 students and their two professors. We have Professor James, Deputy Dean of the Faculty of Law, University of the West Indies, Cave Hill campus and Professor Rubinstein from Washburn University in Kanas with their 22 students. We wish to welcome you and we hope that your stay with us will be informative and useful for your studies.

Senator H. HUSBANDS: Madam President, I beg to move that the Bill be read a second time.

Senator M. MCCLEAN: I beg to second that.

MADAM PRESIDENT: Senator Lady Haynes, you have the Floor.

Senator Dr. C. HAYNES: Madam President, thank you very much. I rise this morning nto to speak as the Opposition but to support these three Bills and I am really going to be concentrating mostly on what I consider the primary one which is the Protocol to Prevent, Suppress and

Punish Trafficking in Persons Especially Women and Children. I am proud, Madam President, to be part of a Senate which has, in the last few months dealt with five significantly right-based pieces of legislation, domestic violence, sexual offences and now these three which complete that suite.

Madam President, first of all, I am pleased when looking at interpretation that the Bill seeks to define children. It defines a child as someone under the age of 12 years because both child and youth are terms which have wide definitions. Child probably less so than youth, but I would like as an aside just to ask us to consider that 16/18 disconnect that we see in definitions so often where a child as 16 cannot vote, can drive a car, can agree to have sex, and yet until they are 18, cannot within the law seek medical attention for sexual transmitted infections, specifically without the presence of a parent. I think this has always been of concern to us, particularly from the public health perspective so I just wanted to comment on that. When we think of child labour, we tend to think, I certainly often think that this does not apply to us as much as it does to countries in the East, however, it is Camilla Campado who in her writing at some point referred to all forms of slavery including debt bondage, trafficking of children, use in arm conflicts in illicit activities such as prostitution, pornography and drug trafficking and their employment in hazardous work which can cause serious risk to health safety and normal well-being. It is just children under 18 can very often be involved in providing services such as in sex shops, cybersex, phone sex, erotic dancing and products such as pornography and sex aids.

Madam President, certainly when we consider this it is certainly very relevant to all children. I think the legislation is, in a lot of ways, very modern. It refers to the debt bondage and specifically, it also refers to the illicit removal of human organs which I think is so important. Many of us would not think of that within the area of trafficking but it is certainly a very important area to have included. It speaks also, Madam President, within the interpretation of the exploitation of the prostitution of another and it is in that area that again I listened to a very interesting lecture by the same Camilla Campado which was entitled "Who Trafficking What? The Caribbean and the Human Trafficking Discourse". Although she laid out basically, the difference between two approaches to this the US approach, bear in mind there are tape records which really looks at trafficking as a criminal activity as opposed to the United Nations which looks at it as a human rights activity.

Madam President, I have to come down on the side of being very happy in considering this primarily a human rights activity because prostitution cannot automatically be construed as violence to women. I have before in this House eluded to that in a previous debate. Whilst there are

a number of areas of prostitution where women are seeking survival, they are seeking to put food on the table for their children and their families. I think what we do need to look at is the best examples, for example, Suriname where they have a major NGO specifically providing alternative forms of labour for women engaged in prostitution which I prefer to refer to as sex work. I think that it is one thing for us to have stringent attitudes as it relates to prostitution but then we must be looking at alternatives in order to be able to provide women a way to provide food for their families and for their children for not everyone is in prostitution for frivolous reasons. Doctor Campado also said that anti-trafficking is becoming an industry that is creating, as an industry, more unfreedoms than freedoms and I think that again is such an interesting concept. We therefore have to seriously look as we look at any legislation like this. We have to look and ensure that we have a significant human rights context and emphasis as we look at these services. In that context, I looked in the Bill at where they refer to on page 13 and 14 strengthening the social services. Specifically under the protection and safety of the Bills which is, of course, of paramount importance, paragraph 15(B) where it says: "A victim shall be given reasonable protection to prevent recapture by the traffickers and their associates." I just want us, Madam President, to ensure that as this legislation passes that it is very clear who is going to provide this reasonable protection. It is one thing for us to write sentences that sound good but I think it is our responsibility to ensure that this can be reasonably enacted.

Similarly, the same paragraph (D) over the page, it says: "A victim shall be given assistance in understanding the laws of Barbados and his rights as a victim." I understand that the police will, almost definitely tell you about your rights and what you are entitled to but I am not sure that we have in place anyone who is going to assist people to understand the laws of Barbados and I think we, as I say, if we have these things written we need to ensure that there is the service that is going to provide that.

Similarly, when it comes to the privacy of victims under our Domestic Violence law, I think it was, we referred to, and I will read paragraph 16(1) where in prosecuting for trafficking under this Act the identity of the victim and the victim's family should be kept confidential by ensuring that names and identifying information of the victim and the family are not released to any member of the public or published in the press or media.

In the same way that when you look at this other domestic violence legislation we also put in publishing on the internet or by any other mass mediums statements or other material relating to a victim without the victim's consent, I think in order to keep this 21st century it is important that there is reference to mass media under any kind of privacy for the victim.

The second part of this refers to children and as Senator Husbands went through, of course, the protection of our children is really important. This is not new to Barbados. Barbados has already ratified a number of conventions in 2000, convention 138 which is an ILO Convention about the minimum age for administer to employment. In 2000 Convention 182 regarding the worst forms of child labour, which I am sure which Senator so easily lead and in 1993 we ratified the UN Convention on rights of the child and on illumination of all forms of discrimination against women. More importantly, Madam President, in the Protocol IV of the Barbados Social Partners 2001/2014, we include a section on child labour.

Madam President, in concluding I would like to put an emphasis on the need for strengthen of the social services. To stress what Senator Husbands stress, that this Bill is going to be protecting our young women, our young people and vulnerable populations. It is not always popular to be protecting vulnerable populations because as we know we get very confused with discrimination and stigmatisation when we get out of the mainstream. Madam President, I want to quote Professor Kristen Barrow from the university who recently said that we should not be just looking at tolerance now, that we should more be looking at acceptance rather than purely tolerance, so I make that plea that as we go forward we really accept our vulnerable populations and keep in the front of our minds the need to respect and support human right issues and areas such as these before us.

Madam President, without any reservation, I support all three Bills. Thank you.

MADAM PRESIDENT: Senator Abrahams, you have the Floor.

Senator W. A. ABRAHAMS: Madam President, I rise to contribute to the debate. Madam President, we were doing so well. I was listening to Senator Husbands and for the first time I thought to myself he may actually make it through without me having to respond to anything at all but then Senator Husbands is Senator Husbands.

Madam President, I agree almost entirely with the reasons that guided this suite of legislation. First of all, allow me to commend those who propose to draft all of the inter-related legislation one time. I have a particular issue when we get bits and pieces that should connect and we do not get them in one debate because it sometimes leads to some anomalies being created and problems in enforcement. I am quite happy at the comprehensive nature of the three pieces before us. In reading them together, they all tie in very, very nicely, so I would like to commend those who drafted and those who created the policy. The however does not come as Senator De Peiza expects in relation to that.

Madam President, before I go any further, allow me to congratulate Guyana on achieving 50 years of independence. The last time we sat it was the day before they celebrated and I did not want to do it then because it might have been slightly pervious, but having had the full celebration and our Honourable Prime Minister being honoured by the people of Guyana, I wish to congratulate the Guyanese in Guyana and those in Barbados. My mother happens to be a Guyanese so I am half way congratulating myself, so I pat myself with one hand.

Madam President, let us go with the easy one first and deal with the Criminal Assets Recovery Act. I, like Senator Husbands, fully thought it was high time that we relook that piece of legislation. The problem highlighted by Senator Husbands, that was nodded to by Senator De Peiza, is that when we go into any police station we see loads of motorcycles, bicycles, boats and cars in the yard that are wasting away to the point that the majority of them have no resale value at this point in time. They were all evidence in cases, they were all seized in the process of crime, something, so to get us to the point now where we can stop cluttering up the police stations and Glendairy and make a practical use of the proceeds of crime is highly commendable. It took a very long time under all previous Administrations. It is being done now and all I will say about that is that it is completely well past time.

Further, with the suite of legislation, the application of the funds or the proceeds of crime, I am glad to see that there is a designated Criminal Assets Recovery Fund. I know it existed before but I am glad to see the parameters that are being used in relation to that fund. The Criminal Assets Recovery Fund is very important particularly in respect of this suite of legislation as opposed to in abstract because when you are talking about the trafficking in people and forced labour and forced prostitution, quite often we see only the crime and we do not actually see the victim past the prosecution of the offender, but after the person has been convicted the victim still has to carry on with their life. What is being done for them?

I am heartened to see that like the Domestic Violence Protection Order, the new domestic violence legislation, there is provision for the rehabilitation of the victim and the counselling of the victim not just from the Criminal Assets Fund but also in the punishment that is meted out to someone who is charged with smuggling in people or trafficking in people, so the accused person or the convicted person does not just now pay a fine to the court but it widens the parameters for sentencing to include making the person who hurt pay to restore the person who has been hurt, and that is critical and progressive a legislation. I was happy to see it in the domestic violence legislation, and I am entirely happy to see it now.

Madam President, I have one slight caveat with that and it comes with respect to the investment of the proceeds of the fund. Politics being what it is and expediency being what it is, it is good that the proceeds do not go straight to the Consolidated Fund. I believe Madam President, that the decision to invest and how to invest in relation to that fund should be further removed from political control. The decision whether to invest or how to invest rests with the Attorney-General who would direct the Auditor General, I believe that is what it says. I would like to think that in the ideal world everything would go as it should and the fund should be invested in a safe space or safe place. We have been speaking about the investment of the NIS funds and other funds in Government Paper, and I will admit I have some concern in relation to that. I would like to see the rules of the fund when they are drafted, but if it is done properly and the funds are applied and invested properly by a Board of Trustees whose sole objective is the generation of income and safe investment of the fund, then I can have no issue with that, but it should not be another case of having another fund for if Government gets itself in difficulty they have somewhere else to draw or a partner in crime effectively who will not say no when asked to invest in funds to rescue Government. Having said that, with that exception, I commend the Criminal Assets Recovery Act as being a very worthy piece of legislation.

Madam President, I now shift to deal with the other two as a block. We are going to need as a country, I am not saying as a Government, to have some very, very difficult conversations. I, like Senator Haynes, believe that the time has pasts come that we need to have a serious discussion about prostitution in Barbados. We talk about prostitution, we say it is wrong, we say it is illegal but, Madam President, the same mouths that uttered those words are farcical because the reality is if prostitution is a crime in Barbados then the police should be clamping down on prostitution. Madam President, the hotbed of prostitution is Bridgetown. Homosexual and transvestite prostitution occurs in Pinfold Street, I am not advertising it.

Asides.

Senator W. A. ABRAHAMS: Ma'am, those who need to know probably already know but I am saying that the police need to know it too. Madam President, it exists right there in Pinfold Street, in Crumpton Street right outside of Harrison College, in Bush Hill, and right opposite Hastings Police Station. Ma'am, I will give you a joke. I will tell you about our hypocritical approach to prostitution in Barbados.

Aside.

Senator W.A. ABRAHAMS: No, Ma'am, this is actually a pet peeve of mine: our hypocritical approach to prostitution in Barbados. I used to live out by the Garrison,

Ma'am, close to Sir William Douglas. That was on one side of the street. The whole area up to the paddocks is littered with prostitutes every night. Ma'am, one day I was coming home and I drove across the road and saw the police dressing down a young lady, so to speak -- no pun intended -- and when they moved, I asked them, "Why did you all now choose to deal with these people?" The policemen explained to me, "No, Mr. Abrahams, she crossed the street." I asked, "What?" There was a tacit agreement that once you kept to that side of the street and did not cross to the side where Sir William lived, they would not trouble the prostitutes, but she found herself on the opposite side of the street and thus, was dressed down and sent back. That, Madam President, was the approach of the Royal Barbados Police Force to that problem with prostitution. Ma'am, we laugh at it but the fact is, I do not think we have prosecuted anybody for prostitution in Barbados for a very, very long time.

Ma'am, we also, in not having the serious discussion, create other issues for ourselves. I, like Senator Jacobs, believe that not everybody who is involved in prostitution is a victim. Let me start again before anybody reports me wrongly in the Press. I am not saying I support it, I am not saying I am against it, I am saying that we as a country need to discuss it. I spoke to a lady, a client of mine, Madam President; a client of mine in my law practice.

Aside.

Senator W.A. ABRAHAMS: Ma'am, I came across a young lady in the course of my legal practice, and she admitted to me that she was a prostitute. I spoke to her and she said, "Mr. Abrahams, to be honest I am not a victim. I have no job. I am in debt. My children must eat. I made a decision to go and feed my family." That was her position, Ma'am. We like to think that everybody in prostitution is a victim. The right or wrong or moral aspect of it, I am sure, the Church will have its full say, and I believe it should. The Church should have its full say along with all the other interest groups, but the fact is that unless we look at it seriously and discuss it, we are not going to address it, and it needs to be addressed if it is not to go on unregulated in Barbados. People are at risk. People go and pick up prostitutes, so we are having risk factors, health implications and, I do not want to say, tax implications. That would have to be considered as well. There are also regulation implications. Madam President, the fact simply is that we need to have that hard discussion and take a position once and for all. If the position is that prostitution is a "no-no" and it should be illegal, then let us stamp it out, let us wipe it out in its entirety.

Madam President, it is almost laughable that buggery is still on the books as a crime in Barbados, but transvestite and homosexual prostitution goes on within the precincts

of Bridgetown; right across from Central Police Station. That is the double whammy, Ma'am. Our laws should not exist in vain. If it is there and we are serious about it, let us wipe it out. If we are not serious about it, let us talk about it, discuss it nationally and take a position and then deal with that position seriously.

Madam President, it takes me to my other point. Senator Husbands very interestingly smiled and said he believes that the one area of contention is going to be the issue of consent; consent being used as a defence. Madam President, I smiled because I entirely agree with that. Madam President, I believe there is a fundamental difference between arresting somebody who facilitates somebody who consents and somebody who did not, even if you use the consent as a way of mitigating against the penalty for the sentence. However, it goes further. Madam President, if we look at the trafficking legislation, Section 5 (1), it says, "In any prosecution for an offence of trafficking under this Act, the alleged consent of the victim to the intended or realised exploitation is not a defence". It does not even say the consent, but it says the alleged consent. Alleged means not proved. Therefore, if even Senator Husbands wished to take his position that we are wiping out the fact of consent, we still need to look at that and take off the word "alleged", because that would imply necessarily that if the consent is proved, it can be a defence. Either we are saying that consent cannot be a defence, at which point you can take off the word "alleged", or we are saying you have to prove the consent if you want to use it as a defence. We need to look at that, but my position is that the consent of the individual should have some sway in the offence.

Madam President, in the suite of legislation, we looked and recognised the victim. The legislation was actually very heavy on the recognition, protection, privacy, compensation, rehabilitation and counselling of the victim; everything about the victim. That is all well and good, it appears here. Unfortunately, a law on a piece of paper is just that unless we treat to it as something binding by the people charged with upholding the law. Immigration officers should necessarily have a wide discretion regarding who comes or does not come into Barbados. You are the official person on the ground seeing the person coming into Barbados. You may sometimes have to make a decision based on what is in front of you or the particular circumstances, so I necessarily believe that any immigration officer, not just in Barbados but worldwide, must have a fair amount of discretion in evaluating what you see and dealing with it. Quite often that is lacking in our Immigration Department. There are fantastic immigration officers. I have had exceedingly pleasant experiences at the airport, and pleasant experiences dealing with the Immigration Department at the Wharf Road. Equally, the vast majority of the Customs officers are quite pleasant and helpful, but there are a couple people in the

Immigration Department who believe they are laws unto themselves, and that the Laws of Barbados do not apply to them or definitely not to the people who fall within their clutches. I am not saying this in abstraction, Madam President. I recently had a situation where somebody was eventually charged, but that person was in custody for seven days. For seven days that person was at the Immigration Department at the airport. Madam President, when you are in custody for seven days, your will is no longer your own and you will sign anything that is put in front of you. Madam, our laws dictate what is to happen who is in the custody of the police. If you are not charged within 48 hours you should go. There is provision to extend it to 72 hours but you cannot keep that person in custody. It is inhumane and unconscionable to hold somebody for seven days without charging the person.

Madam President, there was another incident where people were held at the Immigration Department and they were dealt with by the court and sentence was imposed. They obeyed the terms of their sentence and was set to be sent out of Barbados and immigration at the airport decides to question them again further about the same matter that they had just come from court and had been dealt with. Madam, that is illegal. Madam President, I would say that when I behave very badly and having pointed out that it was illegal, Madam President, the right thing was done. Madam, you have a lot of people who feel the laws do not apply to them. Madam, I make this point because I should not have to bring a habeas corpus application to get somebody out of custody after seven day. Madam, when somebody points out to immigration officer that this person has been held too long, the officer knows what he is supposed to do. Madam, if the immigration officer knows the legislation insofar as it relates to charging people or denying them access into Barbados then they must be deemed to know it with respect to the fundamental of the individual. We are placing a heavy emphasis here on the victim, protecting the victim on these smuggling and trafficking offences, a heavy, heavy influence. I have never actually seen more protection to a victim of something than in this piece of legislation. Madam, I commend the drafting of it. I say congratulation and I say it reads well but unless the position and the attitudes of some people who are charged with upholding the law change, then I foresee a situation down the line when the victim of these is treated roughly again because there are prostitutes, when they are not recognised or seen as a victim, they are seen as another person in the system, where you evidence has been taken and we are finish with you and out you go.

Madam President, I have exceedingly high hopes for this legislation. If we apply it well, we should be able to see a change in a lot of things in Barbados but the power that we need to speak to those who are under them and responsible for enforcing the legislation to make sure they are familiar with it and to make sure that people have rights

as well and not just Bajans. Madam, Bajans have the ultimate right to enter Barbados, to enter their country. You can always come home to Barbados but other people seeking to come into Barbados, or who are already here, whether you came here unwittingly as a victim, whether you came here consenting to be a victim, or however you got her, you actually have rights as well.

Madam President, just anecdotally to prove a point. I meet some very interesting people. Senator Husbands spoke about the withholding of the passports and it is a fact. Madam, a lot of the noble objectives that inform this legislation do not necessarily apply to Barbados at this moment. I do not think we have a problem with children labour in Barbados. I do not think we necessarily have a problem with generic slave labour in Barbados but we do have a problem with sexual servitude. Madam, let me set the parameters very quickly before people assume something else and take this where it needs not go. There is a young lady being deported in relation to prostitution. I was contacted and I went and had a chat with her was she was in the hands of the authorities and as I do, I took the opportunity to ask her certain things. I asked her what happened. She said she came here because she had a friend in Guyana who left Guyana and came to Barbados and told her she was working in a shop in Guyana and she was doing very well. She had difficulties in Guyana and fled an abusive husband who was trying to kill her and came to Barbados to stay with this friend who was working in this nice store. Madam, upon reaching Barbados, she discovered the friend was not working in a nice store but plying her trade. She told me she resisted for a while but after being in the woman's house for six weeks and could not contribute one cent, she went along with her one day to turn a trick and the lady for whom her friend worked offered to lend her some money and held her passport. She could not get back her passport until she paid back some money and some interest.

Madam President, as I listened to this lady, I said to be honest, how much did the lady charge. She charged \$60 for 20 minutes or part thereof. At the end of 20 minutes someone knocks on the door and if you are not finished, you pay another \$60. Madam President, I asked how many did she have sex in one night. She said on a good night about five times but the most she has ever done was seven times in one night and if for some reason she has to leave the establishment from the time it opens until the time it closes, she has to pay a fine to leave the establishment. Madam President, that is slavery.

Madam President, I am saying that unless we have this hard discussion and these things come to light people do not know. Madam, if it happens here, then those people should be protected from abuse and from being exploited. Madam, no person should have to have sex seven times a

night. I cannot even contemplate that and no gentlemen in here can muster that.

Asides.

Senator W. A. ABRAHAMS: Madam President, when we go down to lunch I will start looking around the table and see who is eating what. I will start by looking at Senator Watson. Madam President, it is those things that we do not address because we are not talking about it holistically. Madam, if we are serious about wanting to protect people then we have to drag the behaviour out from the shadows where it is and bring it into light, bring it forward and let people understand what it really is because I do not think most people in Barbados understand that is what happens. Madam, realistically, if you are having sex with seven people a night you are in serious danger of infection and not just infection for you but you are in danger of passing it on to somebody else. Madam, we need to talk about it, we need to not pretend it does not exist. Trafficking in people, I believe, should be wiped out. Nobody should be brought into Barbados against their will. I noted that the penalties are quite heavy. We are looking at millions of dollars in fines and penalties and I paused when I saw the extent of the fines and penalties. As a lawyer you start to think, okay the penalty must fit the crime. Is this reasonable but then, Madam President, for once I throw that out of the window. I have stood here a number of times and said that we have been excessive in the penalties that we are imposing for convictions but in this one I am going to throw that out of the window. If you are trafficking in people you should really feel the effects of the law. If you force somebody into labour or into prostitution let the law drop on you and if you are found guilty let you feel the full effect of it. I firmly stand behind that but equally the standard for proof should be high and consent, I believe, should be taken into consideration because in the law there is something we call the victimless crime and if somebody willingly comes and they know what they are doing and fully consent to it, then you have to look at the other people involved and decide how to punish them because that consent should factor.

Madam President, I think I have touched on pretty much most everything that I wanted to speak on and I say again, let us look at the legislation that needs to be amended and let us deal with all the related pieces in one. It was a very excellent presentation wide ranging by Senator Husbands. As I said, I agreed for almost all except one little point but he was able to expound so fully because all of the connecting and related legislation was put on the table at the same time. I am glad that we waited for the passage of the legislation from the Lower House before debating the three of these pieces together and I am going to ask the powers that be to let us apply this progressive way of debate to the other aspects of legislation. Let us not come here and say we debating this and we expect the

other piece is going to come in two or three weeks or later. Let us address all that need to be addressed together because when you harmonise the laws and when you look at all the pieces you are better able to see looking at all the connected pieces together where something has fallen short.

Madam President, with those few words, I must commend Senator Husbands on his presentation. I agree wholeheartedly with what Senator Haynes said and I saw that we must look and have the hard decisions, consultations and conversations. Legislating is not easy but we are here to do it so let us do it properly. I am obliged.

SUSPENSION

Senator P. O. MCCLEAN: Madam President, I beg to move that this Sitting be now suspended for lunch until 2.30 p.m.

The question that the Senate do now suspend until 2.30 p.m. was put and resolved in the affirmative without division and MADAM PRESIDENT suspended the Senate accordingly.

RESUMPTION

MADAM PRESIDENT: This Sitting is resumed. Senator De Peiza, you have the Floor.

ORDER No. (RESUMED)

Senator Miss V. A. G. De Peiza: Thank you, Madam President. I too rise to lend my voice to this debate on matters that are not just of national importance but are of international significance. Madam President, Barbados has for a long time been a perfect international citizen in terms of its obligations to international organisations particularly the United Nations. Madam President, I can say that with some certainty because back in the early 1990s when I was researching part of this topic for my dissertation we were then hailing ourselves in relation to two pieces of legislation that had just come on stream, the Proceeds of Crime Act in 1991 and the Mutual Assistance in Criminal Matters in 1993, I having submitted my dissertation in the 1993/94 school year. Of course, my focus then, and to a large extent still is, is in relation to the drug trade but these same pieces of legislation are relevant in relation to the topics under discussion now which is trafficking in persons and smuggling, the ills that the legislation under discussion is intended to address.

At the time we were satisfied that these were forward-thinking pieces of legislation and that they well addressed the issues that we were trying to deal with which essentially at the core is to deal with international organised crime. However, over time we have found that

there are issues with the existing legislation. The Proceeds of Crime Act, you would have heard at least twice today, gave guidance as to how to seize items which were either used in the commission of certain crimes or were understood to be the derivative of the benefits of certain crimes, so it was not just the boat that was used to bring in the drugs but the house that was purchased from the profits from the illegal trade, and so we were able to seize them and forfeiture then was to take away the ownership of them but then there was absolutely nothing to guide us as to how to dispose of them and so they quite literally rotted on the face of the earth. It was more akin to a game of Checkers where you got huffed but unless more was done there was nothing you could do with the huffed check piece. This was the situation that we found ourselves in. Then as realisation of the widespread nature of certain types of crimes, which were probably not top of the mind at the time because we are speaking back in the 1990s which predates the 2000 Protocol from the United Nations, other issues started coming to the fore, issues in relation to the movement of people from one place to another for nefarious purposes, and that really is what we are looking to address in relation to the Trafficking in Persons Prevention Bill, the Amendment to the Immigration Act and the Criminal Assets Recovery Fund Bill seeking to address transnational criminality in a way that can be of benefit not only to the country but also to the victim as noted.

The United Nations Convention, which is really where we ought to start because the Protocol arises out of the Convention, concerned itself with several different aspects in relation to smuggling and trafficking. Madam President, there is a distinction between the two. The business of trafficking is without consent, we are thinking in terms of slavery, bondage, exploitation and things of that nature, whereas with smuggling, there is some element of consent and allowance on the part of the persons who are involved and seen as the victims. Think in terms of the ultimate example of trafficking which is slavery, and then persons who are smuggled across a border want to go there. They are just not looking to go there by the legal means that would be afforded to them under any other circumstance, which is why Immigration has to have certain powers to allow them to manage both things: The trafficking, the ones who are coming under duress, and the smuggling, the ones who are coming willingly but are not following due process in order to get where it is they are looking to go. It applies in relation to all of our borders so the legislation had to be drafted sufficiently wide to cover ships and aircrafts and to insist that information is to be transmitted beforehand. This is the only way you are going to be able to do your searches, so ships have manifests and airlines have manifests so that they can be searched done in relation to any names that are flagged before the persons land in the host country.

We have to be very careful because we know that there are instances where we are dealing with victimless crimes. To address a concern of Senator Abrahams directly, I am not overly concerned by the use of alleged consent because to my mind it suggests that not even if you are only suggesting it or if it is that there really was consent because in smuggling there is consent to a certain level but the concept of the victimless crime means that there is an infringement, there is a breach regardless of the circumstances. It is a set of circumstances that gives rise to the breach as opposed to having to wait for someone to complain which is where we would have the instance of a victim and any consideration of consent. Going further than that, it is not introducing new concepts in terms of consent because we find precisely the same concept in the Sexual Offences Act where for certain categories of persons consent also is not an issue, it does not really matter whether they consented or not. I am thinking in terms of persons between the ages of 14 and 16 under the Sexual Offences Act where their consent, actual or imagined, does not stop a charge from fixing to the point of conviction.

Madam President, I will digress for a little bit and say that there are other concepts that are also borrowed from existing legislation in terms of the privacy issue. When I speak of the privacy issue, I am thinking in terms of a person's past sexual history not being used against them. That, too, is not allowed already under the Sexual Offences Act. Further, I am also thinking that a person's sexual behaviour, whether past or present, is also not to be used against them. This is important given that even though we speak holistically in terms of the trafficking and smuggling of persons, often it presents itself - certainly in the Barbadian context - in terms of sexual exploitation. To have consistent concepts across the board, we will have to assist in the administration of the legislation when it gets to that point.

What sets the legislation apart, though, is the magnitude of the sentences that are imposed. One million dollars or 25 years where it involves an adult, \$2 million or life or both if it is a child, \$5 million and the winding up of a company where it is a company that is found to be involved in the trafficking or smuggling. We need to understand then why it is that we needed to have special legislation to set this apart from your ordinary crime. If you really think about it, we have the Sexual Offences Act that would deal with any sexual offence, as well as the Offences against the Persons Act that could deal with any assault and any action that goes against the will of a person. We also have already pieces of legislation that, on the face of it - and certainly the Immigration Act creates offences of its own - can deal with these issues. However, we then have the ultimate recognition that transnational crime has a completely different complexion from your local crime, and has to be treated in that way so that you do not have the development of cartels which can conduct their business

across borders. This is what we are looking to address, and why it has to be read in conjunction with the Mutual Assistance in Criminal Matters Act; because several times the facets that would create an offence may not all reside in one particular jurisdiction.

For offences to take place, there are certain elements that must constitute them, and all of them must be present for an offence to attach. Ordinarily, all of them must also take place within a particular jurisdiction for it to be actionable. What these Bills allow is that you could be a Barbadian in Saudi Arabia and engaging in conduct which brings you into contravention with the legislation, even with only what we call in law the "actus reus", the action taking place. That action could be taking place in Barbados or maybe, let us just say St. Vincent, but because of your nationality you are caught by the legislation here, giving us the right to seek assistance from Saudi Arabia, where you are from, for your return, for your interdiction, and for your trial to be held in Barbados. That is something that sets it apart from our domestic criminal justice system. Even though it is not mentioned, it also then will have a significant relationship with our Extradition Act, because there are certain procedures that we will have to go through, and the Mutual Assistance in Criminal Matters Act really deals more comprehensively with Commonwealth countries and does not speak much in relation to any other country; and there are several non-Commonwealth countries.

What the legislation does is that, outside of making us compliant with our international responsibilities under the United Nations Convention and its three Protocols, it ensures that any country that is signatory to the Convention and the Protocols will also be called upon to assist in relation to these matters in the same way as if the Mutual Assistance in Criminal Matters Act was effected in relation to that country. That takes us and makes us part of the global citizenry. There is the absolute recognition that these issues are not local. They are not issues that affect only Barbados or only Barbadians, and some may never affect us. God help us that some do not affect us, but we cannot say that within our living memory we do not have instances that have attracted charges in relation to holding persons captive or the seizing of travel documents. We have had these situations in Barbados before. Therefore, I do not think that there can be any plausible objection to the legislation, and I am happy to note that there is cross-party support for it.

Madam President, I wish to speak a bit about the Fund. There is the Criminal Assets Recovery Fund which already exists in another piece of legislation, but by dealing with these three, we are also repealing it. The Fund survives this action, however. The Fund is intended to have, in relation to the Proceeds of Crime Act, legislation on anti-terrorism, trafficking and all areas involving serious

transnational crime. I want to be very clear that the Proceeds of Crime Act has scheduled offences, so it is not every single criminal infraction that will attract seizure, forfeiture and realisation of assets. They tend to be the offences that have larger implications for countries. For the time being - because it is always subject to amendment - terrorism, trafficking in persons, and trafficking in illegal drug, for instance, are covered by this legislation. In terms of the legislation, we have always had issues in relation to what we should do with the property. Now, under this legislation by which we are able to realise what has been seized and forfeited, there then is raised the issue of what to do with the monies that are realised from the sale of the assets.

I am not concerned, as others who have raised the issue, about the management of the Fund by the Attorney General. The harsh reality is that today this Administration will have the Attorney General, and some time in the distant future the next Administration will name the Attorney General. It is therefore not a piece of legislation that speaks to a person. It speaks to an office. I am also satisfied that the Director of Public Prosecutions has a role to play, and I am satisfied that, in terms of the management of the Fund, the Accountant General also has a role to play.

Madam, all of the usual accounting provisions that are expected in relation to other funds set up by Government will be found within the Criminal Assets Recovery Fund Bill and that to my mind is not a cause for either a pause or for consternation.

Madam President, in any event, the Fund has a safety net in terms of when funds are paid out, and they are not sufficient, it will be bolstered by the Consolidated Fund but refunded by the same recovery fund once it again become liquid.

Madam President, there are instances where the commission of crime has resulted in injury of some sort to third parties. I am not talking of the loss of property involved in criminal activity. I am speaking with reference to persons who have suffered at the hand of the criminality. Madam, in law we call them third parties, these are disinterested persons who were not caught up in the actual activity but who have suffered in some way. It may well be that they were shot and injured and that they were an innocent bystander and there is at present no mechanism in relation to compensation for such persons. Madam, may I suggest that in the event that the Fund finds itself so liquid as to be able to recognise these extreme situations that could well be one of the interpretations on compensation that is listed in the activities of the Fund. It speaks in terms of compensation and may I suggest that is one way. Madam, perhaps, one day, we will be able to extend that in relation to injury that occurs on our roads in instances where

persons have no insurance. Madam, that is a circumstance that happens more often than we realise.

Madam President, when you forfeit what has been used in the commission of the crime, there are also instances where third parties can be affected. I am thinking that although I have not in any way drawn a personal conclusion in relation to this matter but I am thinking of a circumstance in recent months where a boat was seized that was registered in another jurisdiction but the owner claimed that he had reported the boat stolen. It is entirely within the purview of the legislation because the boat was used in the commission of a crime but in a circumstance such as that, it would be an instance where compensation could be paid to the owner of the boat because it is rightly seized, it was used in the commission of a crime and the rights and interest of third parties should also be considered in determining how the Fund is used in terms of compensation.

Madam President, the confiscation of assets that have been purchased with the proceeds of crime is more properly discussed within the Proceeds of Crime Act, which merely an adjunct to the discussion that we are having today because it is not one of the pieces of legislation that is primarily on the table for discussion. However, in relation to assets that have been purchased with the proceeds of crime, there is the possibility, I think it is necessary to say this that there are assets which are in names of third parties again that there is provision for the tracing as to the proceeds that purchase the asset and if it is that there is any indication that there is an attempt to hide the asset in the name of another that will not I am way avoid them being taken under the legislation and applied to the Fund.

Madam President, in relation to immigration. Madam, as I have stated earlier, it is important that our borders be secured. It may not be within the public domain but internationally we are also required to provide our citizens with travel documents and identification documents that allow for safe travel of our citizens. Madam, read another way, it is important for our immigration officials to be able to differentiate between the honest traveler and the dishonest traveler who has sought to falsify travel document or identification documents. Madam, that I do believe is a discussion that we need to have in this country as to what is required in order to safeguard our borders, also having an eye and an ear to our intel obligations so that our citizens are not only safe at home but are also safe when they travel. It may well be that some of the provisions may seem on the face of it to be a derogation from personal liberties but in the existing climate in which Barbados operates, we have to be wise in our decision-making and not insular in our thinking because the need to have certainty as to who is your citizen become more and more apparent. The more we face the

world, and the more we become involved in world activities.

Madam President, Barbados may be an island but it is not insulated or even isolated from events that are transpiring across the world and it would be foolhardy on our part not to think ahead of time in order to counteract those issues.

Madam President, I am satisfy that this legislation though far-reaching does not only comply with our requirements in terms of our international obligations but also go someway to safeguard our rights as citizens of Barbados. Madam, those us who are law abiding need have no fear in relation to these pieces of legislation, those, however, who wish to dabble in activities which would bring them in contravention of either the Immigration (Amendment) Bill, or even the Parent Act itself, the Trafficking In Persons Bill need to be aware that the penalties are sufficiently hard to deter. Madam, the purpose of the legislation is to deter, for the motto of United Nations in relation to this Convention and its Protocols is "For a World Without Slavery". The intention then is to do all in our power to curb and dissuade persons from engaging in activities that would meet the definition of trafficking and smuggling with the firm understanding that there is every intention to seize and forfeit ...

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Senator V. A. G. DE PEIZA: ... that would meet the definition of trafficking and smuggling with the firm understanding that there is every intention to seize and forfeit your assets so long as they can be traced to involvement in the criminal activity and the application to the fund. This is a step in the right direction, Madam President, in relation to our legislation, our obligations and our comprehensive facing down of international organised crime and for these reasons, Madam President, I wholehearted lend my support to these Bills. Thank you.

MADAM PRESIDENT: Senator Watson, you have the Floor.

Senator J. A. WATSON: Thank you, Madam President. I am not adding much to the original discussion because I think it was very well done by all the previous speakers but there are a couple of areas that I want to mention very briefly. This Bill has to do a lot with the trafficking and it has to do mainly with women and children. I do not think the Barbados has a big problem as far as that is concerned but what we want to do is to avoid that problem becoming major in Barbados.

Madam President, my main concern has to do with children and how we treat children. This legislation describes children as being under 18 years and we have a situation, Madam President, where there are several different ways that we have described a child. I think Senator Carol Lady Haynes would have mentioned this morning about the conflict of having one consent at 18 years and another at 16 years and that is the concern I have, Madam President, because I think that we need to protect our children as much as we can, whether they are smuggled, whether they are trafficked or whether they are just our children. I believe, Madam President, that we should describe a child in Barbados as under 18 years full stop. I see no reason why a child should be able to give consent at 15 or 16 years old, but can only vote when they are 18 years or can only sign any legal document after the age of 18. For that reason, Madam President, I want to suggest that we serious look at the not too distant future and considering all the international treaties and protocols that we might be party to that we redefine what a child is in Barbados. I am saying that, Madam President, because I have a feeling that we could change the way our citizens are being nurtured now by such legislation and I will say why. I believe that a toddler has certain understandings and I believe that when they get to a pre-teen they have certain responsibilities and certain understandings and they progressively get to understand things. My belief is that a child at 7 years old or around 5 to 7 years old really begins to understand the difference between right and wrong. As a matter of fact, in some cases, a child may be considered responsible at age 7 so I am hoping that we could look at that kind of legislation because if we are able to get our children socialised correctly up to age 18, I believe that we would have a citizenship that is much better than we have right now. We have children, and by children I mean 15 and 16 year olds, having children and they are living in a household where, what we would normally have called the grandmother is really a grandmother but is at 35 or 33 years old and they are indulging in the same activities as the 15 or 16 year old person. Madam President, I believe that we should have our educational system where instead of 14 years old that you are required to go to school, I believe that it should be moved to age 18. Now you may wonder why a child should go to school up to age 18 when they are not doing anything else and that is where, Madam President, I believe that we need to introduce on a wider scale a system of, whether you want to call it vacation or whatever else, but I believe that children who are not academically gifted to go through school until age 18 must be made mandatory to go into a skills training programme until age 18.

Madam President, one wonders what do all of this has to do with the Bill. I take this opportunity to say these things because I believe that as we go through our development, our crimes are going to become more and more sophisticated and trafficking will obviously become

part of our experiences, it is already happening. I believe that trafficking is not only in terms of bringing people into Barbados but I am sure there are cases where people are held against their own consent in houses. I have seen it in the newspaper on a couple of occasions. I think we call it kidnapping but the fact is that when you are holding somebody against their will or you are making them do something against their will all of that is involved in this Bill.

Madam President, I want to make just a couple other assertions, and I have to differ with Senator Haynes regarding prostitution. Madam President, I see no reason for us to legalise prostitution. I believe that there are lots of people who can rationalise the idea of the need to work ...

Senator Carol Lady HAYNES: Madam President, on a point of order, the Honourable Member is misleading the Senate. The point of order, Madam President, is that I do not believe that at any time I spoke to legalising prostitution. I certainly did speak about it not being discriminating, but I have not even spoken about decriminalising it yet so to say that I spoke about legalising it is not really correct.

Senator J. A. WATSON: Thank you, Madam President. I stand corrected. Maybe not legalising but decriminalising, six on one or half a dozen on the other so I would accept the objection.

Senator Carol Lady HAYNES: On a point of order, Madam President, the Honourable Member is misleading the Senate. I hate to keep interrupting but I did not speak about decriminalising prostitution, Madam President. The Honourable Senator may have been seeing things to come but I have not spoken on that. I spoke on it not being stigmatised but I never spoke to it being decriminalised or anything else for that matter relating to the law.

Senator J. A. WATSON: Madam President, mistaken as I am, I may carry on and restate my position that I am against legalising or decriminalising prostitution regardless from where the idea came.

Madam President, all of us have needs, and all of us have to find ways of looking after ourselves. Some of us do work that is below our normal capability, a lot of us accept jobs that we would not normally accept in order to earn a living and some of us work long hours for little pay. There are lots of ways that people could earn a living and if a person chooses to steal and sell the items that they stole that gives me no reason to support the idea of stealing to be decriminalised or to be legalised, so I have no doubt in my mind that I would find it rather difficult to support any change in the status of how we treat prostitution presently.

Madam President, I am sometimes confused because recently I had reason to object very strongly to a group of people who were doing a study on domestic violence on women and children, and I am wondering why it is not being done on people. This legislation again says especially women and children, and I am wondering why we are saying especially women and children. There are little boys that are being sold all over the world for the purposes of sex gratification of others but we are not doing anything about that. There are little boys in Barbados who are using themselves in the same way that girls are using themselves for prostitution but we are not talking about that, and my position is that we need to start seriously looking at involving male and female in legislation of this type because boys suffer the same fate as girls do, they get abused the same way and they are taken advantage of the same way. I read in the newspaper only recently of a teacher who was found guilty of having sex with a boy. That is something that probably goes unnoticed in Barbados and it probably goes unnoticed because there is so much attention being given to women and children. This is not having anything against women. I disagree with abuse in any form. I disagree with anybody taking advantage of another person. I support this legislation but I do not think that it is complete simply by protecting women and children. It is a criminal act to abuse anybody whether it be a boy or a girl and therefore if we are going to be passing legislation that will be protecting people against any sort of abuse whether it be trafficking or otherwise I would like to see us stick to the fact that it is people rather than especially women and children. I could understand children because children could be male or female but certainly in terms of women I would like to see it probably a little more gender neutral than that.

Those are the main things I wanted to say, Madam President. I know that it does not connect a lot with the legislation but I think that what was said already especially by the Leader of this Bill, I think, covered quite a lot of it. I think that the presentations so far have been very inclusive and explained the legislation and its contents very well.

Madam President, I have a problem too with this idea of consent and I will finish on this note. As a young person we used to have several discussions about the female no. Somehow a female no and a male no seemed to differ when we were growing it and we had several discussions about that. A female no could mean no stop or sometimes it mean no do not stop and I think we had a lot of problem with trying to discover whether it was no stop or no do not stop. I think when we were old enough to realise that no means no, and even if you construed that it means no do not stop you could still be in trouble, so the best thing to do is to accept no as no.

I think that the explanation in the Bill regarding consent is very important because I think that it could be

misunderstood. Sometimes when a person say I want to go to Barbados and yes I will work in your nightclub and yes I will do this and yes I will do that, when the time comes when that person says no, what happens, so I think that the legislation is well worth it. I would like to see the idea, like I said, of it being more of something that is gender neutral where these things apply to men and women because men are taken just as much advantage of as women are.

With those few words, Madam President, I thank you.

MADAM PRESIDENT: Senator Hunte, you have the Floor.

Senator R. A. HUNTE: Thank you very much, Madam President. I rise to support the three Bills before us already spelt out in a very comprehensive way by the Leader of the discussion, Senator Harcourt Husbands. Over on the other side of the table we have had a concurrence from the Leader of the Opposition for today's Sitting in Senator Abrahams as far as what is before us is concerned and on the international look, I should say, or scene we had Senator Verla De Peiza, my colleague who looked at the international area, I should say, as far as these areas are concerned, so we are doing well in here, so I probably could look at the morality as far as these matters are concerned.

Madam President, there is absolutely no vice... To some people it is not a vice, it is a way of life that is taking place in the world now and for which we are putting legislation into practice. It has not been going on in Barbados for years, all that has happened is that a lot of these things have now manifested themselves and are beginning to interfere with the morality of our country and in a very big way. Trafficking has been going on in this country for quite some time, and I have to give one or two examples of my knowledge. I used to travel to the island of St. Vincent for many years, when the airfare was \$17.50, and at that time we had very few travel agents in Barbados but one which used to book me in those days was Gardiner Austin. I think a lot of people would remember Gardiner Austin down to the end of Broad Street where United Insurance is now. Of course, I met a lot of friends out of Kingstown Park, Layou, Georgetown and Mesopotamia. I know all over St. Vincent, and I used to enjoy travelling there. However, a member of one of the families that my sisters knew before me -- since they used to travel to that island as well - rushed up to Barbados and said, "I cannot understand. My girlfriend says that somebody came down there recruiting people for jobs in Barbados, but I cannot hear from her." He picked up some vibe, and it unfolded that she was working in a place, now defunct, called Harry's Nitery. Of course, he disguised himself. I never went in there and was not going on that occasion either, but he went in and came back out saying, "Yes, she is in there,

man," with long tears streaming down his face. That is one example, but there are several persons who over the years came to Barbados to work in nightclubs.

I heard an example used about people withholding persons' travel documents and so on. That happened right here in Barbados in the late 1960s and early 1970s and is still ongoing. This thing now has become a very big operation, and therefore, the onus is on the Government of Barbados to put the necessary legislation in place to protect our citizens and, moreso, our children. I have made it very clear in this Parliament already how I feel about children. I feel very strongly about children, and unfortunately a lot of our children, generally, are being dragged into some of the immoral activities taking place in this country. It is sad. When I spoke in the last Sitting about the video that was shown to me of young girls, I recalled that when you looked at their bodies you could see they were hardly weaned off their mothers as yet. They were engaged in all kinds of acts. It hurt me. It hurt me deeply. That is exactly where we are in this country. Senator Watson just now spoke about boys and girls, children in general, but they are being encouraged and drawn into this net by adults who, themselves, are little more than children. The attitudes and the aggression evident in our country among a lot of our young students is linked to drugs. It is altering their minds, as I have said, and it does not matter what legislation we pass. I think I heard Senator Abrahams speak about the enforcers, those responsible for enforcing the law, but they themselves in some cases are corrupt. No matter what we pass in these Chambers, the question is with the execution and with those who have the responsibility to carry out these laws.

I do not expect Barbados to be what it was 30 or 40 years ago. Despite all of the things which I say that are happening now, yes, they were taking place years ago but in a subtle way. It is now big business. I do not expect Barbados to be what we knew 30 or 40 years ago. Do not expect that. It is not going to happen. However, we have a responsibility as adults; those of us who still embrace morality and had that kind of upbringing, the "broughtupsy", as Jamaicans would say. In our society, that seems to have unfortunately gone astray, but I accept that we are in a real world. I accept that Barbados has always been a part of the world, but a lot of things that are taking place have been brought into this country by some of our people who have lived and travelled abroad, and by some people who are not even born Barbadians. I therefore do not expect that, but I expect that those who do have a responsibility to family, friends and country would at least chip in where it is necessary to guide our young people. Mind you, a lot of the young people in this country live under a roof that is not theirs. They live under their parents', grandparents', aunts' or some relative's roof. The day will come when we may not be mentally or otherwise in a position to control what is happening around us, but let

me dare say, none of my relatives, including my children, will carry on any of that behaviour under my roof. They would have to live elsewhere. As I said, you may reach a stage where you may not be mentally or otherwise capable of knowing what is going on around you, and you are not responsible for that, but as long as your mental faculties are in place, no parent should tolerate that kind of behaviour. You cannot give children a licence to embrace that kind of behaviour.

I really feel sad about it. Some of the things I hear and see I really feel sad about, and these things are encouraged by adults who you think should know better. Maybe they themselves were brought up in an atmosphere where this kind of behaviour was practised, and therefore the old saying applies that the berry does not fall far from the tree. The only way that a kid would go away from the goat is if it is on a hill, so all of these things happen around the home. I was raised in a village and we saw a lot of things before. People were poor, and you could look through their houses and see St. Lucia -- so many holes were in them -- but they maintained a form of decency. They were poor but they were polite. Unfortunately, that is not the case anymore; in a lot of cases, not all cases. If everything was 100 per cent bad, I do not know where we would be. Everything is not 100 per cent in terms of wrong or right, but because a lot of the wrongs are sort of overshadowing the right forms of how we live in this country, we have to speak about it. We are all for the social media and the technology, but those are playing a very big role in the behaviour of a lot of our people. Sir, we cannot wake up a morning and legislate that all children under a certain age should not have a cellphone, or all children under a certain age should not look at a computer. Madam, I do not know how we would get that done now because all the parent control that is in place, that these devices should be controlled by the parents, I do not know if that will work but some of us still have a responsibility for those who growing up around us whether nieces, nephews, grand children whatever the case may be it is still that responsibility.

Madam President, I do not approve for one moment abuse in any form. I have said in this Chamber that I do not know about it since I never experienced it in my home and there is no relationship that I have been that can ever claim such. I am a walk away person. Madam, everybody can do it but everybody does not know how to do it and, therefore, they get caught up in all the confusion and all the violence but, Madam, I am not from that background, I did not grow up in so I do not know anything about it but I can defend myself if I have to. Madam, we must learn to walk away because everybody cannot express themselves to talk themselves out of a situation. They feel they must become aggressive and that is their response. Madam, thank God I am not one of those person. Madam President, I see as a

Barbadian from the old school. I feel concern about what is happening in our society.

Madam President, I have said that in terms of our immigration what they have to do and what they should be doing that I know people must be defended and that all over the world people have rights but we can see that immigration officers and departments around the world are challenged at this point. We see what is happening in Europe where people are running hither, dither and yon and, Madam, these are human beings and as much as they are trying to keep people out of the European countries, it is extremely difficult to do. Madam, what can they do, can they drop a bomb and kill all of them, so when you close the borders today, you have to open them elsewhere tomorrow because they are human beings. Madam, you see big women and fathers running with little children in their arms, it hurts you to see how human beings can treat human beings that way but, as they say, man to man is so unjust, you really do not know who to trust.

Madam President, I have to look at the morality in all of this. I will support our Immigration Department but I must say that in every department there are always persons who do not always think the letter of the law. There is a lot of immorality that you would get in any department. You will get that because you have good people and you have bad people. You have indifferent people, honest people and dishonest people. You will always find that but as legislators, we do have a responsibility to put the necessary rules and regulations in place because it must not be said that we need that law and if that law was there this or that would have happened. We cannot say that, we have to put the legislation on the statute books and even though this was introduced already, it feel short and today that correction is being made. Madam, we still have a responsibility and Barbados now is so caught-up in the international world. We have people coming from the eastern side of Europe into Barbados and robbing our ATM machines and our banks.

Madam President, I am a citizen of Barbados and I consider myself to be a reasonably honest citizen in Barbados.

Asides.

Senator R. HUNTE: I say reasonably honest because nothing is 100 per cent. If I had to tell a lie to save my life, I would do it, so nothing is ever 100 per cent. This is not perfection speaking here, this is a concerned person. Madam, I recently got a letter from the bank stating that I must declare my proceeds. I have to fill it in, I have to say where are my proceeds, from whence they came and all these things and so on. Madam, I will do it because I am a law-abiding citizen. If I do not do it by a certain time, they will suspend the account. Madam, I am thinking about it

cause I feel like going and taking every yen from off the account and putting it elsewhere but if this is the procedure in Barbados, as directed by the Central Bank of Barbados, I will do it but do not tell me about suspending anything. Do not tell me about suspending if I do not bring it by a certain time. I had to ask one or two questions about that.

Madam President, I agree with legislation to control... Madam, note the word "control" because there is not everything that you would be able to completely curtail but, at least, we can control enough because we still have a responsibility of protecting our borders and from people travelling from where they wish to come from and doing all these things in Barbados to interrupt our flow, we have to be responsible. Therefore, Madam President, I do not wish to spend much more time on this matter. I wholeheartedly agree. I think the context of the legislation has been defined and spelt out by those who spoke before me and I wish to say at this point that I wholeheartedly agree these three Bills that we are debating today.

Madam President, I thank you very much.

MADAM PRESIDENT: Senator Durant, you have the Floor.

Senator Rev. Dr. D.L. DURANT: Madam President, thank you for this opportunity to speak on these three Bills that are laid before us. Madam, before I go into the Bills, I want to congratulate Guyana on her 50th Golden Celebration of Independence, a country where I have spent a few years and I must say that from all reports the new Georgetown that is so now clean and refresh and looking so vibrant like a garden city had a very wonderful time of celebration and the honouring of our dear Prime Minister the Honourable Freundel Stuart with the second highest award of Guyana, the Medal of Roraima, I thought was very fitting for our Prime Minister who is acting like a father in the Caribbean among the political leaders.

Madam President, I also commend the excellent presentation this morning of Senator Harcourt Husbands, who led off this debate. I think he made it very easy for us to follow and he did an excellent job this morning. I really want to commend him for this research and the way he put himself over was very clear.

Madam President, I believe that every Barbadian must join in the struggle to eliminate this reprehensible trade in the trafficking of humans and especially in the area of sexual exploitation and child labour. Madam, it is my belief that every man and woman have the right to live their lives and raise their children, Madam President, in dignity, free from hunger and poverty, free from the fear of violence and crime, oppression, discrimination and even injustice. Every person has the right to live in that level of freedom. Sadly to say, according to the scripture in

Jeremiah 17 verse 9, the heart of man is deceitful above all things and desperately wicked. Who can know it? This, therefore, the matter of sin and the heart of man, lends itself to the immergence of a nefarious uncivilised global group or network. A network of individuals who are selfish and who have no care of the other person but they are criminally minded. To me they operate like terrorists, they are drug dealers, human traffickers, professional pimps, and they have no care for their fellowman. This evil network of individuals take advantage of poor vulnerable people. They also take advantage of open or porous borders where they can get into easily and do their trade. Madam President, they thrive in nations with weak institutions like police officers, immigration officials, customs officers and judges. I want to believe and I will say that we have a very good police force, a very good immigration department and a very good customs department here in Barbados. I would want them to continue improving their services in this nation in protecting our borders so that we can continue to be the kind of peaceful environment because this global network of individuals, evil men, I call them, they are ruthless and have no problem with resorting to violence, intimidation and what I would modern day slavery. It is my belief that if crime crossed borders, then law enforcement must also cross borders. I am thankful for the kind of integration, the kind of agreement and the kind of treaties that we have with various countries where that kind of cooperation from nation to nation can be seen. In other words, those who defend the law cannot afford to find themselves bound by geographic boundaries, they must be able to go into other jurisdictions and see their laws upheld.

I believe that the trafficking of human beings, particularly women and little children for forced and exploitative labour including sexual exploitation is one of the most serious violations of human rights and it is widespread. It is not isolated to one particular area or hemisphere, it is a global problem we face and it is growing. That is my concern. As we heard today, it is a billion dollar market and we must really lend our voices, regardless of the sacrifice or what it will cost us, we must be able to lend our voices to see this level of wickedness against human beings reduced. We heard this morning about what is happening out there in the Mediterranean and we have seen that daily on our news so I do not need to go over that but that is still part of it.

Madam President, to me, there is a core relation between poverty and human trafficking. Some people while trying to escape the hardship of poverty in their country of birth are lured into another's jurisdiction or another's nation looking for greener pastures and that is all well and good because we see that even in scripture. I think it was Lot who looked for greener pastures and he pursued his physical vision but it was not that way so people are lured into these kinds of transactions and then realise when they arrive at the place that it is not as they were told and being

caught vice of deception the first thing that is taken away is their passports so even if they wanted to get on the plane in a week or two weeks and get back to their destination, they habitat, they cannot even leave. They are forced therefore to remain and to be sexually exploited and to become like a modern day slave. They are just trying to escape hardship in their own country, they are just trying for a better life that is why I said there is a correlation between poverty and human trafficking because it is people who are looking for betterment who are vulnerable and who are experiencing difficulties maybe in supporting themselves and supporting their children that are usually locked into these wicked into these wicked devices and who are lured by people who are tossing up candy and ice-cream, chocolates and you name it, in the air, not knowing that it is all deception.

Madam President, there must be a zero tolerance where human trafficking is concerned. I do not believe that it is something that is very prevalent in Barbados. There may be signs of it in certain quarters and if that is so we will need to make sure that we expose those areas so that would not affect us but when I look at it in other jurisdictions and the blatant and very, very deliberate actions that are done in human trafficking, I saw a short video clip in Columbia where this is really, really done almost blatantly, I know that we do not have that here in Barbados but if the enemies of progress, productivity, decency, good morals and human rights - these people, I call them this evil network -- seek to exploit the openness of and opportunities of globalisation for their own purposes then we who are hearing, who have morals, who have a heart and who have a conscious must stand up and be the voice that will speak, defend, legislate and do whatever we have to do to defend human rights and defeat the forces of crime, corruption, trafficking in human beings especially in child labour.

As it comes, Madam President, to this whole thing of sexual exploitation, prostitution, to me, is something that we should really legislate strongly against. I was glad when the mistake was made by Senator Watson in relation to what he thought he heard Senator Carol Lady Haynes said and she immediately jumped in and said no, my heart was well in place because I would not want that to have been said. I did not hear it so it would have had to be a misunderstanding. I was very happy and I pointed to her and said, oh, if not I would have been talking to you afterwards because I believe that any form of exploitation and this level of prostitution, as we have seen in other countries, should be legislated against. I think it is time for us to have legislation governing it. You might say well look this thing has been from Adam to now, and I agree, but should we just turn a blind eye even as it was said that some things are done very close to the law enforcement agencies in our country. Should we just turn a blind eye because it is happening there? Maybe it is time to think of legislating. You may say man you oldtimished but I am just

going by what I think is right especially a good example for our children and for our children's children. As adults we want to leave a legacy and a foundation upon which our children and our children's children can built upon to safeguard the sanctity of life, the health and so forth of our society and to also raise our morals and values.

Madam President, I just want to mention two things in closing. I want to applaud the updated training and sensitisation to all aspects of human trafficking that the Immigration Department, the Royal Barbados Police Force, the Customs Department, the labour officials, prosecutors and judges are going through and hope that they will continue to be trained and to be updated being sensitised so that they can also have that kind of eagle's eye open and out so that they can detect any of these things that are happening. Madam President, I applaud the training and hope that it will continue because it is continuous, it is not anything that is a one event. I hope that also could come down maybe to some kind of training even for our children in our schools so that they can have an idea to know what to avoid and what to look out for and what not to do so that doors that may be open to them that they will just avoid and walk free from the devices that are set for them.

Secondly, I would really like to see a perusal of all existing legislation to evaluate the stringency and harshness of penalties that are meted out to Immigration officials and Customs officials who may aid and abet in any aspect of human trafficking. I think we need to peruse the laws and legislation we have and the penalties in case there is such infractions. I am not saying that it is happening but I think we need to put those things in place so that in case any Immigration official or Customs official dare to think that they can be involved in such an activity for whatever monetary gains or for whatever gains they may have or benefit from it, they will be met with the stiffest penalties and that would be a deterrent because we would not want that the watchmen no our borders are involved in any way in aiding and abetting in this kind of activity.

We want to keep Barbados free from it. If there are islanders from the Caribbean who are coming here on false pretence and then find themselves having their passports taken away and then let loose on the road for sexual exploitation, then I think those people need to really come in and report things like that because we would not want that to be happening right under our nose and we are not aware of it and yet people are being hurt, people are being discriminated against and taken advantage of and being used if that ever happens here on our shores. As I said, I do not see any big signs of that around us but if in case it comes then we would want to make sure we stamp it out as much as possible.

The exploitation or the prostitution that is presently going on is all over, we heard of it earlier, in Bush Hill,

down in the city and wherever. I mean there are times I too pass certain places maybe of being accustomed... I was born in the Bayland so I am accustomed to being in the Bayland and Deighton Road areas and I swing at certain places and then I realise I swung already but I cannot stop because I am already in a speed so I just have to continue driving. My goodness when I realised where I was I just kept my foot on the accelerator all the time and put on my bright lights that I want no one to come out to stop me because I would not stop because the moment I stop and the wrong person takes a photograph you could imagine what would happen.

Asides.

Senator Rev. Dr. D. L. DURANT: So I just pressed my accelerator and put on my bright lights and I gone. I try my best not to turn through those places although I am so accustomed in the daytime to do it because it is so easy to get where I am going but in the night I will make sure that I do not.

Madam President, I asked certain individuals that are knowledgeable and they say there is really no legislation against prostitution in our island and I think that may be something to look at and to consider.

With that, Madam President, I give my full support to these Bills. Of course, I will want Barbados to continue being a preferred place to live, to marry, to raise our children, to live healthy lives and to see our grands develop into men and women of stature and maturity and wisdom. Thank you.

MADAM PRESIDENTS: Senator Adams, you have the Floor.

Senator A. A. ADAMS: Thank you, Madam President. I rise to join my fellow Senators in giving full support for the Bills before the Senate today. These Bills are all connected and inter-related and in my presentation I will perhaps focus on the one that is dealing with Trafficking in Persons known as TIP. Having heard the legal persons amongst us more or less pontificate on the provisions of the Bill, I think I ought to take a layman's view in dealing with the Trafficking in Persons Bill.

First, I want to say that I support it because it seeks to deter and prosecute and indeed severely punish the perpetrators of trafficking in persons, that is, those persons who use fraud, force, deception and other devious means to exploit fellow human beings particularly women and children for financial gain.

The Bill also includes provisions to help and protect the victims. Provisions are made to use the assets seized to provide compensation for victims who suffered pain and

injury as a result of their ordeal. It also seeks to update previous legislation in order to meet the prescribed minimum standards set by the United Nations and other international organisations. It seems to mandate among other things, and I think this is kind of relevant, that we pay attention to the domestic trafficking and make sure that it is addressed and that such acts are made illegal, and of course that the perpetrators are severely punished. Madam President, what I want to mention next has to do more or less with our commitment to international obligations. The passage of the Bill today sends a clear signal that neither our geographically small size nor the fragility of our economy should be used to prevent us from joining with the international community to fight against the injustices which we find among the perpetrators of human trafficking. Also of some importance is the fact that this Bill enhances and reinforces Barbados' reputation as a champion of human rights and a gallant fighter for the freedom, liberty and dignity of the individual. Madam President, this legislation sets us apart from some countries which are much bigger and stronger but which have failed to pass such legislation, thus rendering it impossible to bring to justice the perpetrators of trafficking in persons. The United Nations has indicated that scores of countries do not send in information or attempt to comply, and so on. When we reflect, we cannot other than say and agree that we here in Barbados and in both legislative Chambers are worthy of the highest praise and commendation in bringing Bills of this nature to this Parliament. As I said, many countries are in denial but we have put our money where our mouth is. We have stood up for justice, and in this regard, I am extremely proud.

Having said that, Madam President, I also want to note that it speaks about the very essence of who we are; about our national pride and how we are the guardians of our heritage. The passage of this particular Bill and the other Bills are taking place on the cusp of the 50th Anniversary of Independence, and in so doing we are compelled to draw attention to all Barbadians, especially our schoolchildren, that there is an underlying thread, connection and similarity between the manifest aims of traffickers in persons and the plantation slave masters, against whom our forefathers fought to gain the freedom which we now enjoy. I think that is particularly important, and ought to be mentioned. Therefore, I would say that the bottom line of this Debate has a lot to do with the question of national pride and the guardianship and preservation of the heritage that has been handed down to us. We have to remind our countrymen and our young people that we are in fact the inheritors of a goodly heritage, and that we are duty-bound to fight against trafficking in persons. We should agree and not mince any words at all regarding the fact that trafficking in persons is the modern-day version of slavery. In this regard, we find support in the views of Pope Francis, who has equated trafficking in persons with slavery and warned us that although we are no longer

seeing slave ships departing from Africa across the Middle Passage, we ought not to fool ourselves that “slavery done”. He advises us to look in our inner cities -- this has been mentioned here before -- to look on our streets and our street corners and even in our homes, because it is in those places, sometimes right beneath our eyes, that we are likely to find traffickers in action.

He went on to tell a story; and good teachers always tell stories. To drive home his point, he told a story that was actually told to him by a very young girl, I think in Italy, who was forced to work 11 hours a day under a table in the home of the persons for whom she worked. She worked for a pittance, and when she dared to complain, she was told that there are several others out there who were willing and ready to take on that task. These are human interest stories, Madam President, and many of them go unnoticed. Of course, many of the victims suffer in silence. There are other stories. There is the story of the young Nigerian man, where you find a respected 61-year-old gynaecologist and his wife, 58, a senior nurse -- I spoke of this before -- working at the Ealing Hospital in London, who were convicted for bringing this 14-year-old boy illegally from Nigeria into London and putting him to work as an unpaid cleaner and cook who also took care of their children. The story goes on to tell us that the boy was kept inside the home without coming out even a single day for 24 years, and was forced to work 17 hours a day. What makes it even worse was the type of imprisonment that involved surveillance cameras placed on him 24 hours a day. This is the type of fight that we are up against in the passage of this legislation before us here today.

Here in Barbados I can tell a story -- I do not know if I can tell it in cryptic form -- of a principal who noticed a latecomer in overall uniform around 11 or 12 years old, but having a visage of a person of 18, 19 or 20 years old. After brief discussion, the principal asked for the guidance counsellor to be involved, and it was discovered that a lot of sinister things were going on with this young lady.

Madam, it so happened that during the course of the counselling and a helping, and the young lady kept a diary, in the midst of that, she disappeared. They missed her from school for some two weeks to three weeks and out of the blues one day, the principal had a call and at the end of the line was this young 12-year-old girl asking to be picked up, to come now, do not bring the police, do not bring any person but to come now.

The principal, of course, acceded and went to a part of Bridgetown, he had never been there before, only to find that as he slowly followed the narrow street, out jumped the student, who jumped into his car and with great trepidation had to find his way out of that street. He called the Ministry of Education, laid the story and so the young lady was given there to be given the help that she deserve.

Mr. Speaker, I just want to mention, I do not want to go any further with that because we are in Barbados and these people can be identified that investigation found out that there were a number of persons similarly involved and so these are the kinds of things about which we are speaking about. Sir, this notion of suffering in silence and of such activities going unnoticed is something that needs to be emphasized. Sir, we ask ourselves why are such things going unnoticed. Madam, there are several reasons but one reason which I would highlight is the fact that I think there is a knowledge deficit, if not a knowledge crisis in relation to the practice of trafficking in persons. Madam, this is so across the world and obviously in Barbados as well. These things are going on and we do not actually know that there are going on. Madam, one of the reasons why this is so, I noticed that Senator Husbands used the date 2006 in relation to the boat that was found off Barbados with some smuggling Africans, a very tragic incident indeed but, as he mentioned that, it came to my mind that it was only in 2006 that the United Nations highlighted the practice of smuggling and the pervasive and terrible act that it was having in countries across the world. Madam, in other words, it was only in the year 2006 that this trend was actually highlighted and the term trafficking in persons became known. Sir, at the same time, the United Nations did not set about to have an education campaign to let people across the world know about the term and about its insidious nature and therefore, it is not strange that we find that there is this deficit in knowledge in relation to that. Madam, this is important because if we do not do anything about it and it remains it means that if you have legislation and you continue to have that deficit in knowledge about the perpetrators of such acts, it means that to the extent that is happening the effectiveness of the application of the legislation will be undermined or perhaps even nullified and, therefore, I think it is extremely important that steps be taken and that we wake up and find out that even though this legislation is a good piece of legislation that it is vitally important that we start to have a programme whereby the public and the young people of Barbados are able to buy in to this good Bill that we are discussing here today because if we do not do that we are in a way almost spinning top in mud and we really do not want to do that. We want to ensure that there is a programme whereby the general public and our young people in particular are made aware of what is going on. Madam, indeed, this is not to digress but when we saw the students here this morning I thought either by chance or by design, hopefully by design that it was a very good idea that our university students become aware, these were law students, but university students generally. It is likely that if we did ask the law students by trafficking in persons that they would properly be able to give us some details and so on but it is also possible that if we ask other students at the university what TIP means and to have a discussion with them they would be sadly lacking in the kind of knowledge that we would expect them to have, and that would go also

for our secondary school children. It means that an effort should be made not only in the passing of this legislation but after passing it, and indeed even before while it is being passed that discussions are held and that an educational campaign be held in order to bring the population along.

Madam President, this brings me to the Soroptomist Club in Barbados. Madam, that club needs to be highly commended because of all of the other clubs in Barbados. The other clubs in Barbados may be doing their part but this club needs to be single out for the type of work they have been doing in relation to bringing the details and so on of trafficking in persons to the Barbadian public. They have tried very hard to ensure that people are sensitized and that they have become aware of what is going on and the purple teardrop campaign come to mind. It is a campaign promoted by the Soroptomist similar to the HIV campaign and the tear drops are meant to sensitise us and to have sympathy for the suffering of the poor persons, not only poor economically but poor in suffering, who are in the clutches of these traffickers. This is particularly so of the children because the children are most susceptible to this activity and it is children, both boys and girls. Madam, we want to look at persons who are the most vulnerable and to ensure that we are taking steps to give them the kind of support that we would like them to have. The passage of this Bill really brings this to mind and the point that I am making is that legislation alone, irrespective of how much prayers we heap on the framers of the legislation and we have done that, we are now asking to go a step further and to ensure that the populace, the either Barbadian population are involved and would participate because law enforcement officers would tell you that it is not just the passing of laws, justice is more than that. It is building up that confidence with the population where information would be shared and be forthcoming and it is by so doing that we would get to understand the insidious nature of trafficking in persons and use that information to bring the culprits to justice. Madam President, we want to give our full support to the Bills before us and let me make the plea again that we ensure that the legal community, I am calling for the involvement of the legal community, the NGOs other than the Soroptimists, we are speaking about the school, tertiary, secondary and primary, the churches and the entire community bodies get involve to play their part in the eradication of this terrible practice which is here amongst us.

I therefore want to say, in finalising, that we also need special training for persons involved, perhaps in the law enforcement and in our social services. We should not believe that we are doing all that we can. I also believe that we ought to have modern equipment and up-to-date technology because this is precisely what the perpetrators will be using and in order to catch them we have to be at least one step ahead of them and this obviously involves modern equipment and up-to-date technology. I just want

to say that these children, young people and the adults as well who are suffering in silence, and I focussed on the young people, students and so on for obvious reasons, they should not remain faceless. These young boys and girls have names. They have fathers, mothers, sisters and brothers and all they are asking for is for something to be done to give them hope to live in freedom and with a sense of dignity and this is precisely what the legislation we are passing here today is hoping to do. We are with them and we also want to move away from what the philosopher Thomas Hobbes spoke about the nature of man being short, brutish, and nasty. We want to make it extremely clear that we are promoting or better judgments and we want to say, in fact, that we are on the side of the angels and we are on the side of the victims. The passage of this legislation here today is evidence that we here in this Chamber are doing the right thing and that we are making sure that this generation and generations to come, as I said, will be able to see the hopes, not dashed but the hopes achieved whereby they can live in freedom and with a sense of dignity.

With those few words, Madam President, I rest my case.

MADAM PRESIDENT: Senator Todd, you have the Floor.

Senator P. J. D. TODD: Thank you very much, Madam President. I rise to support the passage of these three bits of proposed legislation before us this afternoon.

Firstly, looking at the whole question of the Bill referring to the Criminal Assets Recovery Fund I would wish to support this to note that in this piece of legislation the Bill is seeking to repeal the Transnational Organised Crime Prevention and Control Act, 2011 and to provide for the continuation of the criminal assets recovery fund which consists of the proceeds of crime which has been confiscated by order of a court of law. Madam President, looking at the explanatory memorandum accompanying this Bill, I noted that the establishment of the Fund and the rules governing the disposal of the Funds are necessary for the purpose of good governance and proper administration and that secondly the Bill implements Articles 12, 13 and 14 of the Convention Against Transnational Organised Crime by providing for a regime of forfeiture and the disposal of the funds so forfeited.

Moreover, providing for these matters in a separate bill recognises the fact that the Fund relates to all proceeds of crime and not just the transnational organised crime. Madam President, this legislation therefore is capturing the forfeiture of the proceeds of crime in general and not being limited to the proceeds of transnational organised crime. What we are seeking to do in this legislation, Madam

President, is to take the glamour out of crime to demonstrate to one and all that crime does not pay.

This reminds me, Madam President, that just a few days ago, I was in the company of the Senator Husbands at a careers showcase put on by the principal and staff of the Wesley Hall Junior School in the constituency of The City of Bridgetown. It was a first because you know career showcases are normally conducted focussing on secondary and even tertiary level students but here it is the forward thinking administration at Wesley Hall School realising that we have to capture the imagination of these young people from early. We had officers from the Royal Barbados Police Force, including the Special Services Unit and the Motorcycle Unit, which was the most popular booth, Madam President, as you would have seen in the media, members of the Barbados Port Authority and so on and so forth and other careers such as dressmaking... It was so refreshing to see in the media reports of many of these young lads and lasses speaking about wanting to be a police man or woman to protect and serve the community to bring to justice to perpetrators of criminal activity as opposed to saying they want to be a drug pusher or an international gangster.

Madam President, what this legislation is seeking to do, as I said, is to take the glamour out of crime because we observe from time to time people flashing before our very eyes the proceeds of crime, be it a brand-new SUV vehicle, expensive motorcycles, expensive jewellery or big houses and living lavish lifestyle, and they have no proof of the sources of these funds in terms of legal sources like gainful employment or entrepreneurship.

Madam President, what this legislation will do is that having identified the perpetrators and these persons are found guilty of criminal acts, these ill-gotten proceeds of crime can be acquired by the State and put into this Fund to be utilised to even advance the fight against crime and to take the glamour out of crime because if these people could walk free, go in and out of jail and still maintain possession of these assets then it becomes fashionable and it can lure people into believing that they can follow suit and live happily ever after in a life of crime and vice, but if we take the financial rewards out of criminal activity, then it is less glamorous and people will come to a Christian understanding that they must walk the straight and narrow and ask the Lord to lead us not into temptation but deliver us from evil. Madam President, this legislation is fundamental in this process.

Madam President, we looked also at the fact that within the Clauses of this proposed legislation these funds will be properly managed. In some Clauses we see that the Fund is to be administered by the Accountant General. The purposes for which the resources in the Fund should be applied are spelt out as well as the fact that any shortfall in

the Fund is to be supplemented from the Consolidated Fund for the application of the purposes specified in earlier Clauses. Madam President, as Honourable Senators have mentioned before, the Attorney-General will have authority to invest the resources of the Fund and the Accountant General would be required to keep proper records with respect to this Fund and the Auditor General will have oversight in terms of being able to audit these funds to ensure that there is proper accountability, and of course the Accountant General will be required to prepare quarterly reports with respect to the Fund for submission to the Attorney-General for the purposes of good administration and the Attorney-General will be required to lay reports on the management of this Fund in Parliament as a matter of record and for the purposes of transparency.

Madam President, this legislation is very timely. As other Honourable Senators would have mentioned, we would have seen even financial crimes in recent years with expatriates coming from Eastern Europe and being caught scheming the ATM machines to the extent that some people are very reluctant even to use debit cards and credit cards at the ATM machines, so this legislation again will take the glamour out of all forms of crimes including financial crime.

Madam President, I would wish to congratulate the Barbados Association of Retired Persons for being pioneers in partnering with a non-banking financial institution to offer to its members in the first instance a BARP credit card which includes features of this modern chip technology that is more fraud-proof than the traditional cards. Actually, the banking institutions are now playing catch up. Madam President, I qualified a few years ago to be a member of the Barbados Association of Retired Persons, so I am still yet young.

This legislation again will assist the law enforcement agencies and the criminal justice system to bring to justice the perpetrators of these financial crimes that would threaten the financial stability of our country. This legislation definitely will strengthen and tighten up any loopholes in terms of people being able to get away in terms of maintaining possession of financial resources which were acquired through criminal activity.

Madam President, this reminds me that even in neighbouring Jamaica we have seen in recent years persons behind bars being able to cut and publish and release popular records in the dancehall genre, so here it is you are behind bars and still making money. At least that is a legitimate source of income but I am saying that we have to make sure that crime is not glamourized and perpetrators of criminal activity can feel that they can get away with murder as it were and make millions of dollars while continuing a lifestyle of criminal activity.

Madam President, I also support another piece of legislation that we are looking at this evening. Of course, the Trafficking in Persons Prevention Bill is very much appropriate. Madam President, trafficking in persons including women and children is to be frowned upon. I noticed that in other parts of the world, for example, on the African continent, as well as other places... We have been hearing in recent months of the plight of those hundreds of school girls that were kidnapped by Boko Haram extremists in Northern Nigeria and to date most of them have not been rescued yet in recent weeks one of these persons were able to escape and presented herself with her husband and a young baby and indicated that her captors had forced her into marriage as a young lass, and that was the situation. We hear stories of young pre-teen and others of tender age being kidnapped, not just in Nigeria but in other parts of the world, and sold into slavery or even sold into marriage against their will, Madam President. It is a thriving trade, and this legislation ensures that Barbados plays its part in conforming to these United Nations Protocols and Conventions, where we seek as a global community to tighten the grip of our fight against these heinous crimes. Madam President, these crimes are crimes which we should not think we in this part of the world are immune to, because there are persons who would have left neighbouring Trinidad to go and fight in Iraq and Syria supporting ISIS. Boko Haram is also officially allied to ISIS and so, Madam President, we must ensure that no criminal elements in this part of the world can believe that these heinous crimes can be committed in our jurisdiction without knowing that the law enforcement agencies and governance structures in our territories will be ensuring that our legislation and other resources are kept up-to-date with the current international best practices. This legislation is consistent with this international drive, Madam President.

I remember just within the last couple of years going into the heart of the City of Bridgetown one afternoon and going into an alley that I am very familiar with, to visit relatives. On that occasion, I was greeted by a team of armed, uniformed police officers at the corner of the alley and the main street -- close to Nelson Street - and as I went about my legitimate business, an operation was being conducted which we read about in the Press the following day. The report indicated that persons were arrested and charged with issues related to human trafficking in terms of an alleged prostitution ring and ladies being held in situations where their passports had been confiscated by those who would have had them engaged in prostitution, Madam President. Luckily, these cases are not the norm but certainly I really congratulate the law enforcement agencies for engaging in a zero-tolerance approach to ensure that the perpetrators of these crimes cannot feel they can ply their trade, as it were, without being caught.

Madam President, I empathise with those persons who may be engaged in prostitution, but as I would have

said before, I have met a number of persons in my professional role as a politician who come to me looking for work, and they have all indicated that if they could get gainful employment or engage in entrepreneurship legally tomorrow, they would stop engaging in prostitution. They do it as a way to feed themselves and their families, but they would not want their children to follow suit, Madam President. I am not one to stand here and glamourise prostitution, Madam President. I believe that we can really reach out to these persons and give them alternatives which are safer. As other Senators mentioned, sleeping with six or seven persons in one night cannot be at all enjoyable, Madam President. In fact, this includes male prostitutes. I remember walking down Roebuck Street one evening and -- I am easily identified -- these young male prostitutes down there were waiting to work. They reached out and enquired about legal work. They said life on the streets was hard, and clearly, Madam President, one could only imagine that would be a very messy profession. I could feel the pain in the voices of those young people. If they could get a job tomorrow or be gainfully employed as entrepreneurs, they would immediately stop engaging in male prostitution, Madam President. We have a Dunlow Lane in the City and we do not want any "down-low" lanes in these various spots; be it Crumpton Street or other places where you may see them congregating at night, Madam President.

As I said, I do not believe in stigmatising people. They are human beings. In fact, I remember one evening coming out of an event at George Washington House. I had got a ride with a colleague, and just as we swung out of the gap at the top of Bush Hill by the monument, a young lady dressed in little more than foundation garments on that chilly night recognised me in the bright lights and said, "Hello, Sir", and called me by name. I quickly had to explain to the occupants of the car that this was a former student and I was not her customer. I felt like lending her my jacket because, in those limited bits of clothing on that cold night, I was worried that she would get a cold.

Asides.

Senator Hon. P.M.T. TODD: I am being frank about this, Madam President. I know that person as a student and I know her parents, and I am saying that if that person could get a job tomorrow, she would come out of the cold and get out of prostitution. Some people would argue that this is important for tourism and facilitating business, but I say "nonsense", Madam President. The Prime Minister has asked us, as we celebrate our 50th Anniversary of Independence, to examine the things in our culture that we would wish to keep and those things which we would wish to jettison; the negative elements. I am saying that is a negative element which we need to jettison.

Madam President, what kind of Barbados do we want for ourselves and our children, where every other street is filled with prostitutes? Is this what we want to market Barbados as, Madam President? That is not the case now, but I am saying that we see certain trends where, along Jemmotts Lane at certain times now, you see certain people plying their trade early in the night. Once upon a time, you would not have that activity in Jemmotts Lane. We need to put a stop to this, Madam President, and certainly we as a society can hold the hands of these people and pull them away from that sort of negative behaviour. We can sell Barbados for sea, sand and sunshine. We do not have, as Senator Professor Sir Henry Fraser said, have to put in any other areas beginning with “s” in terms of prostitution. There are tourism events like weddings, and Barbados is a well-known wedding destination. This is the month of June, so legitimate romance, in terms of weddings and so on, we can promote in terms of tourism, but we do not have to sink so low to think that the only way we can earn foreign exchange and increase tourist spend is to promote prostitution on a wide scale, Madam President. I have made my point, and I stand by that and make no apologies for that, Madam President.

Madam President, as I seek to wrap-up I would like to thank this administration for being very serious and being at the cutting edge of international best practices in terms of our international obligations, in terms of the United Nations Protocols and Conventions and therefore, I fully support the passage of these three Bills.

Madam President, I thank you.

MADAM PRESIDENT: Senator Boyce, you have the Floor.

Senator Hon. D W. BOYCE: Thank you, Madam President. I also wish to lend my voice in support to these three Bills that we are debating today and to confine my comments largely to the Immigration amendment that we have to deal with this afternoon. Madam President, let me say that this piece of legislation is much to be welcomed because essentially, it deals with us trying to put into law some ways to prevent what I consider the destruction of lives, destroying people’s physical lives or destroying their emotional and psychological selves is tantamount, in my view, to trying to put an end to murder. Madam President, I believe that we have certain forms of sentencing for taking the life of someone in the country. I am not going to suggest at the time which one I would suggest of those who traffic in persons.

Madam President, I am glad that we are coming to a stage where we are putting the legislation in place to treat to this most violent and vicious of crimes. It is one thing I believe, Madam President, to take a life in a fit of anger or self-defence or some such thing but it is another thing when

day in and day out continue to destroy the human psyche, the human body, the human mind. There is, in my view, no more heinous crime than that.

Madam President, the changes to the Immigration Act also help us to deal with the matter of decent work. Madam, persons should avail themselves of the opportunity to read the change to the Immigration Act. What these amendment do is raise this matter of paying people very low wages, making them work in very poor conditions, withholding their travel documents and so on for financial profit and putting it into the realm of trafficking in people.

Madam President, you hear stories about people are in the country without documentation, you hear how they are being paid, you hear what conditions they have to work under, what conditions they have to live under, what they have to put up with and, Madam President, what I see in terms of immigration tells me that we are far away from decent work in many of these situations. There is exploitation, in my view, of quite extreme order.

Madam President, we have concentrated in our discussion on a matter largely of people who are migrants. It is important to note that the legislation refers also to transporting people within the border. Madam, moving people around from place to place to work in the same inhumane conditions or moving them around from place to place to engage in illegal activity or activity that may be offensive to public morals, you can put it that way, would fall into that category of trafficking and the fines for doing that are quite severe but perhaps not as severe as they might be.

Madam President, it puts a lot of things we see happening to people who are not legally in the country or not properly documented in the country. It raises the offences committed by those sorts of actions to a much higher level. Madam, the offences are no longer misdemeanors as it were, but now it has become very serious criminal offences and people therefore have to be very careful how they deal with persons and how they encourage people to be in the country without proper documentation, how they engage persons and the terms on which they engage persons who are here without proper documentation. Indeed, they are not to engage them at all under the current legislation but this one may cause people to step over the boundaries into trafficking in persons.

Madam President, part of what the legislation deals with is the matter of fraudulent documents. Madam, one is seeing persons come to acquire passports and bring with them documents which at first sight may appear to be properly issued but which on further checking are found to have been fraudulently obtained and that is becoming a very serious problem for us, and as the Barbadian passport becomes more and more valuable, we have to do more and

more to stop those attempts of acquiring the passport fraudulently.

Madam President, in the legislation that we are considering that kind of activity for the purpose of moving across borders fall within part of the trafficking in persons definition. Madam, that is probably how it should be and that is why we move to the digital passports and we are going to move as soon as possible to the electronic passport so as to avoid some of this problem with fraudulent passports, that is why we have to move in terms of our registration office to making sure we have a very tight control and tight identification of those persons who apply for regional certificates to bring them forward to get passports and so on. Madam, this is not confined to Barbados, there is an issue all over the world where people are obtaining original documents fraudulently and seeking to get passports with them. Madam, I am glad that this legislation put some more pressure on those people who seek to get passport in that way.

Madam President, this legislation also, while not saying it, requires who would do the border security to be even more careful when we see people coming into the country not necessary to look to penalise persons who are being trafficked by to try to understand very carefully the reasons why persons are visiting, to look for trends on who people are coming to visiting, where they are coming to stay, the length of time for which they are coming and the amount of funds that they have to bring to come to the country for an extended stays because part of our job will be to try to pick up on instances where persons are being trafficked and to get the matter dealt with as quickly as possible with the help of the police and the DPP and so forth. By our way is not only just to stop people who are security risk from entering or who are going to be a charge on the public purse, but to keep our eyes opened for persons who are coming here because they are being trafficked into the country. We will have, of course, in doing that to ask a lot more questions. We have to trust the judgment of the officers at the desk when they sense things are not what they appear to be and go into extended questioning of the persons who are coming. We will have to bear with the officers when they seek to ask questions of the persons whose names are put down as the persons with whom people are going to be staying. Many times you see people who do an awful lot of entertaining and offer an awful lot of invites to this country. This is the kind of conditions under which the Immigration people operate. They have to be like detectives if they are going to pick up on some of the things that we have talked about in this legislation today and in doing that we would want them, of course, all the time to respect the rights of people and to make sure that due process is at all times carried out and that they make every attempt to collect evidence as carefully as they would if they were going to go to a criminal case in the Courts because if they do not do that,

we will fail when we go into the Courts to deal with some of these matters.

Madam President, this matter of holding people's passports, I think this legislation probably gives us the opportunity now, but I have to double check it with our legal people. Given this opportunity now, when people's passports are being held for us to bring charges against them. We can bring charges against people who hold Barbados Passports that are not their own but to hold somebody else's passport who is from another country this legislation gives us the chance to deal with some of those problems which we have. Yes, there are cases where people have come to us and said we would like you to send us back home because the conditions which we are existing here are not what we thought there were going to be and they are horrible but we do not have our passport, X, Y, or Z has got the passport. Then we have to go and find that person, we never, of course, find the person who they named, the passport is always couriered by somebody else to the department but this would give us a chance now to be able to get behind some of this to find out who the real perpetrators are of some of these crimes. This will help us with immigration to clear up some of the things that we have to deal with.

Madam President, I am particularly happy that in these situations the Trafficking in Persons Bill does give leeway, it does not require the Immigration Department to be lenient but it says that the Minister may take extend certain leniencies to these persons. I want to take it as not something which the Minister would just do at his discretion but he would see it as really and truly part of a duty to do in respect of making sure our persons who are disadvantage by this trafficking that they are treated leniently in terms of getting some kind of status in the country for the time that they need to be here in order to pursue the case against the traffickers. I am also happy to see, in the legislation, the assistance to be given to victims of trafficking. What I am equally happy to see is this matter of traffickers making restitution for the harm that they do and for the loss that they cause. Indeed, I think that the matter of restitution should be very much part of our sentencing regime in the country. Prison almost is a kind of vengeance thing and it shuts you away but when you come out all I have done is that I have wasted you away and I have made you more bitter and you have never had to do any restitution to the persons whom you have hurt and I think we have to look more closely at our sentencing regime to make sure that those people who have been disadvantaged and hurt by acts of crime are compensated by those persons who have committed those crimes against them. I do not know how that would be done, I think we have to put our heads together and come up with ways to do it in this case because you have got the seizure of the assets prior from the proceeds of the crime and you can dispose of those and do it. What happens if somebody robs

somebody's house? When you find the person, do you lock them up or do you make them do restitution of those persons. I am not even sure that I want to cut off their hand because that may not help us to get restitution. I feel the first order would be to make sure that you restore to those people, if not all of the loss, at least a considerable portion of what they have lost by that thing and then you may find other ways. For me punishment is not about extracting vengeance or revenge over people. That is not what I am concerned with in punishment. It does not do anything to restore the balance, it does not mend the tear in the fabric and many times it makes the tear look worse. What I am concerned with is trying to stitch up that tear in the fabric to make sure that we restore the lives of the people who have been negatively impacted by the crime. I am very glad to see this come into this legislation and I hope that we can find ways to get it into the legislation. We did find some ways into the domestic violence one and we can get into more of our legislation so as to help to mend the society and mend the amount of people who have been affected by crime.

Madam President, on the matter of alleged consent that was raised by one of our colleagues, when I read it I took it to mean that you would have to prove that consent and until it is proven, it is alleged. The point that has been made is that if a person has consented to being trafficked, by what route was that consent obtained. If that consent was obtained by some kind of threat to them or their family, is it truly consent. Yes, I think that we need to look at the consent matter in the context of somebody being forced into a contract because you left them no choice in the matter if you use violence against them or their family. I am glad that bit is inside there because it makes us look more closely at the way in which this matter ought to be treated.

Madam President, these changes to the Immigration Act will help us to be more conscious of what we have to do to make sure that we protect people who come here from being trafficked within Barbados because people would come here especially now that you get this automatic six months as a CARICOM national subject to the fact that you are not a security risk or you are not a risk to the public purse. It is very hard to determine if you are a risk to the public purse initially when you come here, it is easier to figure out if you are a security risk, but what happens when you come here and you get a six-month entry visa and after one month your money has gone out or the person who has invited you here does not wish you to share their residence any longer, what does that person do. Often, I suspect, they would seek to find work without the appropriate work permit and the question arises how do you categorise that form of behaviour particularly when they are forced into that situation by somebody else.

Madam President, it is giving us a lot of things to think very hard about, what would actually constitute trafficking in persons, how would we try to keep our economy on it and how would we deal with it when it comes up, where Immigration will be quite prepared to give a very good shot at making sure that we detect those people who come here that are being trafficked and to bring the full weight of the law down on persons who we suspect are involved in trafficking business. Madam President, it would lend a little bit more support when we have tightened the immigration process even more and make sure that we know that he or she who presents a passport is really and truly the person who ought to own that passport.

I thank you, Madam President, and I wish to support these three Bills.

SUSPENSION

Senator the Hon. Miss M. P. O. McCLEAN: Madam President, I beg to move that this Sitting be suspended until 5.40 p.m. today.

The question that the Sitting do now suspend until 5.40 p.m. was put and resolved in the affirmative without division and MADAM PRESIDENT suspended the Sitting accordingly.

RESUMPTION

MADAM PRESIDENT; This Sitting is resumed. Senator Husbands, you have the Floor.

Senator H.A. HUSBANDS: Thank you very much, Madam President. I have just a few brief points to make in closing. I want to begin by thanking all Honourable Senators for their participation in this Debate. We have had a very enriching and highly informative Debate, and I sincerely hope that the members of the public who follow us through the media will be highly informed and educated on the issues. In fact, I am confident that they will be informed and educated about the issues surrounding human trafficking and the role to be played by Barbados in the attempts to bring an end to this despicable practice.

Madam President, there are only about three issues that I want to deal with. The first one, as I mentioned in my main presentation, is this issue about being a victim and who is a victim. I know that the debate on that issue will continue well after this Bill has been passed, but I just want to make reference to my days in human resources when the issue of sexual harassment came up. I spoke about it earlier, and I know we used to have this debate that said - pardon the use of names but they are so well known -- that Monica Lewinsky could never have had a consensual relationship with the President of the United States. Put another way, an intern working in the office of the most

powerful man in the Western Hemisphere or the world, or however you refer to the President, could never have an agreement with the President based on consent. Irrespective of how the intern views and articulates that relationship by saying “I am an adult. I knew what I was doing,” and so forth, because of the relationship of power, status and position between those two people, that relationship could never have been consensual.

The same kind of logic, I think, is applied in this circumstance; a person who the authorities may consider was trafficked for prostitution - as the learned Senator on the other side said - even if that person apparently or allegedly understands fully what they are doing or getting into, from the time you start to put into that picture that the person being trafficked comes from a position of poverty, low educational status, unemployment and so on, then the forces which are offering inducements for that person to travel and be trafficked is in a power relationship. That power relationship says that, irrespective of the apparent or alleged consciousness of the person moving, that relationship can never be one of consent. The debate will continue. There are some men, particularly when we are in a shop and arguing about such things, who always say “but she knew”, “she is an educated person”, or “she says so and so”. It is the same difficulty we have in explaining why persons who are abused continue their relationship with the abuser. It is the same general problem which we have to confront. This only gives the general outline, but there may be circumstances where the authorities recognise that this person is truly a participant in the activity and not a victim. I think we still have to have the broader understanding of the challenges which the authorities will confront when dealing with these issues. Therefore, I want to attempt to clarify that, recognising fully that that is not the end of the discussion. This is based on my experience in this discussion, but it is one that will continue for some time, and it has no party or religious allegiance or anything. People simply come down on one side or the other on that issue. Who, therefore, is a victim? We are in general agreement that the legislation provides for this broader interpretation and allows the authorities to put further approaches in determining who is a victim and who is in need of protection.

On the issue raised by Senator Watson, I understand the point that he is making in relation to vulnerable groups but the harsh reality is that, whether you want to call women part of a vulnerable group or not, the statistics throughout the entire world bear out the position that women are more trafficked than men. It is a reality, so when the Protocol says “especially women”, it says so not for sentimental reasons but out of the harsh reality that women are more trafficked than men. Those numbers are the aggregate international numbers. There are some parts of the world where the numbers are skewed even worse, meaning that they are times more women trafficked, and

that has a lot to do with culture and practices and so on. The reality is, however, that the main focus is on women, since, for whatever reason, they are more trafficked than men, and children, because of their vulnerability and the special treatment that should be accorded to children. That is the reason, really, why the Protocol pays special attention to women and children; both male and female children.

Madam President, I also want to agree with Dr. Haynes on the issue of confidentiality. I am in full agree with her that despite what is said here, especially in a society as small as this that special attention and the authorities need to emphasise in the training and so on that would occur with the immigration officials, the police and so on, the issue of confidentiality. We have been having challenges in recent times with confidentiality. I am a believer in freedom of the Press, we all are and there is a story to be written but certainly at the Ministry of Education, we have been having challenges in recent times explaining to the media and to public in general that matters involving children ought to be treated with confidentiality. There are several issues which have been raised in the public space dealing with children. Madam, parents sometimes even do not seem to understand this issue. When a parent comes and is interviewed by a newspaper and being pictured with 12 children and they want help, they are suffering and so on that parent sometimes does not understand the ridicule that she or he exposes those children to. Madam, I know when I speak to the friends in the media they say that they now have to compete with social media, that everything is published and that is why more and more gruesome pictures of accidents are published and so on and so forth, we have to compete with social media, we are not just competing with our neighbours, we are not just competing with the television, we are not just competing with the radio but we are competing with every person who owns a smart phone. They say that every person with a smart phone and a camera is now a journalist, and every incident could be publicized, broadcast and put up there for all people to see. We see school children fighting in the bus stand, which is nothing new but we never had the technology to make all those incidents as public as they are and so on and so forth. Madam President, we need to get back to stressing that while protecting the freedom of the Press, if an incident occurs the Press in their right can claim that it has occurred and we have ought to report it but the issue is, how is that reporting done, especially issues involving children as victims.

Madam President, I saw an interview on the back page of the newspaper two days ago, the ex wife of a man involved in a recent incident and I asked: Why is that there, why is that necessary. Well, the media would say it is there because there is a market for it, that people buy newspapers to read that. Madam, this issue of confidentiality has to be

taken seriously if we are to make any progress whatsoever in all of these issues that confront us, then we have to take that into consideration fully.

Madam President, these are the three brief points I want to make. I think that was reminded earlier that in its annual publication, thanks to Senator Adams, in its annual publication the United States of America State Department publishes these reports on countries and their performance in the area of trafficking of people and force labour and so on and so forth. We really expect that with the passage of this legislation that subsequent reports from the US State Department would be more representative of the actions taken in this country to deal with the issue of human trafficking. We are not doing this because of that, we are doing this because we fully understand the nature and seriousness of the problem and we, as a progressive nation know this is the right thing to do.

Madam President, the last point I want to make is that I noted that Senator Hunte said that he was contacted by the bank and I did a little survey and found out that he is the only Senator in the Chamber who has been contacted by the bank. What it tells us about Senator Hunte is that he is the only Senator in the Chamber of such worth that the banks would write him for his information and I wish him well in that endeavor. I am sure that if he has any problems at all, he will consult with his attorney Senator Abrahams, who will on a pro bono basis represent him in any challenges he may have.

Madam President, with those few words, I thank you.

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

The question was put to the Senate and agreed. On the motion of Senator Hon. H.A. HUSBANDS, the SENATE resolved itself into Committee on the Bill, Mr. DEPUTY PRESIDENT in the Chair.

COMMITTEE

Mr. DEPUTY PRESIDENT: The Senate is now in Committee.

Clauses 1 -- 5 inclusively were called and passed.

Clauses 6 -- 10 inclusively were called and passed.

Clauses 11 -- 15 inclusively were called and passed.

Clauses 16 -- 20 inclusively were called and passed.

Clauses 21 -- 25 inclusively were called and passed.

Clauses 25 - 30 inclusively were called and passed.

On the motion of Senator Hon. H.A. HUSBANDS, Mr. DEPUTY PRESIDENT reported the passing of one Bill in Committee and Madam PRESIDENT resumed the Chair and reported accordingly.

On the separate motion of Senator Hon. H.A. HUSBANDS, the Bill was read a third time and passed and cited as the Trafficking in Persons Prevention Act, 2016.

ORDER No. 2

IMMIGRATION (AMENDMENT) BILL, 2016

MADAM PRESIDENT: Senator Husbands, you have the Floor.

Senator H. A. HUSBANDS: Madam President, it is a cognate debate so we have already discussed the issues in the Immigration (Amendment) Bill, 2016 so I therefore beg to move that this Bill be read a second time.

The question that the Bill be read a second time was put to the Senate and resolved in the affirmative without division.

On the motion of Senator H. A. HUSBANDS, the SENATE resolved itself into Committee His Honour the very Reverend H. E. Crichlow, Mr. DEPUTY PRESIDENT in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is now in Committee.

Clauses 1 - 5 inclusive were called and passed.

On the motion of Senator H. A. HUSBANDS, Mr. CHAIRMAN reported to Her Honour the PRESIDENT, the passing of one Bill in Committee. Madam PRESIDENT resumed the Chair and reported accordingly.

On a separate motion of Senator H. A. HUSBANDS, the Bill read a third time and passed and cited as the Immigration (Amendment) Act, 2016.

ORDER No. 4

CRIMINAL ASSETS RECOVERY FUND BILL, 2016

MADAM PRESIDENT: Senator Husbands, you have the Floor.

Senator H. A. HUSBANDS: Madam President, having discussed the issues in this Bill in a cognate debate,

I beg to move that the Criminal Assets Recovery Bill, 2016 be read a second time.

The question that the Bill be read a second time was put to the Senate and resolved in the affirmative without division.

On the motion of Senator H. A. HUSBANDS, the Senate resolved itself into Committee, His Honour Senator the Very Reverend H. E. Crichlow in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clauses 1 -- 10 inclusive were called and passed.

On the motion of Senator H. A. HUSBANDS, Mr. CHAIRMAN reported to Her Honour the PRESIDENT the passing of one Bill in Committee and MADAM PRESIDENT resumed the Chair and reported accordingly.

On the separate motion of Senator H. A. HUSBANDS, the Bill was read a third time and passed and cited as the Criminal Assets Recovery Fund Act, 2016.

ORDER No. 3

SAVINGS BONDS (VALIDATION) BILL, 2016

MADAM PRESIDENT: Senator McClean, you have the Floor.

Senator the Hon. Miss M. P. O. McCLEAN: Thank you very much, Madam President. I rise to speak to the Savings Bonds (Validation) Bill, 2016. This Bill is intended to validate the issue of Savings Bonds and the collection of moneys raised from the issue. Madam President, Savings Bonds have been issued for a number of decades, but what we would have seen is a decision taken by the Central Bank of Barbados to move up the level of Savings Bonds that can be purchased by an individual and therefore that process had to be brought to the legislative Chamber. As usual, where policies are made sometimes the execution or the implementation of those policies may in fact precede the actual change in policy. Essentially, what has happened, Madam President, is that the Central Bank of Barbados has now taken on the ability to offer Bonds to an individual not exceeding BDS\$100 000 in value per issue to one person. Previously, it would have been about half that amount.

Within the context of all that is happening, Madam President, in our financial system, for individual investors, and I would say like myself, not that I can buy \$100 000 in Bonds at a single issue but I certainly have been buying Savings Bonds from after starting to work from as early as

was possible... If I remember correctly, it was in the early 80s or so when I think these would have become instruments commonly available to Barbadians, and I recall hearing a loud song and dance by a couple of, what the young people would say, the usual suspects on the call-in programmes criticising this soundly. I was not amused or I not amazed, I just listened with a bit of disappointment.

I remember, Madam President, sitting my son down when he was around 12/13 years old and showing him that I had bought some Bonds for him as a birthday gift. Part of that was an exercise through which I took him and subsequently PTAs and members of the ranks of the Barbados Defence Force, church groups and so on about the whole question of personal financial management and how we as Barbadians need to not only save but also to invest. To my mind, a savings bond is in fact a very safe investment. I have read, and from time to time I have spent some time looking at these issues, and I have made it my business to look at them again from the perspective of a number of countries. I will use two countries as an example. In an article I was reading where the Government of Singapore was advertising a particular issue of savings bonds, they basically pitched them, as Barbados should and does, as a very safe savings instrument. There are also some sites in the United States (US) where you can ask questions and get responses, and this person was asking about his or her -- I do not remember if it was a male or female -- investment of \$20 000 in bonds and whether the person felt that with the state of the US economy, they should cash in their bonds. The response to that query online was, "No, you are actually owning, as you hold those bonds for \$20 000, something that is fully backed by the government. There has been no known default." In other words, nobody has lost their money because the government failed to settle the bill. In other words, no government was unable to pay when persons sought to cash in their bonds. Those are some of the arguments.

In the context of Barbados, the benefits that accrue to savings bonds elsewhere also accrue here. The interest rate typically is higher than that which is available. I was listening to the news a couple days ago. I was not at home but I always stay in tune when I am away on Government business, and I heard a news item indicating that the interest rates on domestic savings in commercial banks had fallen significantly. If I am correct, it was less than 0.75 per cent; less than one per cent or three-quarters of a per cent. That is where it was going. My last recollection of the bonds that I had bought earlier this year would have been that you were getting perhaps about 5.5 per cent over the five-year life of the bond. There is a higher interest paid, there is a tax advantage, there is no withholding tax from the interest that you earn, and there is flexibility built into it.

Madam President, I am looking at this in the first instance from the perspective of the citizen buying this, because I think it is important for Barbadians to do this. There is flexibility, and flexibility simply means that if I buy a bond for five years, after six months I can cash it in and earn part of the interest or the six months of interest that would have accrued. If I cash it in before, I will simply get back what I paid for it. I do not want to get technical, but you pay at a rate that is discounted because at the end you get the full value. In other words, if a bond is going to be worth \$100 at the end, you may pay \$68, \$75 or whatever up front. If it is \$75, the \$25 would be the interest earned over the life of the bond. In essence, Madam President, as we look at validating the issuance and the sale of bonds to Barbadians, I would say that within the context of the investment environment that we face, and within the context of what is happening with the cash that is being held by individuals, particularly in commercial banks -- I say "particularly" and I will say why in a minute, and it is not because I am biased toward credit unions but I have a very firm belief in the value, purpose and benefits to be derived from being credit union members -- there is no relationship between your saving and your ability to borrow. In the credit union it is different. I am not going to get into all of that, but there are some significant differences.

In essence, Madam President, what I want to say is that the Central Bank of Barbados has, certainly in the last year or two, sought to actively encourage Barbadians to invest in savings bonds, one, by educating the public, and two, by increasing the level of purchase that can be made at any issue that is at the level of the individual or at the level of two persons buying jointly. It is doing so at a time when it is perhaps in the interest of persons to invest some of their money. I say some of their money because I will never encourage anybody to put all their money in one place. That is not sound financial planning or good financial behaviour. However, it certainly is an attractive option for the individual.

I say that because we can do an analysis of our commercial banking system, and Madam President, I took the time to look at the most recent press release from the Central Bank of Barbados in March 2016. If you look at that report, on Table 5 of that report is 'Key Financial Stability Indicators' to the domestic commercial banking system. That report gives you statistics from 2010 as a composite year through to 2013, and then it breaks it down by quarters, giving you 2014 and 2015 by quarters. What I took from that is something I want to link with not only the benefit of savings bonds to individuals but the use of savings bonds by Government. One of the things that it spoke about was a liquidity indicator, and the indicator really was a loan-to-deposit (LTD) ratio. I will cite the numbers. The numbers for Barbados alone do not make sense on their own, but I will explain them within the

context of the global situation. If you look at the liquidity indicators for the commercial banks in Barbados, the relationship between loans and deposits, and calculate a percentage or ratio, you would find that this would have gone from about 67.2 per cent -- 67.2 per cent of deposits taken would have been lent out, to put it simply -- and risen in 2011 to 70.9 per cent, and to the highest figure of 73.6 for 2012. It goes down in 2015 to 66.6 per cent in the second quarter to 65.5 per cent in the last quarter. Madam President, what that means is that a significant percentage -- approximately 34.5 per cent in the case of the last quarter if we look at 65.5 per cent -- of the money held is not lent out. Significant amounts of money are sitting in the bank. Yes, we know that a commercial bank is intended to be the custodian of our money but if I cannot borrow easily, and if I am not getting a good interest rate as a person with limited financial resources, my question to myself and to anybody else would be, "Why would you hold all of your money in a commercial bank, or a credit union for that matter, if they were not lending?" As I said, I do not want to get into the difference except to say if you were to look at the ratios for the credit unions, they would be substantially higher LTD ratios.

Therefore, my question is, "If I am not getting a decent interest rate, why should I leave my money sitting in the bank?"

Aside.

Senator Hon. M.P.O. McCLEAN: I remember reading the newspaper and watching television, and seeing queues in one of our sister islands because one of the banks which I do business with decided that it did not work in Canada but they would impose a fee for holding savings in the Caribbean. They are therefore going to charge me a fee for saving my money and then do not lend it to me, and then pay me a low interest rate, and charge me fees for everything including sneezing in the bank. The point I am making is that citizens have been encouraged to put their money into savings bonds as a viable, safe and commercially beneficial instrument; because the interest rates are better. That is from the saver's perspective. When I heard the naysayers criticise Government or the Central Bank for doing this, I asked myself, "What should the Government do?" On the other hand, if you look at debt instruments such as this or debt securities such as savings bonds, from the perspective of the Central Bank that is working on behalf of the Government. I am trying to put this in layman's terms to make it simple, Madam President. Economists sometimes get carried away with the jargon and leave citizens like myself behind. Madam, in essence, a debt security like a savings bond is an instrument by Government through the Central Bank of Barbados to help finance Government borrowing and, in essence, to translate that the help finance Government activity. What are the options in terms of financing Government's activity? It can

go to the same commercial banks that have my money and who are charging me every time I turn around that refuse to lend me money because they do not think the business I want my son to get into is deserving of borrowing and I do not want to buy a new car or I do not want to go on holiday on a loan, and so they are not lending me but they will take my money and lend it to Government at interest rates most likely higher than the rate that would be paid on that savings bond. Madam, in other words the cost of Government going to borrow from the same commercial banks that is holding my savings will be higher often than the interest rate offered to persons like myself. Madam, in essence, what we have seen, I do not have statistics as to the percentage but I can tell you that when issues of savings bonds have come to the table, citizens have gone to the bank and taken out some of that liquidity, some of their money that has formed that pool of liquidity and invested, so what we have seen in essence, through this strategy is the shifting of money that was attracting very little for the owner of that money, that is the citizen like me and you, Madam President, from the commercial banks because they are the ones holding it on my behalf and I have withdrawn it and said to them buy me some bonds and that money goes to Government and the Government is able to use it and they share whatever they pay for it with me. They pay the cost of what comes to me as interest.

Madam President, in essence, I believe that as we look at the situation the strategy that is being utilised right now in terms of this is using a strategy to use some of what I would call money that is immobile, that is sitting down inactive, whatever words you want to use into the Central Bank of Barbados through the issue of these bonds and in that way, the Government is able to utilise those resources, it does not have to go foreign sources, it probably gets it somewhat cheaper than other types of sources. If you borrow internationally, we know what is required there because apart from the cost of borrowing, we have to deal in foreign exchange et cetera. In essence, what we are really saying is that we have an opportunity here to ensure that where we liquidity, that commonly used statistic as I have said to assess how the bank is operating in terms of what happens with the money that it takes in, to in essence, benefit not only Government but to directly benefit the persons who buy those savings bonds.

Madam President, I should not say this because it would be to my detriment but given the interest rates I would not be surprised if you saw the rate dip a little bit because you still would be getting substantial ... Madam, not that that is my advice the the the Governor of the Central Bank of Barbados and his people but what we can look at is that there is a significant spread between the interest paid by the commercial banks on my savings that are sitting idle because I cannot borrow them in most instances for certain kinds of things or the things that I would want to borrow them for and what is paid to me on

those savings bonds. Madam President, I think that we have seen in recent times an effort to encourage people to invest because, really and truly when you buy the them you are investing in your country and, in essence ultimately in yourself and your children because if we invest money in health and education, infrastructure and social care in providing support to small business et cetera, if that is where some of those funds go we are investing in ourselves ultimately. Therefore, I would say that as we seek to validate the issue of savings bond and the collection of monies raised and, of course, what we would have laid in the Senate would be the regulations governing those increases, et cetera that governs how this process is manage, that this is a good thing. I am happy to say too, Madam President, that through tis advertising Barbadian abroad have been investing in savings bonds. I happen to have come home last night an event called "Barbados comes to Atlanta". I can tell you that it went down very well. I worked very hard even though it was Memorial Day weekend and I had meetings up to yesterday just before heading to the airport but I also heard from many Barbadians, who have bought savings bonds, who have enquired about them. I spoke to one retired banker, who said that when he was following what was happening here, he took most of the money he had in the commercial banks and bought savings bonds because he recognised the return to him was significantly more than two things (1) if he held that money in a commercial banks in the United States of America at this time and (2) if he had it in a bank here, so he saw that sitting where he was sitting in the United States of America that it was beneficial for him to buy savings bonds. Madam, as a Barbadian, who is proud of what Barbados did for him... I am just reporting some of what was said to me, as a Barbadian, who was proud of what Barbados did for him, it was also felt that this was a way of commg to Barbados because, at the end of the day, if Barbadians sitting overseas send home money, they are sending home foreign exchange and that provides a third benefit.

Madam President, I do not think that I need to go on and on. I want to say that as somebody is not only talking about it but has lived and encourage others to do so for 30 years, I can say that I remember on one occasion recently having had some savings bonds matured and went to the bank to cash them in and to enquire as to whether some were available the lady at the bank said to me that several years ago, when she first came into banking that one of her colleagues introduce her to savings bonds and she started with \$50 in bonds and decades later, she obviously had done it for many years, she continues to do that.

Madam President, I want to share one thing which bothered and this was a call that I got early in this year or late last year from a friend of my oldest sister, Margaret. Madam, one of her friends called because she went into a commercial bank, I cannot call the name, and the teller for

whatever perverted reason was saying to her, not to buy savings bonds because the Government has no money. Madam, this was a bank employee discouraging a Barbados who is a retiree like my sister. Madam, you know they tell you that if you are providing financial advice to retiree you tell them to invest their money safely and conservatively, typically, you do not want if you are a retiree living on a pension less than your salary maybe 60 per cent of your last salary that want to invest safely and, Madam, this was a bank employee. Madam, all I can say is that it was a politically motivated statement because if that person in the bank did not understand what she was selling, she should not be working in that bank and, Madam, to deliberately say that to a customer. I suggested to the young lady that maybe she should speak to somebody in the bank about it, a supervisor, a manager or whatever but she was a little concerned that it many create some problems for the employee. Madam, I do not know how many persons, dozens or less or more that person would have made that statement to because a person who may be a little naïve or lacking in understand of what this ...

Asides.

Senator Hon. M.P.O MCCLEAN: Madam President, let us assume it was somebody who would have been just introduced to savings bonds and getting that kind of wicked... Madam, I cannot call it stupid, silly or wrong, it was wicked because, at the end of the day, you were selling them before, why are you not selling them now.

Anyhow, Madam President, I want to say that for me, I have chosen to speak of the significance, the value and the benefit of investing in savings bonds within the context of how we as citizens can manage our personal finances, from the benefits of how we can encourage Barbadians overseas to contribute foreign exchange to this economy in a way that they are comfortable. It is conservative but the returns are good especially when you compare those returns not only with the local equivalent, let us say in savings. It is low risk, there are tax advantages, it is flexible because you can cash in your bond, as I said, once it starts to accrue interest after six months and it is a way in which we can, through our support of the issue of bonds, provide benefits to ourselves through the access of those resources by Government. I believe, Madam President, having said that, I can sit down and comfortably ask that this Bill be read a second time.

MADAM PRESIDENT: Senator Ince, you have the Floor.

Senator J. INCE: Madam President, I rise to support the Savings Bonds Validation Bill, 2016 that is before this Honourable Chamber. Madam President, it is a Bill that looks at the whole issue of Governments Economic

strategy and it also takes into account what I would term the level of investor confidence within the country.

The issue of Savings Bonds, Madam President, is nothing new although there are persons who would want us to believe that the whole idea of the Government, through the Central Bank of Barbados, issuing Savings Bonds that you cannot go the international market it shows negative investor confidence but bonds were issued in 1980 and the purpose of those Savings Bonds at the time, Madam President, were for the construction of schools, repair of roads and other government activity. Let me say from the outset to this Senate and to the people of Barbados that Savings Bonds are safe, affordable and convenient for the individual as well as a family. It is what you would term a conservative investment. It is not speculative in nature despite what when one looks at the downgrades that to Government of Barbados faced, the challenging economic times and the recession and one of the ways, Madam President, to test confidence of individuals in a country is to issue a debt instrument especially if it is in the local market. I have said it before and I would say it again, if we had look at the 2008/2009 scenario of the challenges of that Government faced with decline revenues where we had to look at fiscal consolidation, where we had to look at how best we were going to cut expenditure and at the same time create a revenue base in order to protect our foreign reserves, in order, Madam President, to have imports and to provide those critical services to Barbadians, one would have said to Savings Bonds, but as a result of those measures being fruitful and these Bonds were issued, we have seen that, as I would put it in my financial terms, that the Bonds were oversubscribed. Madam President, it is important that we understand what are Savings Bonds. These Savings Bonds, Madam President, are going to have principal and interest but both principal and interest will be paid to you, the bondholder, at maturity. You have an option that you do not have to hold it at maturity, you have the option that you can also liquidate or what we would term, cash in prior to maturity and if you hold your principal and interest until maturity then that bond is classified as a zero coupon bond because your principle and interest is paid. The difference between the maturity value and the principle of the bond is the interest that is why you call it a zero coupon. If I could make reference for clarity, Madam President, for those persons who are swallowing how Government administers its fiscal and monetary policy, if you were to look at the serious that was issued on Tuesday, 14 August, 2015, it says Serious GBSB792015 and I am using this as a base, it stated the issue price. It says bonds will be issued at a price \$76.24 per centum representing a yield to maturity of 5.5 per cent. Madam President, the mere fact that that was issue at \$76.24 in August of 2015 it saying that it is issued at a discount and if that face was \$100 then the \$23.76 is the interest and your yield to maturity, not the interest paid because there is a difference between what we term an

interest bearing bond that gives you interest half years, you speak of interest paid. When you are getting your principle and interest at maturity you speak of yield to maturity and these Savings Bonds were issued at a discount.

What is also important, Madam President, is that I have listened to critics who says that Government is carrying out its policy of quantitative ease in printing money. Government is going to the local market as a result it cannot go to the international market. Madam President, I have always said that if you want to hide anything in Barbados put it in writing, place it in a book and put that book on the library self. It is going to stay there because many Barbadians jump on a bandwagon, I call them bandwagon jumpers, do not read, do not research, hear an individual say something and latch on to it. I am going to give you some background information, Madam President, in this Senate about Savings Bonds.

Savings Bonds were issued in 1980 so we had issues between 1981 and 31st December, 2015. As at 31st December, 2015, Madam President, and this is under the Barbados Labour Party (BLP) and the Democratic Labour Party (DLP). Savings Bonds were not just a Democratic Labour Party (DLP) policy, \$556 930 400 worth of savings bonds were issued between 1981 and 2015 as at 31st December, 2015 so it clearly shows that the issuance of Savings Bonds were done by both political parties for the betterment of Barbados and it was also used as a measure of what we call quantitative easing. That is the term that is used internationally or in the United States of America (USA) through the Federal Reserves. We talk about printing money and when people hear this idea of printing money they think that you go to some press with a little fellow in a dark room run hundred dollar bills. Madam President, that is the kind of nonsense that floats around in Barbados when you hear that the Central Bank of Barbados is printing money, but no, you issue investment instruments and I want Barbadians to know that when you purchase a saving bond you are loaning the Government and you are assuring a level in confidence in Government to carry out its fiscal policies and to help finance the deficit. All governments have deficits. The investor expects that Government in return would pay interest either, as I said, if it is interest bearing, semi-annually or annually or, as in this case, principal and interest at maturity, but they also have an option.

Madam President, the Barbados Labour Party occupied the administration of this country, the halls of the Ministry of Finance, between 1981 and 1986 and Bonds were issued between 1981 and 1984 and then they occupied, as I said, the Ministry of Finance, the administration of the economic, social and financial policies of this country, between 1994 and 2007. During the periods 1981 to 1984 and 1994 to 2007, the Barbados Labour Party issued \$282 500 000 worth of Savings Bonds.

That is all part of deficit financing and that is what you call quantitative easing because you are going to go into the market. Madam President, if you want to run your country finances the best way to do it is to go to your domestic market because of the variable interest rates that you may encounter in the international market, so the strategy during that period was \$282 500 000 in Savings Bonds. The Democratic Labour Party in 1986 and 2008-2015 issued \$274 430 400 worth of Savings Bonds that would give you a total at December 31, as I mentioned earlier, \$556 930 400. What I am saying is that in the best of economic times, the Barbados Labour Party, like the Democratic Labour Party, carried out a policy of quantitative easing, the printing of money, to finance the deficit to carry out infrastructural projects, build schools, repair roads and to pay debt. There is nothing wrong with that, but sometimes, Madam President, you hear what I termed statements from persons in this society who should know better to give you the impression that what the Democratic Labour Party is doing is creating this monster as far as Barbados is concerned and as far as going to the local market is concerned.

Madam President, it is nothing new. What we are doing is that we are clearly demonstrating that that level of investor confidence... As I said, it could not have been done in 2008/09, but once you have demonstrated that there is a turnaround in the economic fortunes of the country, then individuals begin to invest, they begin to look at Government policy and what you are doing.

Madam President, I am going to read from page 15 of the Central Bank Report, 1995. It says here under Financing that the unaccepted surplus together with borrowing on the regional capital market reduced the pressure on the domestic sources for financing Government activity. Domestic financing, which has been the major source of Government financing since 1990 -- Savings Bonds are domestic financing -- fell by 20.3 million during 1995. Government repaid \$93.4 million to the Central Bank of Barbados.

Madam President, there are those who want us to believe that because we are using the Central Bank of Barbados as a means to finance Government activity that we are creating a criminal activity. I am reading here from the Central Bank of Barbados Report 1995. It says that during the early part of 1995 improved liquidity conditions allowed commercial banks to play a major role in financing Government expenditure.

Madam President, I am hearing now a lot of song and and dance playing to the Gallery that because this Government goes to the local market or to the commercial banks or the NIS that what we are doing is economic terrorism, but that is what it says here, Madam President.

I am going to look at the 1996, a year after, Central Bank of Barbados Report again page 16 again under Financing. It says that Government fiscal position deteriorated during 1996 to record a deficit of \$127.4 million on a Central Bank of Barbados basis. Madam President, deficits are nothing new, and we are hearing this talk about the deficit and Government needs to cut its deficit.

Madam President, Barbados was built on the hard work of its people through labour, honesty, good leadership and debt. We built this country on debt, borrowed money. The airport was built on borrowed money. The Harbour, the Hilton Hotel and the Queen Elizabeth Hospital were built on borrowed money. I ask the question: What do we have to export? The only thing that we have is our people so we have to build this country on hard work and borrowing. When I hear about the debt situation in Barbados, there are those who want us to believe that this debt situation is out of control, that it is some monster, that the country is going to fall off Hackleton Cliff and sink off North Point somewhere.

Madam President, it says here that the Government fiscal position deteriorated during 1996 to record a deficit of \$127.4 on a Central Bank of Barbados basis. It says that high liquidity within the domestic banking system enabled commercial banks to provide the bulk of financing as they increase their holdings to Government Paper. The local financial institutions, because of the deficit, increased their holdings to assist Government by \$218 million. It says that the NIS, that we hear a lot of cry about, contributed an additional \$94.6 million in Government financing over the last year namely in the form of increase Debenture holdings. Who was in office then? Surely not the Democratic Labour Party. The Barbados Labour Party which was in office found it necessary to go to the NIS, the commercial banks and the local market to finance a deficit of \$127.4 million.

Here we are, the Democratic Labour Party, having strategies set out in which we want to finance our deficit and carry out Government policy and decided that instead of going to the international market we are going to issue Bonds, we are going to go to the commercial banks and we are going to go to the NIS, and there are those who would want you to believe, as I repeat, that this is financial terrorism, that this is some voodoo, that we just get up in the mornings and throw darts.

Madam President, it is about managing the economy.

Madam President, in relation to the national debt of Barbados, this is why I said that savings bonds are affordable and safe, and what one can term conservative risks. There is also something called speculative risk. For instance, if you want to play options, or buy options, or buy

stock and shore up the stock, that is speculative risk. Madam President, I am the holder of Government debentures. I like the longer side. Savings bonds, yes, but I love the longer side. The longer the side is, the higher the interest rate. Those debentures were purchased under a Barbados Labour Party Government. I have said over and over again that I am a blueprint supporter of the Democratic Labour Party, and I do not hide it. If you want to call me a cold-blooded Democratic Labour Party supporter, call me one, but I purchased my debentures when they were issued by the Barbados Labour Party as a show of confidence in this country and the direction that the Owen Arthur Administration was taking at the time. That was what I did, but there are those who are telling you that with these bonds you cannot reinvest, and they are telling you about the downgrade. These are people who are supposed to be knowledgeable and professional.

Sometimes it makes me wonder what is the meaning of "country". What is the meaning of the love of country when you can hear some of these statements about policies that are implemented with the intention of creating a better Barbados, Madam President? These are policies that are implemented with the intention of creating an economy that is economically viable. Sometimes you begin to wonder when persons are advised that the bonds are of junk bond status. You are told "do not buy them" because someone has a political agenda. Is it because you have an agenda? No, Madam President.

I have said it before and I will say it again: These bonds are safe, affordable, conservative investments for the individual and for families. Persons can use these savings bonds as, as I would put it, a hedge against a loan, Madam President. If you have an outstanding loan, let us say of \$10 000, you can easily buy savings bonds. If your bonds mature in five years and your loan is going to mature two years after, you can purchase savings bonds as what you call a hedge, so that when your bonds mature you can liquidate your loan and still have what you call capital surplus. That is what it is when you talk about creating avenues for capital gains, capital growth and economic growth. That is what it is all about.

Madam President, regarding the whole idea of this debt-to-GDP and how Government is adding to its debt, the concerns of the International Monetary Fund and the concerns of the ratings agencies, I have said it over and over again, if the Government of Barbados wants to reduce its fiscal debt, which we projected in the Estimates as 6.3 per cent, to two per cent, it can be done tomorrow. It is not difficult to do it, but you would have a disruption in the economy. All the Minister of Finance and the Prime Minister and the Cabinet would have to do is cut expenditure by five per cent. That is all you have to do; cut capital expenditure by another five per cent. Madam President, if you were to look at the Estimates, one can

generate almost \$199 million in cuts, but at what cost? You can cut goods and services. I have heard persons in the private sector who should know better saying to Government that Government is too large and we must manage the debt. That is what they are saying, but if we cut the goods and services to the private sector by five per cent, tell me what is going to happen. We will destroy Barbados and its people. People; that is what Barbados is about. The economy is heading in the right direction, so I am not worried about a fiscal deficit of 6.3 per cent, because the economy is heading in the right direction. There is a connection between deficits and economic growth and revenue. Madam President, if an individual continues to get a salary every month, nobody knows what debt he or she is in; but if you cut that individual's salary, then you would begin to know how many bills the individual owes.

It is only commonsense that if your revenue is reduced, you would have challenges with your deficit. I have said we started in 2008 at the short end of the economic ladder because we had seen declines in revenue in international business, and we experienced an almost 14 per cent decline in early 2008 in the tourism sector which is our main economic driver, despite what others may want you to believe. Madam President, we lost about \$260 million from international business, and had a 14 per cent decline in tourism, and if those cylinders in the economy are not "shotting", if those cylinders are not firing, tell me what is going to happen. The Government would then have to take measures to generate revenue from other means. One of the things we have to do is protect our foreign reserves, because Barbados is an import-driven country.

I am listening to persons in the private sector. I have said this over and over with no apologies. I have said it. These are my words. Nobody wrote them for me. I have said over and over that what we call the Barbados private sector -- I was criticised for this but I do not mind -- is an extension of the public service, a parasitic plant in the bosom of Government. If you get upset, fine, because the evidence is here. We are talking about Government debt, and we were saddled with \$700 million in cost overruns. Every project was a private sector one, and now we are going to hear that this Government does not understand what it is doing? You are going to hear about Government needs to manage its debt? Utter nonsense. We have never defaulted, and we are not going to default. Madam President, I am going to wind up but I am going to say this: As of December 31, 2015, Government's debt stood at \$12.4 billion. Of that \$12.4 billion, \$9.2 billion represented local debt. The debt in US dollars or foreign debt was \$3.3 billion and less than one per cent, \$796 521 represent Euro dollars.

Madam President, 73.40 of that total \$12.4 billion in debt represent what I would term local debt. Madam, any economist or financial analyst worth his salt that can go

and place a country, overweigh a country's debt in foreign currency should be dismissed and fired and you should not even think about it.

Madam President, you do not over weigh a country in Sands currency. You do not over weigh a country's debt in the international currency because it has to be paid. Madam, I have said it over and over again that if the Barbados dollar had value there would no need for Sands reserve account but the Barbados dollar only has value if I go down Broad Street and buy snow cones and the guy who sells snow cones gives you back change but when it comes to international business there are four baskets of currencies and that is the pound sterling, the Canadian dollar, the U.S. dollar and the Japanese Yen. Madam, all of the other currencies are second ... (1:41). Madam, those are the basket of currencies and the Barbados dollar is not in there. When I ask what is the value of Barbados dollar people tell me it is two to one. I tell them that the Barbados dollar only has value between you and I but outside of Barbados it has no value.

Madam President, if you were to walk down Broad Street now with a bag of US dollar and a bag of Barbados dollars, and ask any Barbadian which bag he wants, they will take the U.S. dollars, I guarantee you that. Madam, when we talk about debt and devaluation, we cannot devalue anything that does not have a value and the Barbados dollar has no value as far as international business is concerned, so what are you going to devalue. You going to devalue the people of Barbados. You are going to destroy the assets of Barbados, so there nothing to devalue.

Madam President, do you know that in recession you always have these professionals from all over the place. Madam, everybody is a professional and everybody can give you advice like Don Quixote and the windmill. Madam, everybody knows everything and that is what people want you to believe.

Madam President, I am saying to this Senate and the people of Barbados to continue to invest in Government Savings Bonds. They are affordable, safe, convenient and conservative with risk and in doing that you are helping this Government and showing a vote of confidence in this Government to create a country that is economically viable, socially balanced, environmentally sound, characterised by good governance.

Madam President, with those few words, I am obliged.

MADAM PRESIDENT: Senator Carmichael,

you have the Floor.

Senator Sir T. CARMICHAEL: Thank you, Madam President. I rise to give full support to this Bill which is placed before us here for consideration. I do so at a late hour in the evening and I do so after two very sterling contribution, the introduction of the Bill and the first speaker both of whom have given us I would say very clear conceptualisation and maybe actualisation of what goes into the bond.

Madam President, I wanted to place a few general remarks this evening but when I rise to speak about bonds or savings, I always have to start in a slightly whimsical sense and think of Oscar Wilde who said it was better to have a permanent income than to be fascinated. Madam, in typical wild fashion it may be says a lot more in the number of words that which it was said.

Madam President, let me say that this Resolution in many respects touches on the area of savings and in many respects micro banking, if you will. Madam, I suggest that our Caribbean societies have been such for historical as well as for cultural reasons where savings have always been a dominant element within our existence. I will take this opportunity to intervene in one particular area of savings that has proved us well and continues to prove ourselves very well for us and this is the stage before buying bonds. Madam, I suggest that we must never forget putting our attention to what many of us in here know as the meeting turn but which really has its origins in Africa in terms of something called the sou-sou and the meeting turn is really a transplantation from Africa of the sou-sou. Madam, I do not want to tell you all the obvious here because it may turn out that everyone here is in a meeting turn. I know a lot about them because I have actually studied meeting turns for a variety of reasons which I would not wish to bore you with but I have studied the meeting turn for a lot of reason. Madam President, I am sure you are aware of the concept of the meeting turn where the you could have a three-week turn, you could have a two-month turn, you could have a one-year turn and there are some terms now that are running on a two-year basis. What we have seen is that the size of meeting turns funds have been rising significantly. What we are seeing now is that not only is the size of the turn rising significantly, the quantum if you will but the number of people involved.

Madam President, I am suggesting that the meeting turn culture in Barbados is now at it zenith, if you will. Madam, I will say something which may surprise you all but there are some meeting turns now, I do not know if Senator Ince has anything to say to them but there are some meeting turns which are operating in U.S. currency and, I am sure it is being done now with the sanction of the Exchange Control Department of the Central Bank of Barbados.

Madam President, the meeting turn has grown in sophistication not only in terms of its size, not only in terms of the number, not only in terms of the length of the turn but also in terms of the currency.

Madam President, the focus of any manager of any meeting turn is now so sophisticated that he or she is very often styling the turn according to the needs of the members, so you have some persons coming in at the beginning who are requiring the savings for a down payment on a loan and you have those who are coming in at the end of the turn who are really looking to use the turn as a rollover into a conventional investment. Madam, may be they are looking at it as a roll over to buy some bonds.

Madam President, the meeting turn managers, I can tell you are becoming more and more sophisticated at a level that would shock some of us, if we knew. It is one of those things that when I see it, it gladdens my heart because it shows that the core of Barbados is strong and, indeed, I go further and say it remain impregnable.

SEQUENCE 39

Wednesday, June 01, 2016

Senate C 29 Seq 40 7.26 p.m.

Senator Dr. Sir Trevor CARMICHAEL: ... that the core of Barbados is strong and indeed I go further and say it remains impregnable. I also say this, Madam President, because about 10 years ago the Brookings Institution, that famous think tank in the United States of America did a study and it would shock you to know that they worked out that the poorer you were the more you spent on financial services. That was interesting because the Senator Honourable Miss Maxine McClean as she introduced the Resolution she talked about the new fees which are being added to persons who are using banking services but that is maybe added to more but the Brookings Study was very clear in saying that the more money you made the less you paid for your financial services exponentially.

I suggest that the meeting turn is alive and well. We have now - like many things that we have done here once we have done it well - exported it so the meeting turns in the United States of America, at less the once that I have studied, and in England within the Barbadians diaspora is also a very, very, very strong institution. We have it functioning extremely well here and we have the meeting turn functioning extremely well overseas. One of the concern with the meeting turn, I know, people have been concern, not about its integrity because the meeting turns function at a high level of integrity. There is an inborn sanction which comes out of knowing each other where you do not let your other people down. You cannot do it but that is not where the concern has been. If indeed there

has been a concern about the meeting turn it is a cultural inhibitor to persons investing in the stock exchange, buying stock and the like. That part has never concerned me because I see the meeting turn essentially as a savings income investment vehicle whereas I see the stock exchange, essentially as an investment vehicle and I do not think that the two are really comparable. I say that introducing that, Madam President, to suggest - and a lot of what I would have said about the bonds market has already been very by Senator Ince. I had quite a lot to say in terms of what he said and one of the things that troubles me -- and he talked about this concept of printing money because this concept of printing money has now become, what I call, part of the popular lexicon and people really do not know what it is. There are visions of some persons in a dark room printing money and one of the things I always mention and we get to see a lot of financial people who come to visit mostly from North America and Europe who want to lend help and the first thing they say is, Do you think you can get an appointment for us where we could meet with some influential person where we could help in rescheduling the debt. I always give a nice smile, I am polite and do all the necessary and I say but, one of the things which differentiates the Barbados debt from so many other countries of our size and of our status is that the majority of our debt is local, virtually all of our debt is local debt so there is not really much rescheduling to be done and that generally ends the story and persons says, oh thank you, that was very nice of you. I know that because we have had some experience with debt, there was one Caribbean country which we were retained by as a law firm to help work with one of the agencies in doing a rescheduling and that country -- which has remained nameless obviously -- was the exact opposite of the situation that obtains here where virtually 95 per cent of the debt was foreign debt. There is a resilience about Barbados which does not necessarily show up in the statistics in a raw sense but if you are looking the society and the economy in a holistic sense one recognises that there is an impregnability which is a lot stronger than people will recognise if there are just looking at it in a superficial way. That is why I say we have to be so careful to use the common expression, not to shoot ourselves in the foot and not to get carried away about the printed money scenario. There is no one in the dark room, let me assure you, the dark room has a lot of light. I am not going to say more, I was going to say quite a bit on the bonds issue but as it has been more than adequately covered, very well covered, but what I wanted to raise however, and the Leader of Government Business touched on it in the opening remarks in terms of talking about the domestic banking situation, there is an issue which is a bit trouble and I thought that this was an opportunity while here today to put it on the public record because whereas the Central Bank of Barbados has been criticised in terms of "printing money" when it has never been engaged in that activity and there was a time when it was so criticised and castigated back in

the early 1990s and in the 1980s as well, and such was not the case then. Once one has been around long enough, one hears these things and one hears the repeats but I was suggesting that one of the other things that is really a trouble issue is this whole matter of correspondent banking. Just as the Central Bank of Barbados has been in the forefront in terms of the bond issue, the Central Bank of Barbados has been in the forefront in terms of tackling this correspondent banking issue and they have raised it. What is it really?

There is a study which the World Bank has done. I should quote from it and make it a document of the Chamber because I think it is an issue that we have to cast our minds to as we move forward and essentially it stems from the fact that international regulators, as you know, are imposing more stringent anti-money laundering and Countering Financing of Terrorism, the CFT, as they call it compliance requirements on the various corresponding banks. The 'know your customer' rules have now become even more enhanced and the 'know your customer' rules are now know your customers' customers so it is no longer KYC, it is KYCC. What this has done is that this has really put a greater strain in terms of compliance and the cost of compliance. You have examples in 2012 where HSPC and Standard Chartered were fined. I think HSPC was a \$1.9 billion fine and Standard Chartered was \$340 million and those were for AML anti-money laundering failures. Recently you have had Standard Chartered fined another addition \$300 million and even good old Wells Fargo who is actually the correspondent for many of our local banking institutions was fined \$1.5 million for AML breaches. These are increase costs, there are increase reputational risks and what this means is that a lot of the global banks are terminating their correspondent's banking relationship because a lot of those AML failures were failures which stemmed from the correspondent operations with whom they were dealing. In many cases, they have now terminated their correspondent's banking relationship, in some cases with customers, in some cases with business lines and sometimes with jurisdictions as a whole. This is now termed under, what we call now as a new buzzword, derisking, in other words, taking the risk away. The World Bank had gotten into this at an early stage and our Central Bank of Barbados wanted to at a very early stage with the Financial Stability Forum. I will say to the credit of the Governor that he led the charge in one of the international fora dealing with this issue of de-risking and the correspondent banking issues.

The World Bank in November of last year published a good solid report, and I want to make it a document of the Chamber, called "Withdrawal From Correspondent Banking: Where, Why, and What To Do About It". It also has an interesting Appendix to it which says: "A Fact Finding Summary: From De-risking Surveys". That Fact Finding Summary is very interesting document because it

ends with a series of recommendations that we cannot ignore.

Firstly, we need to monitor the status of correspondent banking and access at the jurisdictional level. Secondly, ensuring the effective implementation of international standards and enhanced an understanding of risks. Thirdly, ensuring the implementation of a risk-based approach, that would obviously be by supervisors and financial institutions. Fourthly, the obvious one, increase communication and information sharing.

This is a big issue and I do not think that we can ignore it. The good news is that it has been tackled head-on by the World Bank. The good news also is that, even though we have lost some correspondent banking relationships here in Barbados as a result and we have actually lost some business lines as a result, our supreme regulatory authority was on the case from the beginning and measures are being taken to ensure that we do not suffer more significantly than we should from this whole matter of de-risking, so I would ask that these two be made documents of the Chamber.

I will suggest that we must therefore be satisfied that much is being done. We must be satisfied at the lowest level, if you want to look at it in that term, our meeting turn culture has improved significantly. I am not saying this from hearsay, I have done some work on it and I continue to do some work on it at a practical level and I also have an academic interest in it, so I will say that is functioning very well.

I say secondly that the Bond issue is going to be taken up because people understand it. What we are doing with Bonds and a Bond issue such as this is that we are financing our own development. I cannot think of anything more patriotic to do than to have a Bond issue which we can use, which we can get back with a good interest rate, and which we can go into on a risk-free basis and which we can go into and can pass on at our death, as the case may be should that take place. There are all good things about it, and I am sure that it will continue to strive.

Madam President, in the same way that I gave the right comment of Oscar Wilde, I will end by reminding us of some of the words of Paul Samuelson. We all know of Paul Samuelson who was the famous Nobel Prize economist. Many of us read his works. I know Senator Boyce would have read a lot of Paul Samuelson and would have reflected it in a lot of the things that he has done over his time. Paul Samuelson also had a great sense of humour and he said investing should be more like watching paint dry or watching grass grow. He said: If you want excitement, take \$800 and go to Las Vegas.

Madam President, on that note I support the Resolution.

MADAM PRESIDENT: Senator Worrell, you have the Floor.

Senator A. R. WORRELL: Thank you, Madam President, I rise to support the legislation before us. Indeed, my contribution on this would be rather brief, I just have about four points, and it does not make sense repeating some of the information which was already given. I only rose because I do have a little something new which was not discussed to mention. Sometimes it is worth repeating certain things and generally from my own experience despite the talk that people are saying that there is no confidence in the Savings Bonds and are encouraging persons not to invest in the Savings Bonds in Barbados, from my own experience I have witnessed that is not the case. When the Savings Bonds were first issued last year you could not get to the bank in time in order to register for the Savings Bonds, I experienced that myself, and what some banks started to do was to take your deposit and put your name on a list so that when the next issue of Savings Bonds became available, providing they got down to your name, you would then be issued with the Savings Bonds. Madam President, that shows that Barbadians have generally have an appetite and an interest in investing in the Savings Bonds, which is a good thing. I think a lot of it is to the credit of the Central Bank of Barbados which has done an excellent job in terms of the promotion of the...

Up until last year more or less Savings Bonds were possibly a very well-kept secret in Barbados in terms of not many people were exposed to that as an avenue for investment and a way in which you could invest. I am happy to see that the Central bank took a very forward-thinking approach to the promotion of the Savings Bonds and they also got persons who would have invested in the past to come to give some information about what it has done for them, how it has helped them, and I think that alone has encouraged quite a number of Barbadians to take up investment in the Saving Bonds.

I would also want to say here that we need to change the mind-set of Barbadians in terms becoming a more investment-oriented society as opposed to a consumer-driven society. I remember there was a time back under the previous Administration, I think it was after September 2011 back in the period 2002/2003, where the Central Bank of Barbados had criticised the advertisements which were being pushed by the credit union which were in the newspapers encouraging persons to take up credit cards, car loans and so forth, and was trying to deter that level of advertising and encouraging people to put themselves into debt, so I am somewhat disappointed that when the whole issue of Savings Bonds came up that you would have had some persons in segments of Barbados trying to deter

Barbadians, especially young Barbadians, from using this opportunity to save and to invest their money that they could use it towards some productive use later on in life. We really need to get Barbadians to be thinking more about savings and investment instead of just spending and, as the saying goes, licking out their money, so I would encourage the investment in Savings Bonds for that purpose.

The Central Bank of Barbados, from its website, has been promoting the Savings Bonds to the diaspora as was mentioned by Senator McClean in her introduction. I think they issued a Press Release last month stating that they had a tremendous interest from Barbadians within the diaspora for the purchase of Savings Bonds and that they were asking for ways in which it could be made easier for them to purchase the Savings Bonds, and the Central Bank of Barbados responded to that request and provided information as to how Barbadians living in the diaspora can get involved in the purchase of the Savings Bonds. Madam President, this shows two things that Barbadians not only here but overseas are generally interested in investing in the Savings Bonds, and the two ways that they can do so from overseas are:

1. You go through the Central Bank to purchase the bonds, and send the money directly from your overseas accounts. The reason for this is that it would be easier when you wish to remove the funds. That is a benefit to Barbados if we get more Barbadians sending money from overseas to invest in savings bonds in Barbados. We can then use the funds for whatever projects we plan.
2. Secondly, they can use funds which they may have in local bank accounts here in Barbados to invest in the savings bonds. However, with that method, when they are ready to take the money out of the country, they would have to apply for permission, which is the general case when you are trying to take money out of the country and it is over a certain amount.

This shows that there is a general interest and appetite for the savings bonds, which is a good thing. There is just one thing which I would like to see done in terms of the savings bonds, and I believe that this was promised but I am hoping that it can be done. In the legislation for the savings bonds, bonds can only be bought by agents, and the agents are recognised as banks. A bank needs a licence under the Financial Institution Act, CAP 324 A. The Regulations speak to it at No.13, which states that, "The Central Bank may in writing authorise any bank that agrees to act as its agent for the purpose of these Regulations to so act, and the appropriate officer and employees of such a bank shall be deemed to be authorised accordingly." The one request I would like to make is for Government to amend the savings bonds legislation to allow credit unions

to get involved in becoming agents for the sale of savings bonds.

We have quite a few Barbadians who have their money invested in credit unions, and some of them do not deal with banks at all. In order for those persons to purchase savings bonds, they would have to withdraw their money from the credit union, then go to the bank and deposit it, and purchase the savings bonds. Credit unions have become very reliable, secure financial institutions in Barbados, and a simple amendment to the parent legislation would allow credit unions to be included as agents which can sell the savings bonds to people. That is the one aspect of this legislation which I would like to see changed; that credit unions can get involved in terms of the issuing of bonds, and be agents for the issuing of savings bonds to Barbadians.

I generally support the Amendment here before us this evening which validates the investments from June last year, and I would encourage all Barbadians that if you get an opportunity and if you are lucky enough to be able to get savings bonds, take the opportunity. They have also made it easier in terms of the denominations for the savings bonds, so that if you do have to redeem them before the time, you do not have to redeem a large chunk but you can redeem in single portions of \$50 denominations. If you have an emergency and may need to have that cash before the five years, you can redeem it in small amounts, as little as \$50, if you want to so do. Madam President, I therefore support the Amendment. Thank you.

MADAM PRESIDENT: Senator Watson, you have the Floor.

Senator J.A. WATSON: Thank you, Madam President. I too will be very brief because I think it is very easy to agree with this Amendment. I have a feeling that all of us would obviously agree with the Validation of this issue. Madam President, I have learnt from a very early age that I should never expect anybody to do for me that which I will not do for myself. I did not even know or realise until this evening that Barbadians had invested so heavily in Barbados. I am glad to hear that because I was about to chastise Barbadians for not investing in Barbados, but now I am hearing that we are doing that to the tune of \$9 billion, and that is a very good sign, Madam President. Barbados belongs to all of us and if we need to keep Barbados moving, then we have to do for Barbados ourselves. We cannot expect other people to do it for us.

Madam President, simply speaking, the issuing of these bonds is really a loan to Government, and again they taught me that when you borrow money, you borrow differently for different reasons. I get the impression that you should not -- at least I was taught that -- borrow money for working capital. I should borrow money moreso for

fixed capital, so if I wanted to build a building I would borrow money on a long term basis, but if I wanted to pay wages I should earn to pay wages rather than borrow to pay wages. Therefore, I think the use of the funds that are derived from these bonds would be of interest to all of us. Madam President, I believe that the Government has to make sure that it provides an environment for which enterprise in Barbados could develop and expand. I know that even though Government has been doing it, I have a feeling, as Senator Ince said, that the private sector may not have been following as swiftly as it should. Madam President, I might want to say that may be so in the sector other than the small and micro enterprises (SME) sector because, given the opportunity, the SME sector would definitely move as swiftly as possible to maximise on any opportunity it gets.

Madam President, I believe that, like Senator Worrell, Barbadians should be -- and I understand they are -- buying these bonds. What is the point, as was asked before, in having money in a commercial bank earning less than one per cent when you can use those same funds and get maybe five per cent or so? Even from that standpoint, it makes basic commonsense that if I am getting one per cent in one place and I can move that money and get five per cent, then I should move it and get five per cent. I see no reason for Barbadians not to see that as a viable option for them in using up the money they have.

Madam President, the idea of growing Barbados is something that is said very often. People talk about the deficit, and Senator Ince may have minimised it a little bit, but I think that our deficit is a problem, and I think that we need to attend to it. The solutions are very simple, Madam President. As Senator Ince said, you can cut expenditure so you lay off some people in the public service, or you stop supplying social welfare, or you stop providing free school meals, or you stop providing free transportation; so you can cut expenditure and that would cut some of the deficit. Madam President, the other method is to raise revenue, and I think that is the area which we need to look at.

Madam, in order to raise revenue, you need to have people employed and you have to be producing goods and services particularly goods and services that could be exported but those are the areas that I would like to see us concentrate on. Madam, how can this issuing of bonds help in that area.

Madam President, I have heard the Leader of Government Business, Senator McClean on more than one occasion talked about the large amount of funds in the commercial banks which can be put together somehow in a fund or venture capital fund for the purpose of financing businesses and I think that really should be something that should be pursued. Madam, since the private sector always seems to be lagging behind maybe it is something that the

Government might have to take the lead in. I know that we would come back to the same old story that the Government has to do everybody but the fact of the matter is, Madam President, I believe many years ago that Barbados' economy is not private sector led, it is Government led and then the private sector follows. Madam, every major happening in Barbados, the Government took the lead and then the private sector caught up. I think that it is about time that the private sector attempts to reverse that, so in this idea of issuing bonds, I would like to see a special savings bond where the proceeds from that particular issue go to setting up a fund either within the Enterprise Growth Fund or some other institution for the purpose of financing, innovation and creation.

Madam President, as you know, in developing new products and getting ideas off the ground need a lot of seed capital or grant money as some people would say. The reason for that is that you need to use that kind of expense in your business not from your working capital and it should not come from any substantial loan because that, again, puts pressure on the business. I believe that the larger businesses in the world have a fairly big reserve fund from which they draw their finance for research and development. Madam, few small and medium size businesses in Barbados have any sort of reserve and what little reserve they have, they use in other areas, maybe in machinery and that kind of thing but research and development is very important for the expansion of our productive sectors. I have heard that there is a fair amount of work being done by the University of the West Indies in agriculture and one would hope that we see the results of that very soon but it probably would need more money put into it. Madam, cotton is an extremely good opportunity for us in Barbados but I think that it does not have the funds behind it to move it at the pace to develop it as quickly as it should. Madam, after 50 years of Independence and 300 years of existence, we are still sending our raw materials overseas to be processed. We should be going further back in our production and we need to be processing more of our raw materials. Madam, when we are making sweet potato chips that sounds good but we are still sending cotton overseas to be spun. I think that we need to get back further into our manufacturing process. Madam President, I have a feeling that a bond issue for that very purpose properly managed over time could bring Barbados a lot of exports that we very badly need.

Madam President, I am not a financial purpose, this is just layman thinking but if the banks are giving less than one percent interest and bond could be sold at three per cent interest, I have a feeling that there would still be attractive. They may not be attractive at same level as the five per cent bonds, but they would still be attractive. Madam, we could make them attractive because in terms of the existing bond issue you can buy up to a maximum of

100 000, so if you are that well off and you could buy over 100 000, we would give you five per cent up to 100 000 and three per cent after that and over the 100 000 amount can go towards this development fund that I am talking about.

Madam President, there are ways that I think we could stimulate this economy and get it going through the use of our own money. I am pleased to hear that Barbadians are investing in ourselves. I think that we need to really encourage it. I have absolutely no doubt that well promoted Barbadians will look out for Barbadians because Barbadians are resilient. Madam, we talk about the sou-sou in Trinidad but in Barbados we call it the meeting turn. Madam, my parents used to be involved in that and I saw the results of it by doing certain things in the home through a meeting turn. You would always hear when they are getting the meeting turn, so you would see certain things being done. Madam, it is not beyond us to find ways of financing ourselves for the purpose of growth. I believe that the deficit is a problem. Again, I am not a financial brain but I understand that when you have that type of deficit it must give you a couple of sleepless nights now and then trying to understand what is the best thing to do. Madam, it is not easy to layoff two people far less 2 000 people. It is not easy to cut a benefit to a person who depends on that benefit. I could imagine that with the introduction of free bus fares that gave many parents \$30 or \$40 extra per week and that would have been able to do a few things around the House.

Madam President, if you consider also some Barbadians, myself excluded, would have \$50 000 or \$60 000 in the bank on a deposit and they were probably getting five per cent or something like that, and long ago they were probably getting 10 per cent. Madam, a person would have had that money and every year they would be looking forward to \$500 or \$600 and that money could probably have paid the water bill or the telephone bill depending on your use of the telephone but that \$500 diminished to \$100, so especially those people who would have been retired now have to look for that additional \$400 to put into whatever expenses they were using for before. Madam, with the purpose of these bonds they are getting at least five per cent which is a lot higher than the one per cent. I wonder if the Central Bank of Barbados has made a significant pitch to BARP members, for instance. There are 40 000 in BARP, I am told and a lot of them are retired teachers and professionals, who probably have in excess of \$200 000 or \$300 000 in the bank, I am told. I think that is an extremely good market for Barbadians financing ourselves.

Madam President, I just wanted to say those few things because I believe that the way forward for Barbados is to generate activity in the productive sectors of manufacturing and agriculture. I may sound like a stuck

record but that is the facts of the matter. I am glad to hear about the innovations being done now in agriculture. I understand that United Nations Development Programme (UNDP) has an excellent programme that they are starting there and I would like to see some more efforts in this small manufacturing sector. We do not have garment industries anymore, only a few of them, the furniture industry is almost finished and I think that we have to find ways of stimulating those sectors again because, Madam President, you start with a local market and I know that we always talk about manufacturing for export but you start that by manufacturing for the home market first. Most successful exporters, if not all of them, have a strong home base and without a strong home base, manufacturing for export is quite difficult, you need a strong home market. I am always appalled to walk through Bridgetown and not see much manufactured goods and I believe that even though there may be innovation required in terms of product, there may now be innovation need in terms of marketing. I have a feeling that we have to approach the idea of selling locally made products differently from the way we were selling them before and I think it has started. I think the factory shops are going to become a thing in the future for Barbados where all manufacturers sell from their own base since the local retailers seem to prefer imports. In order to import, the retailers need foreign exchange and they do not earn it, or they earn very little of it, but they use quite a lot of it so there has to be some innovative way of selling local products again, either through encouraging the existing retailers or by creating new ways of getting produce to Barbadians consumers.

Madam President, I end there by giving my full support to this and to hoping that some of the suggestions that I made in terms of special bonds issues for the purpose of creating growth in our economy could be looked at and see how best we can do it because I believe it is raising revenue that is a better option than for us cutting expenditure. I always remember that we had a governor of the Central Bank who used to say, you cannot have growth without pain or words to that effect. I believe that wherever we could avoid paying, Madam President, we have to do that. We are a caring society, we look out for our brother and I think we need to engender those kinds of values in ourselves and not get callous to the point where we are simply looking at numbers and cutting here and cutting there. I think that we still have a value of looking after our brother.

Madam President, with those few words, I want to thank you and I support this Bill.

MADAM PRESIDENT: Senator Boyce, you have the Floor.

Senator the Hon. D. W. BOYCE: Thank you, Madam President. I shall not detain the Chamber very long

tonight. I just wanted to make essentially two points and I do support this Savings Bonds Validation Bill. I wanted to make two points about the Savings Bonds. We have gone the practice of doing specific issues at a couple of times each year and then people have this queue and now I am hearing you have to go and reserve your amount in the banks and hope you get some of what each bank gets when the issue comes out. I think, Madam President, we should have to make an arrangement where there is an ongoing supply of bonds available to the financial institutions like banks, credit unions, insurance companies and so on where people can bank so that whenever they have some funds, people can walk into the bank and do a transaction and buy some bonds and get that mad rush that happens each time is a bond issue out of the way, making it more convenient for persons to buy bonds when they have the resources. Sometimes, of course, when you have the money there are no bonds around and when the bonds come you do not have the money. I think that would be something I would like to see happen, what they call "putting the bonds on tap" so that each month you can go and get some of it.

Madam President, one other point about the Savings Bonds, they are at a very, very attractive rate, an exceedingly attractive rate, a rate which might be okay given the small volume of Savings Bonds relative to the size of the overall Government debt held by local persons and most of the other Debentures and Treasury Bills are held by institutions rather than individuals and so given that these are holdings by individuals and their overall total is small compared to the total of Government debt held by local people, one may wish to blink an eye at the yields that are on the Savings Bonds, however, Madam President, as of Savings Bonds to the rest of the debt held locally increases then we should have to watch more closely the yield or the interest rate on those bonds to make sure that they are much more in sync to the interest rate paid on the Debentures and on the Treasury Bills because we would not want to have a relatively small portion of our issue of financial paper so to distort the interest rate yield in the rest of the Government Bond market. I am just issuing a word of caution for us to keep watching that constantly, still make it attractive, but maybe just watch how far our interest rates go up.

One quick comment on this matter of the deficit. Madam President, I just want to remind this Honourable Chamber that the country lost a substantial amount of revenue from the 2007/2008 financial crisis when the offshore international business sector had a tremendous fall-off in profits therefore a substantial fall in the taxes paid to the Government of Barbados over several years. The year when they had the crisis we made losses and when they were able to carry forward the losses that they had made. Madam President, then the Canadian Government changed the rules and exempt surplus rules which meant that there was no difference between a

country like Barbados with double taxation treaty and a country that did not have a double taxation treaty in terms of when the funds will remain in Canada so we also then had to reduce the tax rates paid by the international business sector to keep those companies operating in Barbados to keep the jobs that they were providing and to stay some of the tax revenue that they were paying us.

Madam President, I estimate that we probably have suffered the loss of approximately \$200 million each year for the last eight years, which has been a substantial consideration to where our deficit has gone. The issue is that whenever you try to cut the deficit the very persons who cry out and say cut the deficit are the loudest and the fiercest people to cry out when you try to cut the deficit. I do not have to say who those persons are. That is the reality of running Government in a small economy where the Government is the one who drives the economy and the one who is the entrepreneur in this society. Several years ago I wrote a paper on the entrepreneurial nature of Government in a small island economy because whenever there is something new in the economy of this country, the Government of Barbados is up there front and centre. Be it the tourism industry, the Government was up there front and centre and continues to have to be up there front and centre. Be it international business, once again the risk of that has been taken by the Government in the early stages and by our Senator who sits opposite me and who is probably the only one who took any risk in trying to build that industry, and I congratulate Sir Trevor for what he did. Government is the entrepreneur and drives a lot of the economy and so one has almost to tow along in trying to bring this deficit down.

Madam President, people talk about transfers to Government institutions, and the institutions that take the bulk of those transfers are the hospital, the university, the educational system or the schools like the Barbados Community College, the Samuel Jackman Prescod Polytechnic and those people. Those are the ones that get the big amounts of the transfers and once again when you try to cut those too quickly you are cutting jobs or you are cutting medications or you are cutting other things, so we have to feel our way along with it. Yes, we want to bring the deficit down but we have to do it with every care and every caution otherwise we would create more suffering and more havoc in the economy than we achieve in terms of gains.

I want to make a final comment, Madam President. While I support the need for engine capital and venture capital and so on, it has been tried in Barbados several times, we maybe have to change the approach we take to it and do it not so that there is a financial breakeven or a financial profit from doing it but maybe we have to treat it like how we treat wastage in Government and say if we could save \$5 million or \$10 million a year and cut out

wastage of that amount in Government then we should put it towards seeding new ventures or financing research and development. If you get into the habit of trying to treat a development bank like how you treat a commercial bank, you are going to go back to the same spot that we were where we evaluate development banks and ignore the socioeconomic benefits, the jobs created, the foreign exchange created and all that and only focus on the dollars and cents in the financial profit line of the development banks. If we do that, we will not be able to sustain venture capital or businesses for innovation and research. I think it is worth looking at again and maybe changing the approach we bring to evaluating development financial institutions. We must treat that money as an expense, write it off one time. What you get back, you get back and you write that back into the things not that you should let people get away, you take up the money and spend it stupidly and spend it on themselves, but with proper management, proper supervision, trusted directors and so on working with these people, maybe if we do that and treat the investments as essentially contingently recoverable injections in the businesses we can probably relook the venture capital fund again.

Madam President, on this matter of the Savings Bonds, yes they are exceedingly attractive now and people should take advantage of them but as we go forward we may need to be very watchful of what interest rates they pay to make sure that does not cause problems for financing the rest of the Government debt and raising the cost to the rest of the Government debt and that we should find a way having dealt with that of having those Bonds available all the time so that people can buy the Bonds when they have money because money has only a name, if you do not use it wisely now it would disappear from you and it would have been used very unwisely.

Madam President, I wish to commend this Bill.

MADAM PRESIDENT: Senator McClean, you have the Floor.

Senator the Hon. Miss M. P. O. McCLEAN: Thank you very much, Madam President. I rise to wrap up on this Bill where we focus on the Savings Bonds (Validation) Bill, 2016. I want to thank those persons who spoke. I think that we would have had a very useful debate on the matter and therefore I do not have a lot that I want to say. I do, however, want to thank the Speakers for raising a number of things. Senator Carmichael spoke of meeting turns and I can tell you, Madam President, that that continues to be a very attractive method of pooling resources. In fact, if you use the participation creatively you can in fact, especially if you plan financing of particular projects, whether it is education, investment or whatever the case may be, it can. I often encourage people in the credit union movement where there is a relationship between your savings and

borrowing that they can expand their capacity to borrow for insignificant things if they took a meeting turn and deposit it in a credit union with the intention of improving their capacity to borrow. I continue to be involved in one, after many years, of some former colleagues of mine. I think that a lot of what I heard described... In fact, some years ago I wrote a paper which looked at the genesis of that in the region in not only coming from Africa but also discovering that it is something that the original people of the Americas also use in several ways.

I also want, Madam President, to look at the question of the business of developing a more investor-oriented society, that was one of the suggestions by Senator Worrell, rather than a consumer-oriented one. I think the discussion about Saving Bonds and investment in that really brought home the fact that Barbadians are moving away a bit... Even in the investment in Savings Bonds, that is still a very conservative, as you pointed out, safe method. I also endorse his recommendation that credit unions become agents. Senator Boyce took it beyond that to say other financial institutions and his recommendation about putting Bonds on tap is certainly a good one.

I am happy, Madam President, that I did not commit a heresy when I spoke about the extremely attractive interest rate and the opportunity that affords the Central Bank of Barbados to perhaps expand its offerings. I am happy that Senator Boyce explained the challenge of a larger Saving Bonds pool so to speak in which we could invest because if the interest rates are unrealistically good, let me put it that way, then you can create some challenges, of course, so because of the size of the spread now between ordinary savings and the rates in relation to bonds, that is an excellent recommendation. It does not do any harm. It does still make it attractive, and that is necessary. However, Madam President, I want very quickly before I wrap up to go back to a point that I have made over and over again, and in essence to simply report on where those persons who are thinking this thing through with me would have gone.

Senator Watson talked about the need to create some kind of investment, because clearly, as he said, in terms of the economy, our deficit can be addressed by cutting, but we recognise that when you reach the bone, you cannot cut any further because you run the risk of doing significant damage to the body. Therefore, his suggestion that we look to increase revenue is critical. Over and over again, Madam President, I would have spoken about it but I can say that, as I indicated the last time I spoke, I believe, a group of us is actually looking at the issue of creating a venture capital fund. I have discovered a number of Barbadians who are very well qualified to advise in this area. I certainly made a note to ask Senator Boyce to share his article with me and I would also want Senator Carmichael to share his article on meeting turns with me as well, because this is an area

which I think we in Barbados need to learn a lot about and appreciate. While I believe that Government has a critical role to play, we have the capacity inside and outside of Barbados to bring together the talent to develop a model; and I am happy to say that I have spoken to many Barbadians here and overseas who have done well, and when I say “done well”, they have done well in financial terms because they have provided expertise on matters like this to international agencies and so on.

One young man -- and I say “young” because I think he is pretty young to have achieved what he has -- has agreed to prepare a basic model for consideration by a team of Barbadians specialising in the field of finance, accounting, et cetera. I hear this when I engage Barbadians abroad in my capacity as Minister, and it is that they are continuously looking for opportunities to invest; that is, to put money in. There are also many Barbadians who have demonstrated over and over again that they want to come to Barbados and engage in certain kinds of entrepreneurial -- I stress entrepreneurial -- activity. I am not talking about somebody starting a business. Only this weekend in discussions with Barbadians, the distinction was drawn between business ownership, business start-up and entrepreneurial activity. I am not talking about micro-financing for a barber shop. All of those things are important, but I am talking about those Barbadians who have patented products and processes in pharmaceuticals, in biotechnology, et cetera. These are persons who have ideas that can go global.

I am going to wrap up soon, Madam President. One of the questions that was asked in terms of this venture capital fund was, “Who and what do you want to finance?” My recommendation, based on the kinds of discussions I had, was that we can do the kind of thing which Senator Boyce mentioned in terms of allocating certain kinds of resources generated by savings and efficiencies, and so on, to what I would call some of the traditional business start-ups. We want to be able to mobilise a level of resource that would allow us to invest in business with significant growth potential and global potential; and having spoken to Barbadians overseas, there are many of those things out there. In fact, I know right now that one of our Barbadians in the diaspora is looking at collaborating in relation to the establishment of a biotechnological facility, and it dovetails very well with some other work that was being contemplated. I have sought to put the parties together so that we can look at the kind of business that will allow us to get our young scientists and our young businesspeople to work on business processes. I am talking about a level of business activity - innovative activity - that will allow us to capitalise on our heavy investment in education, particularly in the area of STEM (Science, Technology, Engineering and Mathematics). I am also sure that Senator Byer-Suckoo would like to hear this based on an initiative that she has had to manage in her Ministry. In talking to

one of the Barbadian consultants working on that, he is very much in sync with trying to pull these things together.

Madam President, I therefore believe that as we look at this matter of the Savings Bonds (Validation) Bill, we are talking about validating the activities of the Central Bank as it looks to mobilise domestic savings and the savings of Barbadians overseas, but from my mind I see it as a step-wise process where, having agreed that we can pool our resources and that we can save them, we can now look at putting those savings into simple and safe investments such as savings bonds. It also hopefully should whet our appetite to explore investments in ways that will allow our children and our children’s children and our children of the diaspora to come together to do in Barbados and for Barbados what they have been doing abroad for other large, established corporations, Fortune 500 companies and other top companies. Madam President, I think this must be seen by all Barbadians as an investment in ourselves, as Senator Watson stated, and it is perhaps for me one of the many stages that we have to pass through to really create an indigenous investor as well as an indigenous entrepreneurial class. With those words, Madam President, I beg to move that this Bill be read a second time.

The question that the Bill be read a second time was put and resolved in the affirmative without division.

On the motion of Senator Hon. Ms. M.P.O. McCLEAN, the Senate resolved itself into Committee for further consideration of the Bill. His Honour the DEPUTY PRESIDENT in the Chair.

COMMITTEE

MR. DEPUTY PRESIDENT: This Senate is now in Committee.

Clauses 1 and 2 were called and passed.

On the motion of Senator Hon. Ms. M.P.O. MCCLEAN, His Honour the DEPUTY PRESIDENT reported to Her Honour THE PRESIDENT the passing of one Bill in Committee, and Her Honour THE PRESIDENT resumed the Chair and reported accordingly.

On the separate motion of Senator Hon. Ms. M.P.O. MCCLEAN, the Bill was read a third time and passed as cited as the Savings Bonds (Validation) Act, 2016.

ADJOURNMENT

SENATOR the HON. MISS M.P.A. McCLEAN: Madam President, I beg to move that this Sitting be adjourned sine die.

The question that the Senate do now adjourn sine die was put to the SENATE and agreed to and Madam PRESIDENT adjourned the Senate accordingly.

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EDITORIAL NOTES — NOT PART OF THE REPORT

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. Dates in the text. The source gives ‘Tuesday, 14 August, 2015’ (14 August 2015 was a Friday). The weekday and date do not agree; printed as in the source.

Q3. Opening. The convening sentence reads ‘on Wednesday, the June 1, 2016 at 11 a.m.’. Printed as in the source.

Q4. Order No. 1, request for a cognate debate. Senator H. Husbands’s request numbers the Bills ‘(2) ... (2) ... And (3)’. Printed as in the source.

Q5. Order No. 1, Senator P. J. D. Todd’s speech. Part of the speech of Senator P. J. D. Todd is printed under the label ‘Senator Hon. P.M.T. TODD’. Printed as in the source; please confirm the label.

Q6. Order No. 1, Committee. The Committee notes record ‘Clauses 21 -- 25’ and then ‘Clauses 25 - 30’ as called and passed, so clause 25 appears twice. Printed as in the source.

Q7. Order No. 3, Senator Sir T. Carmichael’s speech, take-slips Sequence 39 and Senate C 29 Seq 40 7.26 p.m.. The words ‘the core of Barbados is strong and, indeed, I go further’ appear on both sides of the take-slip, the second time beginning with ‘...’. ‘SEQUENCE 39’ is set as a heading in the source and the slip ‘Senate C 29 Seq 40 7.26 p.m.’ as a paragraph. Printed as in the source.

Q8. Speech and Chair labels. The source has ‘MADAM PERSIDENT’ (twice), ‘MADAM PRESIDENTS’ and, for the motion to adjourn, ‘SENATOR the HON. MISS M.P.A. McCLEAN’ (elsewhere M. P. O. McClean). Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The Senate met on Wednesday, 1st June, 2016 at 11.00 a.m., with MADAM PRESIDENT in the Chair; prayers were led by Rev. Father Errington Massiah. The President read Message 1/2016 from His Excellency the Governor-General, Elliot Belgrave, who would be in the

United Kingdom from 7th to 25th June, 2016, Sir Philip Marlow Greaves acting in his place. Senators Sir Henry Fraser and Irene Sandiford-Garner had sent excuses for lateness, and the Minutes were confirmed.

With the Senate’s agreement, Senator H. A. Husbands led a cognate debate on the Trafficking in Persons Prevention Bill, 2016, the Immigration (Amendment) Bill, 2016 and the Criminal Assets Recovery Fund Bill, 2016, which bring into local law the protocols Barbados had acceded to. He recalled the boat found off Barbados in 2006 carrying the bodies of 53 Africans, each said to have paid US\$2 000, and said that forced labour generated US\$150 billion in profits a year, US\$12 billion of it in Central America and the Caribbean; the Bill also created an offence of destroying or withholding travel documents. The President welcomed 22 law students and their professors from the University of the West Indies and Washburn University.

Senator Dr. C. Haynes supported the Bills, concentrating on the protocol on trafficking in women and children. Senator W. A. Abrahams criticised what he called Barbados’ hypocritical approach to prostitution. After the suspension Senator Miss V. A. G. De Peiza said existing legislation on organised crime had proved to have gaps. Senator J. A. Watson declared himself against legalising or decriminalising prostitution, and corrected himself after points of order from Senator Carol Lady Haynes, who said she had not spoken of legalising it. Senators R. A. Hunte, Rev. Dr. D. L. Durant, who congratulated Guyana on 50 years of Independence, A. A. Adams, P. J. D. Todd, who noted that the Criminal Assets Recovery Fund Bill repealed the Transnational Organised Crime Prevention and Control Act, 2011, and the Hon. D. W. Boyce, on the Immigration amendment, also supported the Bills.

After a further suspension Senator Husbands replied, dealing with who counts as a victim. The Trafficking in Persons Prevention Bill passed through Committee, Mr. DEPUTY PRESIDENT in the Chair, and was read a third time; the Immigration (Amendment) Bill, 2016 and the Criminal Assets Recovery Fund Bill, 2016 then passed all stages without further debate, Senator the Very Reverend H. E. Crichlow in the Chair in Committee.

Senator the Hon. Miss M. P. O. McClean moved the second reading of the Savings Bonds (Validation) Bill, 2016, which validates the Central Bank of Barbados’ decision to raise to BDS\$100 000 the value of savings bonds an individual may buy at a single issue. Senator J. Ince said bonds had been issued since 1980 and denied that they showed weak investor confidence; Senator Sir T. Carmichael spoke on the ‘meeting turn’ as a Barbadian

savings tradition; Senator A. R. Worrell welcomed the Bank's promotion of the bonds; Senator J. A. Watson cautioned that borrowing should not fund working capital; and Senator the Hon. D. W. Boyce called the rate

exceedingly attractive. Senator McClean replied, taking up Senator Worrell's call for an investor-oriented society. The Bill passed all stages, and the Senate was adjourned sine die.