

HOUSE OF REPRESENTATIVES*Friday, March 09, 2012*

The House met at 1.30 p.m.

PRAYERS[MR. DEPUTY SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Deputy Speaker: Hon. Members, I have received communication from the following Members who are currently out of the country and have asked to be excused from sittings of the House: Member for Tabaquite, Hon. Dr. Surujrattan Rambachan, on March 09, 2012; Member for Chaguanas East, Hon. Stephen Cadiz, during the period March 04—10, 2012; Member for Caroni Central, Hon. Dr. Glenn Ramadharsingh, on March 09, 2012; Member for Couva South, Hon. Rudranath Indarsingh, during the period March 03—06, 2012. The leave which the Members seek is granted.

PAPER LAID

Annual Report of the Protective Services Compensation Committee for the period January 01, 2009 to December 31, 2010. [*The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal)*]

JOINT SELECT COMMITTEE REPORT

**Central Tenders Board Act
(Proposal to Repeal and Replace)**

The Minister of Planning and the Economy (Hon. Dr. Bhoendradatt Tewarie): Thank you very much, Mr. Deputy Speaker. I wish to present the Interim Report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and the Repeal and Replacement of the Central Tenders Board Act for the Second Session [2011/2012] Tenth Parliament.

ORAL ANSWERS TO QUESTIONS

**Prime Minister's Official Visit to India
(Details of Costs Incurred)**

33. Miss Donna Cox (*Laventille East/Morvant*) asked the hon. Prime Minister:

Could the Prime Minister identify:

- a) All Ministries, Agencies and other sectors of Government, including the State Enterprise sector, that incurred costs in relation to the Prime Minister's official visit to India from January 2—15, 2012?

- b) The total cost by each Ministry, Agency and State Enterprise that expended funds towards the official visit to India?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Thank you very much, Mr. Deputy Speaker. The Office of the Prime Minister incurred costs on the recent official state visit, \$1,905,162.92; the Ministry of Public Utilities, \$200,860; the Ministry of Transport, \$264,583.24; the Ministry of Energy and Energy Affairs, \$340,882.60; the Ministry of National Security, \$436,740. Those are the costs incurred by the Ministries, pursuant to part (b) of the question.

Miss Cox: Supplemental, I asked about state sector expense, I have not heard that, please.

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, the responses are based on Cabinet approval for Ministries to travel on that trip. The Member may wish to pose questions to the Ministers concerning the individual state sector organizations and state agencies. These are the figures approved by Cabinet as per Ministry.

Miss Cox: Mr. Deputy Speaker, I did not ask about the figures approved by Cabinet, I asked about the state sector, the state enterprise and I would like to know figures please. You have not answered the question.

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, as I said, the Member—please if you wish to find out from state enterprises and state agencies, please file the question with the appropriate Minister and that Minister will respond as per their department. [*Desk thumping*]

Dr. Rowley: Supplemental to the Leader of Government Business. Are we to understand that the Prime Minister of Trinidad and Tobago is saying that her office has no responsibility for the state enterprise sector on a trip which she led to India?

Hon. Dr. R. Moonilal: The Prime Minister's office and the Cabinet have approved travel and expenditure incurred as per Ministry, the other state agencies and state enterprises which incurred costs, we are asking the Members of the Opposition to please file the relevant question with the appropriate Minister, and that Minister would be very, very pleased to come to the Parliament and give the expenditure as per Ministry.

Mr. Imbert: Mr. Deputy Speaker, supplemental. Is the Leader of Government Business saying that—[*Interruption*]

Mr. Sharma: “He not saying dat.”

Mr. Imbert:—the Opposition must file a question with every single Minister?

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, it is not my role to help the Opposition here, but I will help you. If you would ask a question as to the different Ministries that incurred costs, you will get an answer of the Ministries and then you may ask the individual Ministers to give a breakdown. [*Cellphone rings*]

Mr. Deputy Speaker: Hon. Members and members of the gallery, there is a telephone ringing. This House will not permit any telephone. Can you all please turn your telephones off. Continue, Member.

**Prime Minister's Official Visit to India
(Number of Persons who Travelled)**

34. Miss Donna Cox (*Laventille East/Morvant*) asked the hon. Prime Minister:

Could the Prime Minister state:

- a) The total number of persons, government officials, as well as non-government officials who went on the official visit to India?
- b) The names of all persons who went on the visit and their designations?
- c) If public funds were expended on any such person, the total amount associated with the participation of each such person?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Deputy Speaker, question No. 34 gives further breakdown on question No. 33, so my friends opposite would be very happy to receive the following information:

Total number of persons, government officials, as well as non-government officials who went on the official visit to India. [*Crosstalk*]

Mr. Imbert: You are not supposed to read it.

Mr. Sharma: “Who tell you dat?” [*Crosstalk*]

Hon. Dr. R. Moonilal: “Yuh want to answer it? [*Crosstalk*] “You ask a question, ah get up to answer and you geh vex ah ready.” [*Crosstalk*] But I cannot speak, you are speaking at the same time.

Office of the Prime Minister: the Hon. Kamla Persad-Bissessar SC, Prime Minister, \$271,194.50; Dr. Gregory Bissessar, spouse of the Prime Minister, \$178,940; Mr. Reynold Cooper, Permanent Secretary to the Prime Minister and Head of the Public Service, \$200,312.75; Mr. Shem Baldeosingh, Special Advisor,

Commonwealth and Parliamentary Affairs, \$146,641.75; Mr. Devendranath Tanku, Special Advisor, financial matters, \$138,623.95; Captain Gary Griffith, Special Advisor, security, \$144,248.85; Mr. Barry Harridath, Advisor, \$152,425.25; Miss Lisa Ghany, Advisor, public engagement, \$155,367.95; Miss Vidwattie Newton, travel assistant \$233,600.45; Miss Redann Boodhan, research assistant, \$138,623.95; Mr. Nicholas Ramdass, photographer, \$86,137.95; Miss Myla Loreda, personal assistant, \$59,045.50; two officers attached to the Ministry of National Security, members of the Trinidad and Tobago Police Service, whose names we will not call, \$436,740.

Mr. Deputy Speaker, the Ministry of Foreign Affairs and Communications: Hon. Dr. Surujrattan Rambachan, Minister of Ministry of Foreign Affairs and Communications, \$186,405.03; Mr. Gideon Hanoomansingh, Advisor, Communications and Media Affairs, \$81,826.12; Mr. Avinash Ramsubagh, Advisor to the Minister of Foreign Affairs and Communications, \$53,173.12; Mr. Rickie Latiff, videographer, \$53,173.12.

The Ministry of Public Utilities, Sen. The Hon. Emmanuel George, Minister of Public Utilities, \$200,860.

The Ministry of Transport: Sen. The Hon. Devant Maharaj, Minister of Transport, \$185,827.22; Shivanan Ramnanan, Advisor to the Minister, \$59,339.28.

The Ministry of Food Production, Land and Marine Affairs: Sen. The Hon. Vasant Bharath, Minister, \$264,416.80; Nadir Baksh, Director Agricultural Services, \$94,993.50; Nigel Grimes, large farms coordinator, \$94,993.50.

The Ministry of Science, Technology and Tertiary Education: Sen. The Hon. Fazal Karim, Minister, \$130,836; Mr. Jaggernauth Soong, Permanent Secretary, \$130,836; Mr. NaviBoodhai, Advisor to the hon. Minister, \$60,180.75.

The Ministry of Energy and Energy Affairs: Sen. The Hon. Kevin Ramnarine, Minister, \$193,211.80; Mr. Richard Oliver, Deputy Permanent Secretary, \$73,594.70; Mr. Richard Jeremie, Senior Energy Analyst, \$73,594.70.

The Ministry of Trade and Industry: the Hon. Stephen Cadiz, Minister, \$206,849.30; Miss Carol Bickram, Senior Economist, \$89,297.70; Mrs. Christine Hosein, Advisor to the Minister of Trade and Industry, \$86,823.80.

Mr. Deputy Speaker, those were the Ministry figures for persons approved by Cabinet to travel on that official trip.

Mr. Imbert: Supplemental, Mr. Deputy Speaker. Could the Minister confirm whether any of the costs associated with persons from the state enterprises were included in that list, yes or no?

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, the names, designation and expenditure provided are from approved Cabinet records. The state enterprises that were represented on this official trip will have their records, and the Members are free to query with the relevant Minister and to even ask the relevant Ministries. The trip for that period—the various travels—was approved by Cabinet, and those are the responses which we have prepared.

Dr. Rowley: Could the Minister confirm that no public funds were expended on any person in the capacity of a non-government official?

Hon. Dr. R. Moonilal: Would the Member for Diego Martin West explain what would be a non-government official?

Dr. Rowley: Anybody other than the list which you have read out.

1.45 p.m.

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, Members opposite, including the Opposition Leader, are aware that there were persons from state enterprises and government agencies who were part of that State visit by the hon. Prime Minister, those are Government officials. I am not clear on the non-government officials, but there would have been State resources expended, and the relevant questions can be filed with the Ministers. As you know, Mr. Deputy Speaker, India is not a completely cheap place to travel to. The Leader of the Opposition is journeying there in a few days, and I am sure he will know cost of the ticket for himself and for others to go to India in a few weeks. [*Crosstalk*]

Dr. Rowley: Mr. Deputy Speaker, supplemental, I want to be very clear. The question specifically asked about expenditure on non—[*Interruption*]

Mr. Deputy Speaker: Hon. Member.

Dr. Rowley:—government officials. It is that the Minister does not understand what non-government official means? It means a person who does not hold government office, but on whom public funds were expended for the trip. Is that clear?

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, we have presented the approvals from Cabinet. I am inviting my friends opposite to file the relevant questions with

the Ministers, and those Ministers will be in a better position to indicate to you their officials, and their non-government officials, to use that term, as per state enterprise, state agency, and so on.

Mr. Deputy Speaker, may I add that this trip to India was also the subject of a comprehensive statement delivered in this House on January 20, 2012 by the distinguished Minister of Foreign Affairs and Communications. It is not my intention to read all 25 pages of that report, but to highlight the importance that India plays in our national economic development; and in our development strategies, to indicate that this is building on previous trips, including a trip by the former Minister of Trade and Industry, the deceased, hon. Ken Valley, and others who journeyed to India and the Far East in 2007 at a total cost of \$10 million to the taxpayer. [*Crosstalk*] So, Mr. Deputy Speaker, this builds on the good work conducted by the former administration that also journeyed to India at some cost.

It is not our purpose here to condemn the costs incurred by the former administration, but to indicate, Mr. Deputy Speaker, that this trip was geared at opening and creating markets for goods in Trinidad and Tobago, it was also geared towards developing trade links. And the cost was incurred to that end. [*Crosstalk*]

Mr. Deputy Speaker: Any more supplementals? Hon. Leader of the Opposition, question No. 35.

Prime Minister's Award of Senior Counsel (Silk)
(Details of)

35. Dr. Keith Rowley (*Diego Martin West*) asked the hon. Prime Minister:

- a) With respect to the award of Senior Counsel (Silk) status to the Prime Minister, what was the date of the submission of the application by the hon. Prime Minister to the Attorney General for consideration of the award of Senior Counsel?
- b) Did the Attorney General consult with the Chief Justice with respect to this application as required by the published conditions laid down in the *Trinidad and Tobago Gazette*?
- c) Did the Attorney General have any further consultations with any other bodies/individuals with respect to the award of Silk to the Prime Minister?
- d) If the answer is in the affirmative, could the Prime Minister as approving officer, give the names of the individuals and/or bodies which were consulted in the process?

The Attorney General (Sen. The Hon. Anand. Ramlogan SC): Mr. Deputy Speaker, no application was submitted by the Prime Minister to the Attorney General for the consideration of the award of senior counsel. Silk has traditionally been awarded to persons who hold high public office in this country. Such persons have never been required to submit an application. These persons include the Solicitor General, the Director of Public Prosecutions, the Chief Parliamentary Counsel, the Chairman of the Law Reform Commission, the hon. Attorney General and the hon. Prime Minister. That has traditionally been the case since independence in this country.

The answer to 35(b) is yes. The answer to 35(c) is yes. As for part (d), the Attorney General did in fact hold consultations with the President of the Law Association, Miss Dana Seetahal SC. [*Desk thumping*] [*Crosstalk*]

Dr. Rowley: With respect to the gazetted requirements for the award of silk, is the Attorney General telling this House that there is no requirement for any person to apply for silk, and that silk can arrive in a package as a Christmas present surprising the recipient?

Sen. The Hon. A. Ramlogan SC: If the hon. Leader of the Opposition is hoping for an early Christmas gift, I am afraid that I will have to disappoint him. But the fact is that I have answered that question already by pointing out that since independence, in this country, silk has traditionally been awarded to high public office holders, none of whom have been required to submit an application because the silk is awarded by virtue of their office *ex officio*, and by virtue of their record of distinguished public service.

The hon. Prime Minister, both in her capacity as a lawyer, and by virtue of the fact that she was an Attorney General, a Minister of Legal Affairs, and enjoyed a distinguished record at the Bar was in fact awarded silk. [*Crosstalk*]

Mr. Sharma: The PNM changes the rules.

Dr. Rowley: On whose recommendation was the Prime Minister's silk made? Is it that on the recommendation of others the Prime Minister then approved silk for herself? Was that the process? [*Crosstalk*]

Sen. The Hon. A. Ramlogan SC: Perhaps the learned Member for Diego Martin West does not understand what high public office and the expression, "*ex officio*" means. But just to enlighten him, it means that by virtue of the fact that the hon. Prime Minister, being an attorney-at-law, who held and holds the office of Prime Minister, and by virtue of the fact that she was a former Attorney General in

this country, and the tradition and practice has been that Attorneys General as the titular head of the Bar and the legal profession, they have always been awarded silk in this country.

In fact, your former Attorney General, John Jeremie SC awarded silk to himself. He did not apply, no one recommended him and that was, in fact, the practice and precedent that I followed, set by your administration. Thank you very much.

Dr. Rowley: Is it that former Attorney General, Anthony Smart, is now to be regarded as senior counsel since all Attorneys General get senior counsel status?

Sen. The Hon. A. Ramlogan SC: I do not know why during the tenure of some Attorneys General the Prime Ministers may not have awarded them silk. I cannot answer that. I do not know why that took place. All I can speak of is during my tenure. What I can tell you the precedent being set, when you were in office, was that your Attorney General got silk in very similar circumstances. That precedence having been set, it was the followed to the letter. Thank you very much. [*Desk thumping*]

Dr. Rowley: My question had nothing to do with silk to the Attorney General, it is a question about silk to the Prime Minister. But now that he has answered in that way, are we to understand that any lawyer who happens to get 10 days, nine days or 40 days as Prime Minister automatically qualifies for silk?

Mr. Imbert: Nonsense! [*Desk thumping*]

Sen. The Hon. A. Ramlogan SC: I will answer it Mr. Deputy Speaker, because we have nothing to hide on these matters. If anyone held the office of Attorney General, as titular head of the Bar, the tradition that has been established, not only in Trinidad and Tobago but several other Caribbean nations including Barbados, and Jamaica, most recently, that tradition will be respected and maintained by this administration until further notice. Please be guided accordingly.

Dr. Rowley: Water in the brandy.

Mr. Imbert: Mr. Deputy Speaker, can the Minister confirm whether former Attorney General, deceased, Keith Sobion awarded himself silk? [*Crosstalk*]

Dr. Rowley:—and Annette-George.

Mr. Imbert:—and Bridgid Annette-George?

Sen. The Hon. A. Ramlogan SC: I think to answer the latter first, the former hon. Attorney General, Bridgid Annette-George was, unfortunately and unceremoniously, kicked out of office by the PNM before she could have been

awarded silk. And with respect to Mr. Sobion, deceased, I do not know because I was not around in that particular administration, so I cannot answer why your Prime Minister refused, perhaps, to award him silk. [*Crosstalk*] So those are the facts.

Dr. Rowley: The answer is no. That is not automatic.

Mr. Deputy Speaker: Let us move on.

Award of Senior Counsel (Silk)

(Details of)

36. Dr. Keith Rowley (*Diego Martin West*) asked the hon. Prime Minister:

- a) When was the final list of the Attorney General's recommendations of the applicants for the award of silk submitted to the Prime Minister?
- b) Were there any name(s) of any practitioner submitted as recommended by the Attorney General to the Prime Minister for which approval was not granted?
- c) If the answer to (b) is in the affirmative, could the Prime Minister name all such practitioners and give the specific reasons for the non-approval of the award in each case?

The Attorney General (Sen. The Hon. Anand. Ramlogan SC): Thank you very much, Mr. Deputy Speaker. The final list of the Attorney General's recommendations of the applicants for the award of silk was submitted to the hon. Prime Minister on December 19, 2011. The answer is no to 35(b); (c), no answer qualifies for this question having regard to the answer given in 35(b). Thank you very much. [*Desk thumping*]

Brigadier Peter Joseph

(Details of Dismissal)

37. Dr. Keith Rowley (*Diego Martin West*) asked the hon. Minister of National Security:

- a) With respect to the dismissal of Brig. Peter Joseph as the Head of Special Anti-Crime Unit of Trinidad and Tobago (SAUTT), has the Government of Trinidad and Tobago entered into any sort of settlement as it relates to this matter?
- b) If the answer is in the affirmative, could the Minister state:
 - i) What were the initial circumstances which resulted in the dismissal of Brig. Peter Joseph as the Head of SAUTT?

- ii) Subsequent to his dismissal, what was the basis of claims made by Brig. Peter Joseph against the State?
- iii) The details of the financial and other considerations in the settlement of this matter?

The Attorney General (Sen. The Hon. Anand Ramlogan SC): Mr. Deputy Speaker, thank you very much. Yes, the Government has entered into an agreement to settle this matter. If the answer is affirmative, why? The answer as to why we entered into such an agreement: a) non-performance. The special anti-crime unit of Trinidad and Tobago was part of the then Government's plan to arrest spiralling levels of crime which had reached astronomical proportions in this country. Brig. Peter Joseph who was hand-picked to be the head of SAUTT was expected to guide this agency towards ensuring that such levels of crime were noticeably reduced. To that end, the Government pumped over \$1 billion into SAUTT under his leadership.

Brig. Joseph, clearly, by any performance measurement tool possible, failed miserably in that task. [*Desk thumping*]

Hon. Member: Non-performer!

Sen. The Hon. A. Ramlogan SC: In fact, the statistics reveal the following: during his tenure there was a marked increase, and steady increase at that, in the murder rate. Three thousand three hundred thirty-five persons were murdered during the watch of SAUTT. The figures speak for themselves and I shall provide them now:

2002: 172 persons murdered in Trinidad and Tobago,

2003: 229 murders,

2004: 261 murders,

2005: we passed a landmark critical, psychological milestone; there more persons murdered than there were days in the year, 386 murders.

2006: 371 murders,

2007: 391 murders,

2008: yet another critical milestone achievement under the former administration. The 500 mark crossed, for the first time in the nation's history, 547 persons murdered.

Hon. Member: Shame!

Sen. The Hon. A. Ramlogan SC: 2009: another milestone, half a thousand crossed, 506 murders,

2010: with the advent of a new administration, for a first time a decrease, below the 500 mark, 472 murders.

Mismanagement of operations. SAUTT was an agency tasked with several duties which included intelligence gathering, conducting investigations and executing operations. Nevertheless, the staff which numbered some 700 persons, out of that staff one third of such persons only carried out the duties of operational investigation. This means that over 450 persons were responsible solely for providing support and administration to that agency which was designed to fight crime. There were less people dedicated to the fight against crime than they were dedicated to other things.

This odd arrangement unsurprisingly saw a woefully low return on the financial investments, in assets, training and high salaries. A competent head of an agency such as SAUTT would have known that the arrangement of staff cited above would have been much more successful had it been the other way around. Such blatant mismanagement at the hands of Brig. Joseph contributed to the many flaws at SAUTT and its spectacular failure to contain the crime rate.

Brig. Joseph's qualifications, training and experience were also of a military nature and background. He thus lacked the requisite technical knowledge and expertise to successfully guide the SAUTT in the direction for which it was established. These deficiencies in his leadership style and ability were the subject of a national security sector review commissioned by the former administration dated April 8, 2009. And I refer to the report prepared by Major Cameron Ross—referred to commonly in this country, as the Ross Report. That Ross Report was a rather expensive document, permit me to quote from it:

“To date, there is little evidence of the sound policy in place to guide the operations of the organization. Clear and concise policy statements are needed to ensure accountability at all levels of this organization. There is no evidence of delegation of authority instruments which implies ad hoc decision making and too much percolating at the top.”

The factors cited above emphasized Brig. Joseph's failure as the head of SAUTT to properly manage and guide its staff on operations.

Part (c), failed policies: Although a billion dollars was poured into SAUTT, which was meant to be a super police service—and the homicide rate continued to

climb—the police service itself was relegated to the back burner and the Government depended more and more on SAUTT for results which never came.

2.00 p.m.

(d) Lack of accountability: under Brig. Joseph's management, SAUTT failed to meet its statutory obligations, as all civilian contracted employees paid no income tax, no NIS and no health surcharge and that is, in fact, illegal and a breach of the laws. So not only was SAUTT, itself, illegal but it was acting in an illegal manner.

The amounts owed to the State that accumulated over the years under Brig. Joseph's watch were as follows: the State lost in income tax, \$10,605,584; a NIS debt of \$15,282,084; and a health surcharge debt of \$675,683.

Mr. Volney: Shame!

Sen. The Hon. A. Ramlogan SC: That means that all of the British retirees who were hired by SAUTT to assist in the fight against crime were given a free passage of rights, whereby they did not pay any taxes and they were not meant, it would appear, to comply with the laws of the country that hired them. That, too, was under his watch.

(e) Lack of transparency and financial irregularities: proper systems were not established to ensure financial accountability and strict adherence to financial regulations, that in the context of a billion-dollar budget over the years.

Internal and external auditings which may have corrected these deficiencies or detected what was going wrong in terms of financial irregularities were virtually absent. In fact, there was no mechanism inside SAUTT to ensure there were any audit and check and balance to ensure that the public funds which were being expended were, in fact, being expended for a lawful purpose.

SAUTT used to acquire items with no tendering process at exorbitant prices. Selected employees were allowed to freely procure goods and services without any proper supervision in the name of expediency and the desire for greater resources.

There was no evidence to show that projects requiring the approval of the Permanent Secretary in the Ministry of National Security or, indeed, the Central Tenders Board were, in fact, even submitted for approval. Indeed, SAUTT operated as a law unto its own self.

Large sums of money were paid out to local contractors and service providers without any approvals being found on the files of SAUTT. These apparent disregards for proper accounting procedures have resulted in matters in which

contractors and service providers have now brought several claims against the State in the office of the Attorney General, because there are no appropriate levels of documentation and, indeed, no approvals on the file. So we are now faced with an avalanche of litigation by people who said they were doing business with SAUTT, providing goods and services for SAUTT, and the tradition was that there was no documentation for them. So we do not know what they do. [*Crosstalk*]

In fact, several purchases and projects worth millions of dollars were undertaken without even the knowledge of SAUTT's own finance department. As such, there are no official records to be found in the finance department for the expenditure of these funds.

Mr. Volney: Shame!

Dr. Moonilal: "You should jail that fella!"

Sen. The Hon. A. Ramlogan SC: At present, at least, two such matters are receiving the attention of the Ministry of National Security, and there are others where the work was done or the delivery of service is now being quantified. No internal or external audit was ever done on SAUTT's finances, and hence there was never an opportunity to officially identify or correct practices that allowed for bad financial management and accountability.

(f) Corrupt practices: several actions executed within SAUTT while Brig. Joseph was head of the agency were downright dishonest and fraudulent. Instead of reducing crime levels, SAUTT was moving downward to the grade of those whose activities it endeavoured to counter. Some of the corrupt practices include the purchase of 300 bags of dog food every month to feed 25 dogs; 300 bags of dog food! [*Laughter and crosstalk*]

Dr. Moonilal: Not Rottweilers?

Sen. The Hon. A. Ramlogan SC: I do not know if there were any Rottweilers amongst those dogs. Mr. Deputy Speaker, \$41.8 million was paid into an operational contingency fund with no breakdown or accountability; an operational contingency fund.

Hon Member: Thief!

Sen. The Hon. A. Ramlogan: Close to \$10 million was spent on the construction of building facilities at Cumuto without any approval from the Central Tenders Board; over \$7 million was spent on a facility in east Port of Spain to accommodate displaced vendors, again, no Central Tenders Board approval. Mr. Deputy Speaker, 185 vehicles were purchased for SAUTT's use. However, whilst

they purchased 185 vehicles, an additional 183 vehicles were incredibly rented from companies which were set up for the express purpose of renting vehicles to SAUTT.

Mr. Volney: Shame!

Sen. The Hon. A. Ramlogan SC: Mr. Deputy Speaker, \$3 million in unauthorized invoices. This one would be laughable, if it was not the fact that we were dealing with national security, but there are three missing containers full of security equipment—cannot be found.

Hon. Member: What?

Sen. The Hon. A. Ramlogan SC: An entire excavator weighing over 2,000 tonnes has vanished into thin air from the compound of SAUTT—

Mrs. Gopee-Scoon: Like the piano.

Sen. The Hon. A. Ramlogan SC:—it just disappeared “poof”; completely gone—

Mr. Volney: “Lock dem up; lock dem up!”

Dr. Moonilal: Check Balisier car park.

Sen. The Hon. A. Ramlogan SC:—as a result of which, there is now a claim against the State, a multimillion-dollar claim, by the owner of the excavator which was stored on the compound of SAUTT, meant to be a high security facility, and an excavator that cannot travel very quickly, just disappeared into thin air under Brig. Peter Joseph’s watch.

Mr. Volney: Where is the excavator?

Sen. The Hon. A. Ramlogan SC: The rental of vehicles, whilst you are paying rent, they are nowhere to be found. A vehicle was assigned to Brig. Joseph and upon termination, after Brig. Joseph left, only last week it was discovered that Brig. Joseph continued to retain use of the State property in the form of one of the vehicles assigned to SAUTT.

Numerous and persistent allegations—SAUTT’s staff and other staff members who had dummy companies supplying equipment to SAUTT; a clear conflict of interest and nothing was done about it.

The hiring of persons who failed their lie detector tests: persons failed their polygraph test. The polygraph test was meant to weed out and filter those persons who were not intended for an agency like this, and those who failed they still put them in it.

A nurse was hired at a monthly salary of \$20,000—

Dr. Moonilal: A nurse?

Sen. The Hon. A. Ramlogan SC:—and that nurse, it would appear, is one of the spouse—well I should not say one of the spouse—is the spouse of one of the former deputy directors at SAUTT.

Hon. Member: Shame!

Sen. The Hon. A. Ramlogan SC: In addition to that salary, she received other perks such as a laptop, a cellphone and an SUV; all of that for a nurse. Wasted expenditure!

Research into the accounts of SAUTT has revealed that over \$1.8 billion, almost \$2 billion, was invested in SAUTT whilst the police service was being starved of resources.

Mr. Volney: “Lock dem up!”

Sen. The Hon. A. Ramlogan SC: This \$1.8 billion was spent on personnel and equipment since the inception of SAUTT whilst the crime rate continued to soar.

Hon. Member: “Where Rowley was?”

Sen. The Hon. A. Ramlogan SC: Over \$99 million was spent on the purchase and maintenance of two airships. To date, no evidence has been produced to show their effectiveness as crime-fighting tools.

Over \$35 million was spent annually. That is \$35 million of hard-earned taxpayers’ dollars being spent annually on 33 persons; 33 British retirees. Thirty-three British retirees were being paid over \$35 million a year.

Hon. Members: “Oh goood!” Shame!

Sen. The Hon. A. Ramlogan SC: Instead of training local officers in crime fighting—because we all know when you get a work permit from the Ministry of National Security there are conditions attached to that work permit. In any country in the world, when the work permit is granted, it is granted on the condition that there will be an understudy so that there is a transfer of expertise to the locals or the citizens of that country serving in that agency or organization, so that the work permit will not endure in perpetuity.

What happened instead is they remained in Trinidad as they alone seemed to have had the skills to execute the duties. Brig. Joseph did not seek to ensure that

there was a proper transfer of skills and knowledge to the local officers; in more specific terms, these UK police officers who were retirees, received salaries ranging from \$42,000—\$86,000 per month.

Hon. Members: “Oh!”

Sen. The Hon. A. Ramlogan SC: In addition to that salary, they had free use of vehicles, luxury SUVs, fuel, luxury housing, meals, risk displacement and travel allowances. Their remuneration package easily exceeds \$100,000 per month.

Hon. Member: Wow!

Sen. The Hon. A. Ramlogan SC: And all of that, whilst crime was escalating to astronomical proportions, [*Desk thumping*] and all of that in the context where the local police officers were complaining and could not see a red cent more in their salary package.

Millions of dollars worth of high technology equipment was purchased. This equipment is still in storage even to this day. The reason it is still in storage is that having purchased and acquired the equipment, they never bothered to train anyone to use it.

Mr. Volney: Shame!

Sen. The Hon. A. Ramlogan SC: Of course, the technology, we are now trying to assess its relevance in today’s world, because more likely than not, it is probably outdated.

Of course, the purchase of a blimp for US \$12,600,000, which was subsequently sold after it was deflated, because it proved to be completely ineffective, was sold for the handsome price—having acquired it for US \$12.6 million—of US \$50,000 and that, mind you, we were actually lucky to get.

These large sums of money that were spent on items which were never used or failed to achieve their goals could have obviously been better utilized in the fight against crime if they had pumped that money into the police service. Several police stations could have been built or equipped with technology to fight crime. Over 500 vehicles could have been purchased for the police service.

(g) Outdated ideas: the purchase of the blimp which was ill-suited for the fight against crime, for the first few years during the use of the blimp, real-time video footage was not available. You are buying a blimp to capture real-time imaging on the ground to fight crime and real-time footage was not available. As such, there was no direct visual monitoring with what was being recorded in real-time. Hence,

what was being recorded was and could never have been used to stop or prevent crime from occurring. So you record the bandits killing somebody and by the time you deflate the blimp and go back—you watch it like an Indian movie or something or some little western movie—“You cannot go dey, dem fellas gone”. You are going to pick up a corpse.

There was no real-time viewing to ensure that there was any rapid response with mobile patrols on the ground linking the blimp in an attempt to intercept and prevent crimes. The former administration persisted with that blimp, notwithstanding the high maintenance cost for it.

In answer to part (ii) of the question, the claim was made by Brig. Peter Joseph against the State subsequent to his dismissal for alleged wrongful dismissal.

In answer to part (iii), both Brig. Peter Joseph and the State agreed that the release and settlement in this matter not be disclosed. There is a non-disclosure clause in that settlement agreement, and it binds both the State and Brig. Joseph. If that is breached, it may open the State up to further litigation and, in those circumstances I cannot go into the details of that settlement. I just wish to state for the record that that settlement was made entirely without any admission of liability on the part of the State.

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

Dr. Rowley: Mr. Deputy Speaker, a supplemental to the Minister. Notwithstanding your voluminous diatribe, is the Minister aware that when Brig. Joseph was, in fact, fired no less a person than the Prime Minister told this country that Brig. Joseph was fired for spying on her through SAUTT? Is the Minister aware of that? And, in the light of all that you have volunteered this evening without mentioning the Prime Minister’s position of him spying on her if, in fact, what you have said there is true—all true and nothing but the truth—how come the State has agreed to pay him compensation for wrongful dismissal?

Sen. The Hon. A. Ramlogan SC: Sure. With respect to the first matter, I said that these matters; the reasons and justification for the decision to terminate Brig. Joseph, these reasons include, but this is not an exhaustive list. If the hon. Member wants, I can go into the further 10 pages I have to provide further and ample justification. Suffice it to say, with respect to the second aspect of his question, the reason I advised that this matter be settled is that a matter such as this would expose the national security apparatus of the State to be laid bare in court, and to public scrutiny in a way that could compromise the national security interest of the State, and it was felt that it would be better to settle this matter in the interest of the State, and that is why it was settled notwithstanding the ample justification.

Dr. Rowley: On that principle, does that mean that all other persons from the national security apparatus, including the head of the SIA who was fired and all those persons can look forward to settlement; because your position is that for them to litigate would expose the apparatus to exposure? Does that mean that those matters will be settled?

Sen. The Hon. A. Ramlogan SC: The answer is no, and the answer is that each case will be treated on its own merit. SAUTT, as you very well know, was in possession of very highly technological, sensitive security equipment, and if we are to defend this matter in the State what may come out may very well implicate members of your administration, your good self, hon. Leader of the Opposition, and the best thing to do is to preserve the integrity of the national security of the State.

2.15 p.m.

Mr. Deputy Speaker: Hon. Members, it is 2.15 p.m., and according to Standing Order 19(7), the mover of the remaining four questions can determine if they would like to have the answers to those questions in writing or to be deferred to a later date.

Mr. Imbert: Mr. Deputy Speaker, we would like to have them deferred to the next sitting.

The following questions stood on the Order Paper:

**Government Credit Cards
(Issuance of)**

- 40.** Could the Prime Minister state:
- c) Whether officials of the Office of the Prime Minister have been issued with and utilize government issued credit cards?
 - d) If so, can the Prime Minister provide a list of all persons and their designations? [*Miss D. Cox*]

**Local School Boards
(Details of)**

- 42.** Could the Minister of Education state how many schools have Local School Boards installed as at January, 2012? [*Mrs. P. McIntosh*]

**Guidance Officers at Schools
(Details of)**

- 43.** Could the Minister of Education state how many schools have Guidance Officers as at January, 2012? [*Mrs. P. McIntosh*]

Information and Communication Technology at Schools
(Details of)

44. Could the Minister of Education state:
- a) How many teachers have been trained to use Information and Communication Technology (ICT) for pedagogical purposes as at January, 2012;
 - b) How many schools have been physically and electrically upgraded to use Information and Communication Technology (ICT) teaching and learning as at January, 2012? [*Mrs. P. McIntosh*]

Questions, by leave, deferred.

STATEMENT BY MINISTER

Sport Company
(Details of)

The Minister of Sport (Hon. Anil Roberts): Thank you, Mr. Speaker, the People's Partnership Government is about openness, transparency, propriety, accountability and probity, thus as Minister of Sport, I make this statement for the benefit of all present and for the population as a whole.

The boxing board—I am not going to get into personalities—four members of the boxing board were recently relieved of their positions on the recommendation of the Minister of Sport that was accepted by the Cabinet of Trinidad and Tobago. One of the those members was removed because it was found that he in fact had been convicted in the Scarborough Magistrates' Court in 1993 of fraud, and had served 18 months hard labour. The Minister of Sport became aware of this due to the kind question filed by the hon. Sen. Fitzgerald Hinds in the Upper House, when he asked the Minister if anybody on the boxing board had a criminal record. On searching for the answer, we found that to be true, so Mr. Ricardo Phillip was removed from the boxing board based on that and also it was found that Mr. Ricardo Phillip, as a director and a member of the boxing board had sat and provided services to the boxing board to the tune of \$40,000, of which only 30 per cent was delivered, and I have here cheques paid to a director of the boxing board from the boxing board.

In the People's Partnership Government this is not acceptable and, therefore, he was removed. Other members were removed: the former vice chairman presiding over these decisions that are not in keeping with the governing legislation or rules: service provider contracts issued to fellow board members and unauthorized travel

abroad as coach and as such. Another member was removed because he was selected as a legal representative, a lawyer on the board, and it was seen that this person who was paid a stipend to give advice to the board in a legal manner also charged the very board \$10,000 for legal services. So that person was removed. So as you can understand, there are cogent reasons for the removal of these members of the board and as it was implied so we are clear—[*Interruption*]

Mr. Deputy Speaker: The mike.

Hon. A. Roberts: First time I have ever been asked to speak up. I must be getting old, Mr. Deputy Speaker. Furthermore, I would let this honourable House know that the contract of Boxu Potts, who is a fellow of interest, follows the institutional norms for that position and there is nothing untoward. Secondly, not one relative of a public servant, the permanent secretary, was ever hired or employed by the boxing board and therefore I ask that any member who can provide any evidence that cast aspersions on a public servant who cannot defend themselves in this House, please present it to the Minister or the Ministry or the relevant authorities. But I state here that no family member of the permanent secretary was ever employed at the boxing board.

Moving right along—the sport school. The Ministry of Sport has not received any reports, either in writing or otherwise, of alcohol being stored at a facility nor being served to participants of the sport school. No reports of impropriety by coaches nor any other scandalous or compromising situations have been received or reached the Minister or the Ministry. The sport school is an innovative or long-standing programme that brings together young amateur players from across the country to participate in a two-week camp. It is not a stand in for the summer sport camps or the August holiday sport camps. I would get to that later.

The sport school seeks to develop and enhance their sporting and social life skills. Former sport schoolers include national cricketers, Dwayne Bravo and Rayad Emrit. Mr. Deputy Speaker, 145 athletes, between the ages of 12 and 19 were instructed by Ministry of Sport coaches and other trained facilitators in their six disciplines: football, cricket, hockey, volleyball, basketball, netball, track and field. Some words of some of the participants, Ken Elie, great renowned football; coach Peggy Castenada, world cup winning netball player and coach Pradeep Vishnu, all the reports were that this camp was positive and beneficial to the 145 participants.

Some of the communities represented among the participants were: Morvant, Port of Spain, Petit Valley, Diego Martin, Carenage. The basketball team that came out of the sport school is now called in the Ministry of Sport Schoolers, and went to Venezuela and did very well winning the tournament and now participate in the

local league, and are on top dealing with National Flour Mills and the defence force, UTT and so on, and doing very well. There were at least 10 photos of stories in the daily newspapers about the sport school, however, I would appreciate if any Member of this House, any member of the public, or any citizen or parent could forward to me or to the Ministry, any or all reports, complaints or concerns so that the Ministry could investigate such. As at this time, several months later, no such reports exist; so if there are any please provide Ministry officials or the Minister with such.

The Elite Athlete Assistance Programme (EAAP), out of a total of 31 athletes who received elite funding in 2011/2012, 26 are track and field athletes. Criteria for selection has not changed; still require top 40 world placing in sport or medal at major games. Athletes who have demonstrated the potential to attain this status are also considered. This grant will be identified as a “development funding” under the elite programme.

The process used to be restricted under the previous administration, in that an application could have only come from the national governing body directly to the Ministry, but now the Ministry has opened the process, so applications can come from the national governing body, it can come from a Member of Parliament, it can come from a coach, it can come from a parent, it can come from the athlete himself, so we do not have to depend on any NSO to specifically send applications. The population as a whole, if it believes an athlete is deserving, can send in their application and the committee would look at their CV and advise accordingly.

The NGB is required to endorse an application to ensure that there is cohesion and unity between athlete and organization. No reports of NGBs being bullied into endorsing applications have been made. The NAAA, governing body for track and field, applied for elite athlete funding on behalf of all successful athletes in 2011/2012. In other words, all of the recommendations of the NAAA received some level of funding from the Ministry. Furthermore, it should be noted that on November 02, 2011, a letter was received from the President of the NAAA, Mr. Ephraim Serrette, in which he alluded to impropriety in the elite level funding. This Minister of Sport responded immediately on November 08, asking for any and all information and clarification and examples of any form of nepotism, favouritism, “likism”.

Another letter was sent on December 19 and a third on January 06 or 12, 2012, to which not a response was made. I would also let you know that today we had a meeting with the NAAA and apologies were forthcoming. So suffice it to say, and the population will understand, that any or all athletes who are deserving of funding

of taxpayers' money can make an application, either on the website or to the Ministry, fill out the forms and the community will analyze their performance; it is very simple.

The Hampton International Games: the Hampton Athletic Club is a non-profit organization that has been in existence since 1955, more than 60 years. The club's premier annual event is the Hampton International Games: held for the past eight consecutive years. The club appoints a games committee responsible for administration, finance, hospitality, technical areas and marketing. For many years the games committee has included Mr. Rawle Raphael, Mr. Wendell Eversley and Mr. Samuel Sankar.

So just for information I have the company records as Directors of Hampton International—and Diego Martin West should also pay attention because his press conference talked about Hampton, and here you would see an official document registered, Articles of Incorporation, and the names of the Directors are Rawle Raphael, Wendell Eversley and Samuel Sankar.

So these gentlemen represent Hampton Games, officially, and therefore, as is the norm the Hampton Games committee deals with Hampton Games. Never in the history of track and field has any funding being funnelled through the NAAA or does the NAAA have any locus standi with regard to sponsorship or disbursement of funds for the Hampton International Games.

Moving right along. Anyone can go on the website, www.hamptongames.com, where it says the games are sanctioned by the NAAA and the IAAF. Just to note: the Hampton Games was the first track and field event to use the newly installed track in July 2011, and we had great performance from Jehue Gordon (48.92). He beat Felix Sanchez, former world champion in the 400 metre hurdles. Aaron Armstrong ran his best time (10.13) for the year and finished ahead of Darrel Brown and Rondel Sorrillo. And after the race they quoted "It is a great run in front of a home crowd" and "The track is great!" not the Minister's words.

Spirit of Sport Awards: the objective of the Spirit of Sport Awards was to develop a more youthful and modern awards programme that honours a more diverse cross section of persons involved in sport, from grassroots to elite. So awards were in communities. There were five awards: coaches, teachers, fans, technical/medical staff, journalists, school, photographers, persons with disabilities, all of these people who contribute to sport were included in the awards. Mr. Rodney Wilkes received a longtime award and respected now, Allyson Hennessy: many people contributed to the Spirit of Sport Awards, which is not just about the one or two elite athletes whom we recognized, it is about everybody.

And there were comments from Darren Bravo, Valentino Singh, Machel Montano—you must know him, he is “Mr. Fete”, triple-crown winner—Miss Roses Hezekiah, Brian Charles Lara was in attendance, Darren Ganga, Kees Dieffenthaler, Shurwayne Winchester, Terri Lyons, Anya Ayoung Chee, and from all reports the Spirit of Sport Awards was a great success. And just for the record, this Minister had the opportunity to address the First Citizens Award for a lengthy period of eight minutes and was given the choice to address the Spirit of Sport Awards but declined to address because it is not about the Minister of Sport, it is about the people of Trinidad and Tobago. So let us just put that on the record.

Very importantly, installation of the synthetic athletic track: the tender process for this track that is now there and, of course, let me state, categorically, and for those who need glasses, please put them on, that the track at the Hasely Crawford Stadium is 1A certified, the highest certification possible in the world. It received this certificate way back, Trinidad and Tobago, on July 23, 2011. The track is 1A certified, and anyone who wants to check go on the website IAAF, and you will see, Trinidad and Tobago; out of 207 countries there are only 87 that have 1A, and Trinidad and Tobago is one of those countries.

Mr. Deputy Speaker, four areas were necessary for improvement, removing of existing track, preparation of asphalt, installation of synthetic track and measurement and certification. Five contractors were invited to bid. The bids were evaluated by a five-member team by the sport company. The timeline for bid process—*[Interruption]*

Mr. Deputy Speaker: You have 30 seconds again.

Hon. A. Roberts:—as March 25, 2011 was the RFQ, then the RFQ returned on April 08, 2011, requested additional information, April 11, 2011, closing date, April 12, 2011, bids evaluated. The German company, Proplastic won. Two companies were mentioned in this august House; they are Fitness Centre and Mondo. And it must be noted under the PNM, when the last track was put down and supposed to last for 15 years and only lasted five years, that only those two very companies that were mentioned were asked to bid at that time. We now five years later, had to redo the whole thing.

So we are just letting you know that the bidders, the process, everything was correct and, unfortunately, the price as at completion remains at \$9.2 million, not \$13.7 million and the cost is not escalating because of any Czechoslovakian or foreigner or anything, the talk is done, the price is \$9.2 million, it has been finished. The protection of the track, anybody who went to Machel Monday or RAMA will

Sport Company (Details of)
[HON. A. ROBERTS]

Friday, March 09, 2012

see that it is good. I am just wrapping up here, Mr. Deputy Speaker, and just to let you know that Laventille East/Morvant, this is not a parlour, it is the Parliament—[*Interruption and crosstalk*]

2.30 p.m.

CHILDREN BILL, 2012

Order for second reading read.

The Minister of Gender Affairs, Youth and Child Development (Sen. The Hon. Verna St. Rose Greaves): Mr. Deputy Speaker, through you, may I wish a very good afternoon to all the Members present and to the national community.

I beg to move:

That a Bill relating to the protection of children and for matters related thereto, be now read a second time.

It was but a few weeks ago in this honourable House that I sought to situate the Bill before us in its historical and present day context, and in so doing, to emphasize its importance for the protection of our children in Trinidad and Tobago.

The prevalence of offences perpetrated against the children of our beloved nation, has called for a re-examination of the laws pertaining to their protection. Police statistics reveal increasing reports of physical and sexual abuse against children, and ground information and experience paint an even more gruesome picture. Cases highlighted in the media reveal the level of brutality inflicted against some of our children, and many of these are painfully seared in the memory of our people.

Mr. Deputy Speaker, I crave your indulgence. Permit me please some time to share with this honourable House one such case which has shocked the nation's sensibility and continues to test its sensitivity.

Today, as I rise, I invoke the life and passing of one child, and I call her by her name and number, Amy Emily Annamunthodo, 7502—15606, born on May 07, 2002, at the San Fernando General Hospital, pronounced dead on arrival at the same institution just four years later. The San Fernando General Hospital was her delivery room and it was her morgue.

I invoke the pain and suffering of this child, and I give her release through her ancestral words, "Death will not diminish me, because I am involved in the love of mankind." These were the often spoken words of Amy's great grandfather, the late

Walter Annamunthodo, who in 1992 was also brutally murdered. His voice must speak truth to justice, not only for his great granddaughter Amy, but also for her mother, his granddaughter Anita, and for so many of our nation's children. His words, "I am involved in the love of mankind", must speak to those of us who hold in our hands the power and the ability to do better for our children and for this nation.

Mr. Deputy Speaker, I do not need to tell you who Walter Annamunthodo was. He was a comrade in arms, a one of a kind advocate and activist. Whenever or wherever he thought there was injustice, he fought, he stood, and he insisted, often singlehandedly, using self, using his words and skills as a pamphleteer. His energy and fortitude were an inspiration to so many of us.

There has not been a day since this child was killed, that I have not thought of us or held her in my heart. It is not that the other children are less important, but in recent history no other case has so clearly demonstrated the culpability, the frailty and the failure of the system within which we function. A system which seems to have paralyzed us; a system designed, maintained, occupied, run by, and neglected by people and which could be fixed by people. It is too easy sometimes, and even too lazy, to blame this indistinguishable, almost surreal system, which no one seems to be able to get a handle on.

Amy was a child born of a child; high risk by reason of the unfortunate circumstances of her birth. Third pregnancy and second child of a teen mother who had run away from home at age 10 to escape abuse. She was taken off the street by a much older man who, instead of being her rescuer took her for his wife, her own abuse manifesting in her daughter's condition. Failure to thrive, undernourished, a little girl abused, neglected, raped, buggered, destroyed and killed: we buried her tiny body, battered, bruised, burnt and broken. She was failed by a system which was supposed to protect her. Now her spirit must be put to rest.

For these past several years, I have asked the question to myself, to all and to no one in particular: who really killed Amy Emily Annamunthodo? With your permission, in seeking to answer this question, I will read from a report entitled, "Enquiry into the systems operated by Government Agencies which may have failed to prevent the death of four year old Amy Emily Annamunthodo". The author of this report is Justice Monica Barnes SC, and it is dated November 06, 2006.

1. Amy Emily Annamunthodo born to 14 year old Anita Annamunthodo on 7th May 2002 at the San Fernando General Hospital.

2. Amy Emily Annamunthodo was admitted to San Fernando General Hospital on 26th April 2004 upon being brought in by...”—a woman police constable.

I will take care, Mr. Deputy Speaker, with your indulgence, if perhaps I will be permitted not to name persons in this report.

“It was alleged that she was beaten by her step-father. She had multiple injuries of varying stages. The police officer disclosed that Amy was brought into the station by her mother who related a tale of abuse and showed the child’s injuries. The mother threatened to kill herself and left the child at the police station. The abusive step-father was taken into custody and subsequently released. No charges were laid. Amy was released into the care of her grand-mother...in June 2004 on the instruction of the Medical Social Worker.

3. Amy Emily Annamunthodo was admitted to San Fernando General Hospital on 12th June 2005. Amy had fallen from some steps and was unable to walk. She had scars on her body in varying stages of healing. The medical social worker on the case recorded that the grandmother was the primary caregiver and the child’s mother was in a new relationship and lived elsewhere. The grandmother visited the child in hospital...15 days after admission to the hospital. The child was discharged into the grandmother’s care and the case was referred to National Family Services for follow-up and intervention. The letter of referral to the San Fernando office of National Family Services was returned in ‘September or October 2005’. The copy of the referral letter which was sent to the Director, National Family Services in Port of Spain was not returned.
4. Amy Emily Annamunthodo was again admitted to San Fernando General Hospital. This time on 9th August 2005 and once again she was brought in by the police who found her abandoned. She bore multiple scars on her face and body indicative of child abuse. She was examined by a gynaecologist and there was no evidence of sexual molestation. Amy was referred to the medical social worker team for follow-up. Eventually she was discharged to the care of the children’s home in San Fernando on 5th September 2005.
5. Amy Emily Annamunthodo was received into the children’s home...
6. On the application of her mother, and as recommended by the Medical Social Worker,...the Court released Amy into her mother’s care on 12th January 2006...

8. On 15th June 2006 Amy Emily Annamunthodo was brought to the Accident and Emergency department. She was pronounced dead on arrival and on this occasion she bore evidence of sexual abuse.

It should be noted that on two occasions this infant was brought to the hospital by the police. Notwithstanding the obvious indications of physical abuse and abandonment/neglect no further action was taken to bring any perpetrator to justice...

The doctors' reports describe Amy's injuries as...non-accidental injury. Does the hospital have a responsibility to inform the police even when the child was brought into the hospital by the police?

On 07th May 2002—and this is the day of Amy's birth—the referral to the Medical Social Work Department...states—

'Kindly assist us in the further management of this neonate whose mother is 14 years old and is in a common-law relationship. Her partner is at present unemployed.'

There is some medical information that I will not read out.

Mr. Deputy Speaker, the referral form continues:

'Client lives with her mother, brother and common-law husband. Common-law husband also lives with his grandmother intermittently. Client's mother sanctions the relationship. Client explained that she fleetingly met"—named person—"on one occasion. About 2 months later, she again met him, went home with him and spent three days. She returned home because he kept insisting that her mother would be worried. Client was 12 years old and in Standard IV at the time. She left school then because she was committed to St. Jude's Home for Girls for two weeks. Upon her release, her mother spoke"—with a named person—"and eventually accepted the relationship. Mother did not press charges...She had her first pregnancy and the baby died as a result of an infection. This baby"—which is Amy—"is well although she was not treated on time.

Client says that during the initial three days she spent at her boyfriend's home he never initiated any sexual encounters.'

When Amy was admitted to San Fernando Hospital on 27.4.04 having been brought there...she was examined by the Casualty Medical Officer as well as the Pediatric Medical Officer and a report submitted by..."—a doctor, and it states in part—

‘Emily was taken to the Police Station by her Mom who claimed that the child was beaten by her step-father. Mom apparently fled the Police Station.

Examination...revealed lesions to face, back, upper and lower limbs and buttocks of varying ages as well as swollen lip, infected right great toe and fractured right fore-arm bones. Apart from a squint, all other systems are normal.

An impression was made of—

1. Non-accidental injury/Child Abuse
2. Poor Socio economic circumstances.”

2.45 p.m.

“3 It should be noted that the child was discharged into her grandmother’s care after”—the grandmother was interviewed, and again, she was the—“primary caregiver, that Amy’s mother was in a new common-law relationship which was not a stable one and she (the grandmother) wanted to be the one to take care of Amy. She also said that her husband was in prison and on a drugs charge.

Consequent upon this discharge the medical social worker referred Amy to the National Family Services”—and as we said—“the letter of referral was returned...

There seems to be no information regarding the period between Amy’s discharge from hospital into her grandmother’s care and her re-admission to hospital from the home of her mother and her common-law husband. But the circumstances of this re-admission are indicative that this infant was the victim of neglect and abuse...

This mother into whose care Amy was released has had a marked traumatic life—having her first baby at age 12, her second at age 14...placement at a home for girls, evidence of cohabitation with abusive partner(s), obvious desperation to the point where she threatened to kill herself.

There is no indication that the criminal law was at any time invoked regarding the protection of this young mother re the sexual offences against her. What is the responsibility, if any, of professional social workers on the staff of a public hospital when a child gives birth? When the juvenile mother and baby are discharged from the hospital how does the medical social worker ensure that there is appropriate social work follow up?”

I move on.

“The State through its agents must make some intervention when a 12-year-old child gives birth, ie, an intervention other than ensuring a safe delivery and there seems to be further dereliction of duty when that child gives birth for a second time at age 14.

Law enforcement has failed, social welfare has failed, but how and why.

It may well be argued that in times of escalating violent crime, the police are too hard-pressed to pursue what may well be juvenile sexual misbehaviour but ignoring such deviance may have fatal consequences, as happened in this case.

Where respect and discipline are not learned at home or at school for whatever reason and there is opportunity for structured, well-informed behaviour to be taught by persons professionally competent to do so those persons must be true to their profession and give counsel and encouragement, even if it means going the extra mile.

Social workers in the public sector are all overworked. They do not enjoy fixed working hours. By the very nature of their work they perform must go into areas not the most salubrious to meet their clients. They do not expect their clients always to come to them, often they have to go look for their clients and above of all their terms and conditions of service are not unduly attractive. But their work is with people—people in all their poverty and frailty and hopelessness and ignorance.

Social workers must to a large extent bring hope and healing and a desire to overcome.

In enquiring into this matter, every social worker to whom I spoke indicated the workload, the staff shortage, the lack of recognition, the unattractive remuneration, stressing that in some areas of social work the financial rewards seemed to be more favourable than in others.

In this regard it is instructive to quote from a paper captioned the “Medical Social Work Department” written in 2006 by Tara Rahamut.

‘The Medical Social Work Department has long been abandoned by the Ministry of Health. The department has been left to struggle with the increasing demand for services without support from any level and it expects very little support in the future. The main tool that any Social Worker uses is SELF and when this is diminished due to neglect, there is very little left with which to work.’

Whether the above statement is true or not, the sentiments expressed seem to be genuinely felt by many social workers.

Is this perceived diminution of SELF caused by burnout or by lack of appreciation or both. In any event this SELF must be restored.”

Mr. Deputy Speaker, I rest the report of Justice Barnes.

It is often said that the law can be your best friend and your worst enemy, we have seen enough examples of that. Twenty-two years ago, in 1990, Trinidad and Tobago ratified what has been described as the Magna Carta for Children—the United Nations Convention on the Rights of the Child. The convention firmly established the independent rights of children, and located children’s issues at the core of human rights work. It critically addresses child abuse in all its forms, and commits the State to put in place legislative policy and administrative measures to ensure that our children are fully protected against this scourge. The Government is cognizant of its obligations under the convention, and is fully committed to ensuring that our children are adequately protected against all forms of child abuse.

Mr. Deputy Speaker, while the need for adequate legislation to protect our children is important, we must also be mindful that legislation alone cannot achieve this. The role of culture is equally important. We must discuss how we can achieve the cultural shifts that are necessary to make children a priority, and how we can create peaceful, democratic relations among children and between adults and children. It must be recognized however, that legislation creates the enabling environment for these shifts to occur.

For a very long time the laws relating to the protection of our children lacked structure and cohesion, and remained a mix of the old and the new, and largely ineffective in establishing an adequate child protection regime. For example, the Children Act, 46:01, which is a primary piece of child protection legislation, and which the Bill before us is intended to repeal and replace, is still basically a reflection of the UK Children Act of 1908. The more recent Sexual Offences Act of 1986 provides yet another example. Although the Act attempted to modernize and consolidate the criminal law dealing with sexual abuse, including child sexual abuse, common law principles inherited from England reflecting outdated social attitudes remain embedded. The present legislation, as it pertains to children, falls far short of establishing a child protection regime that is both modern and comprehensive. It is therefore, imperative that the State intervene to more adequately protect the nation’s children. A more relevant and effective legislative scheme, coupled with better infrastructure, both physically and in terms of social services, would do much to provide the kind of protection that is needed for children today.

Mr. Deputy Speaker, it needs to be stated that in keeping with the State's obligation, under the Convention on the Rights of the Child, a process of re-examination of the laws relating to the protection of children commenced during the period 1995—2000, and culminated in the enactment in 2000. The package included the Children's Authority Act; the Children's Community Residences, Foster Homes and Nurseries Act, the Miscellaneous Provisions (Children) Act; the Adoption of Children Act and the Children (Amdt.) Act.

The statute comprising this package is intended to work together to establish an effective child protection regime, however, the last mentioned, the Children (Amdt.) Act of 2000, did not deal with many of the deficiencies identified in the Children Act over the last several decades by various committees and task forces. Indeed, since its enactment in 1925, the Children Act has been amended 19 times. These amendments, although well intended, represented a fragmented and piecemeal approach to the development of an effective child protection regime for the children of this country.

The Children Act was designed to reflect the conditions in the colony at that time, and its structure and underlying philosophy have essentially remained unchanged. For example, the definition of child as a person under the age of 14 years, and the definition of a young person as a person who is 14 years of age or upward and under the age of 16 years, are not in tandem with a modern concept of a child as defined in the United Nations Convention on the Rights of the Child. The convention defines a child as a person under the age of 18 years. It is also clear, given the evidence that has emerged, that the atrocities to which children were subjected at that time, were of a different nature, scale and intensity compared to what exists today.

I think it is important to give a brief history of the evolution of this Bill that is before us today. It is a culmination of the efforts of many persons from both sides, both the governmental and non-governmental sectors. Since many of us have contributed to its development over the past few years we, therefore, all need to own it and to take collective responsibility for it.

The Children (Amdt.) Act of 2000, and the Children (Amdt.) Bill, 2006, were reviewed by a committee comprising among others, officers of the Ministry of the Attorney General, the Ministry of Social Development and representatives of the Judiciary. The committee determined that the main issues affecting children were not addressed, and recognized the need to fundamentally amend the provisions of the Children Act, Chap. 46:01, in order to treat effectively with new and emerging issues, and to ensure that stiffer penalties were provided for offences committed

under the Act. As such, the committee recommended that the Children Act should be repealed and replaced with a new Bill, incorporating all the amendments of the committee.

The other statutes in the package of the legislation mentioned earlier were also reviewed by the committee. As a result of this review, the then Minister of Social Development recommended, and Cabinet was asked to agree, that the Chief Parliamentary Counsel be instructed to draft the necessary amendments to the package of children's legislation in accordance with the recommendations made by the committee.

In August 2007, Cabinet approved the package of legislation relating to children, including the Children Bill, 2007, and agreed that the package should be introduced into the Parliament. The Children Bill, 2007 was introduced into the House of Representatives, however, the Bill lapsed upon the prorogation of Parliament on September 28, 2007. It was subsequently successfully reintroduced into Parliament on November 28, 2008, on January 09, 2009, and January 13, 2010, each time lapsing on the prorogation of Parliament.

Following the 2010 general election, the Cabinet, in December 2010, agreed to refer the Children Bill to the Legislative Review Committee to determine policy issues, relative to, one, the offences of sexual touching and sexual grooming; two, the age of sexual consent; and three, the imposition of more stringent custodial penalties. The Bill came before the Legislative Review Committee which recommended further changes. The Legislative Review Committee further directed that the Bill be subjected to wider stakeholder review, and review by an ad hoc committee chaired by Mrs. Stephanie Daly.

3.00 p.m.

In December 2011, Cabinet agreed that the Children Bill, 2011—now the 2012 Bill—be introduced in Parliament at the earliest possible opportunity. The primary purpose of this Bill is to repeal and replace the Children Act, hereinafter called the Act, in order to establish a more effective protection regime that takes into consideration atrocities that are perpetrated against children today and to more appropriately deal with children who may be offenders. This is done within the context of the package of legislation which makes provision, inter alia, for the establishment of the Children's Authority. Apart from the new provision that a child will now be defined as a person who is under the age of 18 years, some of the seminal changes found in the new Bill include:

- (a) the introduction of new offences, for example: the offence of female genital mutilation, which is consistent with international best practices;

sexual penetration of a child; sexual touching of a child; causing or inciting a child to engage in sexual activity with another person; causing or inciting a child to engage in sexual behavioural activity with an animal; meeting a child following sexual grooming; engaging in sexual activity in the presence of a child; causing a child to watch a sexual act; child pornography; exposing a child to pornography; exposing a child to dangerous drugs; use of a child to sell, buy or deliver dangerous drugs; failure to take reasonable precautions to guard against the risk of a child having access to a firearm or ammunition; and giving, selling, lending or renting of a firearm or ammunition to a child; and it makes provision for children's attorneys.

Restrictions on the employment of children have been deleted from the Bill and placed in their related Acts. There are also consequential amendments made to the following Acts: the Summary Courts Act; the Bail Act; the Sexual Offences Act; the Education Act; the Attachment of Earnings (Maintenance) Act; the Children's Authority Act; the Liquor Licences Act; the Occupational Safety and Health Act; the Tobacco Control Act and the Trafficking in Persons Act.

Mr. Deputy Speaker, with your leave, I would give a brief overview of the provisions of the Bill. *[Interruption]*

Part I of the Bill provides—Mr. Deputy Speaker, we are dealing with our nation's children and I have seen us spend hours treating with things that are not as important, so I would ask for us to understand the importance of this legislation. *[Interruption]*

Part I of the Bill provides for preliminaries and comprises clauses 1 to 3.

Clause 3 provides for the interpretation of the terms used in the Bill. Clause 3(2) introduces a two-tiered test, a subjective test and an objective test, to determine whether, for the purposes of the Bill, penetration, touching or any activity is sexual. The test in clause 3(2) of the Bill is similar to section 78(b) of the UK Sexual Offences Act and the approach is explained in the English case of *R v H*.

A determination of what constitutes sexual touching is particularly important in relation to children in relationships of trust and in familial relationships. The law must make it clear that sexual touching ought not to be viewed as innocent conduct. Such activity done for medically recognized purposes would be excluded.

Part II of the Bill addresses the prevention of cruelty to children.

Clause 4 strengthens the existing section 3 of the Children Act by making it more expansive in terms of the injury of suffering caused to the child and by increasing the penalty. Thus, a person aged 16 and over who has responsibility for a child under 16, who wilfully assaults, ill-treats, neglects, abandons or exposes the child, or causes or procures the child to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause the child suffering or injury to his physical, mental or emotional health, commits the offence of cruelty to a child. The offence thus covers a variety of types of conduct that can, together or separately, amount to an offence of cruelty. It may be noted that the clause is amended to prevent the alleged perpetrator from being younger than the victim.

An offender would be liable on summary conviction to a fine of \$50,000 and to imprisonment for 10 years. However, where a person is charged with the offence of neglecting a child in a manner likely to cause injury to his health under this clause, it would be a defence for him to prove that, at the material time, he was unable to adequately provide for the child because he suffered from an infirmity of the mind or body. This offence is particularly relevant in cases of cruelty over time, especially where there is no clear evidence of incidents or the specific time of the incidents. Very young children are particularly susceptible to these forms of cruelty and are often the ones who fall through the cracks.

Part III of the Bill makes provision for offences in relation to begging, risk of burning; firearms and ammunition and comprises clauses 5 to 8. Clause 5 sets out the offence of begging, the burden of proof being placed on the person charged, once it is proved that the child was in the street, premises or place for any other purposes outlined in this clause. A person who contravenes this provision will be liable on summary conviction to a fine of \$3,000 and to imprisonment for six months.

Clause 6 provides for the offence of exposing a child under the age of 12 years, where a person has responsibility for the child but fails to take reasonable care to protect the child from the risk of being burnt or scalded.

Clause 7 of the Bill sets out the offence of injury or death by a firearm or ammunition where a person has possession of a firearm or ammunition and fails to take reasonable precautions to guard against the risk of a child getting access and by reason thereof the child injures himself or another.

Moreover, clause 8 of the Bill makes provision for the offence of giving, selling or renting a firearm or ammunition to a child. The penalty specified is a fine of \$50,000 and imprisonment for 10 years. However, where the child is killed or suffers serious or grievous bodily harm or kills or causes serious or grievous bodily

harm to another person, the penalty increases to \$100,000 and imprisonment for 20 years. The importance of this provision in the present-day context of criminal activities pursued by some of our young people and enabled by those who supply them with guns and ammunition cannot be overstated.

Part IV introduces the offence of female genital mutilation. The inclusion of this offence in the Bill will ensure that our legislation is consistent with international best practice.

Part V, very importantly, provides for offences relating to the abuse of children through prostitution.

Clause 11 provides for the offence of allowing children to frequent brothels. A person who contravenes this provision would be liable on summary conviction to a fine of \$30,000 and to imprisonment for five years, or alternatively, on conviction on indictment to a fine of \$50,000 and to imprisonment for 10 years.

Clause 12 of the Bill sets out an offence where a person having responsibility for a child causes, encourages or favours the seduction, prostitution or penetration of the child.

Clause 13 of the Bill provides for the offence of paying for the sexual services of a child. Specifically, the clause makes it an offence for a person to procure, whether for himself or another person, the sexual services of a child, and before procuring those services, he makes or promises payment for such services. A person who contravenes this provision would be liable on summary conviction to a fine of \$50,000 and to imprisonment for 10 years and on conviction on indictment to imprisonment for 25 years.

Clause 14 of the Bill sets out the offence of causing or inciting a child to become a prostitute in Trinidad and Tobago or elsewhere.

Clause 15 provides for the offence of controlling a child prostitute in Trinidad and Tobago or elsewhere.

Clause 16 provides for the offence of arranging or facilitating child prostitution in Trinidad and Tobago or elsewhere.

Part VI, which comprises clauses 18 to 34, provides for other sexual offences, which are intended to introduce a new criminal regime for the increased protection of children against sexual abuse.

Mr. Deputy Speaker, the placing of sexual offences against children in the Bill aims to bring these offences in close proximity with the comprehensive child

protection regime which is being developed and implemented for the protection of our children in Trinidad and Tobago.

Part VI also outlines the circumstances under which children are determined to have the capacity to consent to sexual activity.

Clause 82 should act as a filter to ensure that innocent or experimental sexual activity between young people is not criminalized. This clause provides that proceedings can only be instituted by or with the consent of the Director of Public Prosecutions where the alleged perpetrator is a child. Non-criminal approaches are deemed more appropriate for dealing with mutually agreed activity between young people. In this regard, the intervention of the social and other support services is important.

Clause 18 makes provision for the offence of sexually penetrating a child. Penetration is given a wide definition.

Clause 19 introduces the offence of sexual touching of a child. This clause is now amended to make sexual touching applicable to all children and to ensure that 16- and 17-year-olds can consent within the circumstances set out in clause 20 or the "Romeo" clause. Touching includes all forms of physical contact, including penetration, and sexual is defined at clause 3(2). Whether or not the child consents to the activity will be irrelevant.

The offence will carry a penalty of \$50,000 and imprisonment for 10 years on summary conviction. Alternatively, the penalty on conviction on indictment will be imprisonment for 20 years. In addition, where a person commits the offence of sexual touching and the touching involves the placing of any body part or an object into the penis or bodily orifice of a child, that person will be liable on conviction on indictment to imprisonment for life.

Clause 20, which is the "Romeo" clause, applies to sexual penetration and sexual touching and provides for the defence of consent for a person under 16 years or over, but under 20 years of age, if (a), he is less than three years older than the child against whom he is purported to have perpetrated the offence, and (b), the child is 16 years of age or over and consents, since the person who is less than three years older than the consenting child could not be more than 19 years. The clause is being amended to reduce the age limit of 21 years to 20 years. The clause is further amended to ensure that children in familial relationships are protected and to ensure the criminal law policy as regards consent to a sexual activity is consistent.

Clause 21 of the Bill sets out the offence of causing or inciting a child to engage in sexual activity with another person. The clause also provides for some severe

penalties where the activity caused or incited involves sexual penetration of a child. The clause is now amended to protect all children against this type of conduct.

Clause 22 of the Bill makes provision for the offence of causing or inciting a child to engage in sexual activity with an animal and prescribes a penalty of 25 years on conviction on indictment.

Clause 23 of the Bill makes provision for the offence of engaging in sexual activity in the presence of a child who is under the age of 16 years.

Clause 24 provides for the offence of causing a child under the age of 16 to watch a sexual act for sexual gratification. The evidence suggests that children in Trinidad and Tobago need to be protected against this kind of sexual conduct.

Clause 25 provides for a new offence of meeting a child following sexual grooming in Trinidad and Tobago or elsewhere and by any means, including the Internet. The clause defines sexual grooming as gaining the trust of a child or of a person who takes care of the child for the purpose of sexual activity with the child.

3.15 p.m.

Mr. Deputy Speaker, the advent of the Internet and other similar technological advances means that many of our children are susceptible to this form of abuse while in the apparent safety of their own homes. It is important, therefore, to ensure that the law keeps up with these modern-day offences and those children are adequately protected.

Clauses 26 and 27 of the Bill specify the marriage exceptions. Clause 26 will apply to clauses 18, 19 and 24 if at the time of the conduct by a person in relation to a child, the person and the child were lawfully married or the person reasonably believed that he was lawfully married to a child.

Further, clause 27 specifies that the marriage exception also applies to clause 23 which prescribes an offence of engaging in sexual activity in the presence of a child. The exception applies if there are only two persons involved and they are lawfully married to each other.

Clauses 29, 30 and 31 address all offences under Part V—sexual penetration, touching and so on—where persons are in positions of trust such as in relationships within families of the child. Higher penalties are prescribed in some instances.

Clause 30 sets out a list of the categories of persons who, for the purposes of the Bill, are considered to be in positions of trust in relation to a child and provision is made for the Minister, by order, to amend the list after consultation with the Attorney General.

Clause 32 of the Bill specifies the categories of persons who come within family relationships for the purposes of the Bill. It should be noted that a wide interpretation has been given to this term to include a cohabitant as defined under the Cohabitation Relationships Act. A person who is in a visiting relation with the parent of a child, however, would be caught under the other clauses which prescribe sexual offences as set out in the Bill. The Bill also seeks to give the police the power of arrest without a warrant for conduct that involves penetration. Penetration is broadly defined and encompasses conduct that is viewed as particularly grave.

Clause 33 gives effect to this and will confer on a constable the power of arrest for offences under clauses 18 and 19(3). Clause 34 will give the court the discretion to make certain orders for the welfare of the child who has been a victim of an offence under this Bill.

The intention of this clause is to provide a range of options that the court may employ in the best interest of the child victim. For example, the court may order that the child be referred to counselling; that the child be deemed in need of care and protection and referred to the Children's Authority which shall seek any appropriate order of the court or the court may make any other order as it may deem fit for the welfare of the child.

This is particularly important in the context of sexual abuse within the family. Long-term emotional and psychological trauma is frequently associated with such cases, often with devastating consequences for the child and his or her family.

Part VI of the Bill goes on to deal with offences relating to dangerous drugs, tobacco and alcohol. Clause 36 of the Bill penalizes giving or causing a child to be given a dangerous drug or a substance having an effect similar to that of a dangerous drug, except upon the order of a medical practitioner.

Further, clause 37 makes provision for the offence of using a child or causing a child to be used as a courier in order to sell, buy or deliver a dangerous drug or a substance having an effect similar to that of a dangerous drug.

Mr. Deputy Speaker, there is a crucial need to strengthen the protection for children against child pornography, especially in light of the ease with which child pornography can be published, distributed and accessed in a modern-day context of the Internet, cellular devices and other information and communication technologies. This is given effect in Part VIII of the Bill which comprises clauses 40 to 42.

Clause 40 sets out the offence of child pornography. Based on the advice of the cybercrime expert, Prof. Marco Gercke, who has been working with the

Government, the offence is now amended to make “knowingly obtains access through information and communication technologies to child pornography” an offence. This will enable the offence to cover acts where the offender uses more recent technologies such as streaming video. Further, in accordance with the experts’ advice, clause 40(2) which sets out the meaning of distribution of child pornography is now amended at paragraph (b) to substitute “electronic means” for “electronic mail”. This will widen the scope of distributing child pornography and will cover direct file exchange, for example.

Clause 40 provides for defence of knowledge for possession of child pornography and places the burden of proof on the accused. Exemptions are also specified under clause 40. A range of persons are exempted from liability if the act that would otherwise constitute an offence is done in good faith for the purpose of the official duties of a person involved in the prosecution or defence of an offence relating to child pornography.

Clause 41 prescribes an offence of exposing a child to pornography.

Clause 42 sets out further an offence of inciting or facilitating child pornography in Trinidad and Tobago or elsewhere.

Fundamental to a regime of child protection is a structure in place for guaranteeing the safety of victims. Part IX of the Bill, which comprises clauses 43 to 48, deals with the mechanisms for ensuring the safety of child victims. Clause 43 treats with how a child may be taken to a place of safety. This clause includes an obligation that the Children’s Authority be notified forthwith when a child is to be taken to a place of safety so that steps can be taken with respect to protection of that child. The court, in making any order in respect of that child must do so with the child’s welfare as a paramount consideration and must take the wishes of the child into account.

Clause 44 triggers the jurisdiction of the court to deal with a child where a person with responsibility for that child has been convicted of an offence against the child.

Clauses 45, 46 and 47 deal with the welfare of a child who has been placed by the court in the care of another person. The Bill at clause 48 authorizes the court to order the attendance before it, of a parent or guardian where a complaint on oath has been made that a child has suffered harm or is suffering or is likely to suffer such harm so as to cause concern for the welfare of that child. The term “harm” is widely defined. If the court is satisfied that the child has been such a victim, the court may, with the child’s welfare as a paramount consideration and taking into

account the wishes of the child, order that the child remain in the custody of a parent or guardian, subject to a period of supervision by a named person or authority. The court may also order that the child be committed to the care of a fit relative of the child or other fit persons named by the court. The clause incorporates key principles of the Convention on the Rights of the Child.

Mr. Deputy Speaker, the vulnerability of the younger people and their generally more immature judgment means that they ought to be treated differently from adult offenders, a principle embedded in our existing Children Act. Children need to be held accountable for their offending in a way that acknowledges their vulnerability.

Part X of the Bill provides for procedures where child offenders are involved and comprises clauses 49 to 65.

Clause 49 provides for the release on bail, in accordance with the Bail Act, Chap. 4:60, of an offender who is under the age of 18 years, where the offender cannot be brought forthwith before a court. Clearly defined circumstances such as where the charge is for murder or any offence which would have been indictable if it was committed by an adult will prevent the operation of this provision.

Clauses 50, 51 and 52 of the Bill provide for bail of a child offender and the manner in which a child should be detained in a police station.

Clauses 53, 54 and 55 deal with the court attendance of a parent or guardian of a child who is charged under the offence or brought before a court under the Bill. The court has the power to fine a parent or guardian, where that parent or guardian has failed to exercise reasonable care of, or supervision to ensure that the child does not commit an offence.

Clause 56 of the Bill makes provision for the limitation of cost, while clause 57 provides for determination of sentence. Importantly, by virtue of clause 57 and notwithstanding any other written law, in determining the sentence of any child who has been convicted of an offence, one of the options the court has is that it may request an investigation and report by a probation officer or social worker; a child psychologist or a child psychiatrist, a children's home or the Children's Authority and take such a report into account. Submissions by the Children's Authority, the children's attorney or other attorney-at-law representing the child may also be taken into account.

Clause 57 further seeks to impose restrictions on the sentencing of children with respect to imprisonment and conditions of detention. However, clause 58 would prohibit the court from ordering the detention of a child in an adult prison.

Clause 59 of the Bill stipulates that the death sentence shall not be pronounced on or recorded against a person convicted of an offence if at the time when the offence was committed he was under the age of 18 years.

The need for children to have independent legal representation is one that has long been recognized in our jurisdiction. Part XI of the Bill, which comprises clauses 66 to 68, seeks to fill this gap. Clause 66 provides for children's attorneys to be appointed by the Judicial and Legal Service Commission, including one attorney-at-law to be appointed as senior children's attorney.

Clause 66 further provides that in any court proceedings the court may request that the Solicitor General assign a children's attorney to represent and safeguard the interest of the child and perform such other functions as the court may think necessary.

Mr. Deputy Speaker, the appointment of children's attorneys will go a long way in ensuring the realization of the best interest of the child principle.

Part XII contains provisions relating to evidence and procedures and comprises clauses 69 to 80. Clause 69 provides that, where the court is satisfied that the presence of the child before the court in respect of offences under the Bill would place the child at risk or harm, the court will have special power to take evidence from the child in the form of a deposition or recorded evidence. Under this clause, the court may have the evidence of a child recorded by audiodigital recording, videodigital recording or computer-aided transcription.

Clause 70 of the Bill further provides for the admission into evidence of a deposition and recorded evidence of a child, while clause 71 provides for the admissibility of videorecorded evidence of an interview between an adult who is not the accused or one of the accused and a child subject to exceptions under subclause (3).

Clause 72 allows for the cross-examination of a child by means of an electronic device linking the voice and imagery of the child witness; while clause 73 provides for a child to be called as a witness where a video recording is given in evidence.

Clause 76 of Bill makes provision for a child under the age of 10 years to give unsworn evidence in criminal proceedings. But the unsworn evidence of a child may not be corroborated solely by the unsworn evidence of another child. Notwithstanding this, an accused person may be convicted on the uncorroborated evidence of a child provided that the court warns the jury of the danger of convicting the accused on the uncorroborated unsworn evidence of a child.

Clause 77 allows for special procedures for the examination of a child witness through an intermediary.

Clause 78 of the Bill will confer on the court the power to proceed and determine a case with respect to offences under the Bill, in the absence of the child, once the court determines that the child's presence is not essential.

3.30 p.m.

Part XIII contains the miscellaneous provisions and comprises clauses 81 to 87. An element of rehabilitation is implanted in clause 81 which makes provision for the court to make an order for counselling in respect of a person convicted of an offence under Parts II to VIII of the Bill. As noted earlier, clause 82 provides that where the perpetrator is a child with respect to an offence under Parts V, VI or VIII, the proceedings shall not be instituted except by, or with the consent of, the DPP.

Clause 85 of the Bill provides the court with extraterritorial jurisdiction where the act constituting an offence under this Act is carried out wholly or partly in Trinidad and Tobago or elsewhere, or by a person on board a vessel or aircraft registered in Trinidad and Tobago.

Clause 86 provides for the application of certain sections of the Sexual Offences Act, Chap. 11:28. These relate to the age of criminal responsibility, admissibility of a minor's statement, anonymity of the complainant, and notification requirements for sex offenders.

Clause 87 of the Bill provides for the repeal of the Children Act, Chap. 46:01 upon the coming into force of the Children Act of 2011 for which this is the Bill, while clause 88 would provide for consequential amendments to various Acts. Section 15 of the Sexual Offences Act provides for the offence of indecent assault against another person, including a child. However, conduct amounting to indecent assault against a child is now covered under the sexual touching which is specified at clause 19.

Schedule 3 is now amended to restrict the offence of indecent assault to acts committed by adults. Further, section 16 of the Sexual Offences Act provides for the offence of serious indecency against another person, including a child. Serious indecency against a child is covered under clause 19 of the Bill; sexual touching. As such, section 16 of the Sexual Offences Act is amended to restrict the offence of serious indecency to acts committed against adults. No offence will, however, be committed, where an act of serious indecency is committed in private by persons who fall within the "Romeo" clause.

It is the duty of the Government to adopt and put in place necessary measures to ensure the safety of the nation's children. Government must be ready to respond to the needs, hopes and aspirations of its people and, in particular, where children are concerned.

The State of the World's Children—UNICEF 2005—describes childhood as follows:

“Meaning much more than just the space between birth and the attainment of adulthood, childhood refers to the state and condition of a child's life: to the quality of those years.”

These sentiments have been recognized internationally by the various conventions concerning the protection of the rights of children.

Within this global context of the need for a protection regime for children, the Government of Trinidad and Tobago is mindful and recognizes that urgent need for this new proposed Children Bill, 2012. The Government will adopt a more stringent child protection regime and this legislative measure will afford special attention to the children of Trinidad and Tobago in a more cohesive and comprehensive manner than previously.

Our signing of various international agreements for the protection of children attests to our commitment to their principles. These principles are reflected in this Bill. As a nation, we not only have a moral obligation to protect our children, but a legal obligation as well, especially in the light of all that has gone before.

Mr. Deputy Speaker, as Minister of Gender, Youth and Child Development, as a social worker and as an activist, I am only too well aware of the many challenges and shortcomings which exist in the legislation and the support services and systems which will give it life. However, it is my humble and subjective view that we, as a society, have taken long enough working towards this expected perfect package of legislation to protect our children. I do understand our caution. We do not want to alienate parents from their children; we do not wish to create a generation of hyper-vigilant children, afraid to love, afraid to care or afraid to trust; children who will recoil from being touched. We do not want that.

We do not want our young people listed on a register of sex offenders. We do not want our children to have adult responsibility and tribulations forced upon them. We do not want them to be brutalized in prison or anywhere else. For the most part, we identify easily what we do not want for our children.

This debate presents us with an opportunity—in fact, many opportunities—to collectively examine what we do want for our children. It gives us an opportunity to take this Bill, and as leaders, to shape it into what it can be—

Mr. Deputy Speaker: Hon. Minister, you have 10 more minutes.

Sen. The Hon. V. St. Rose Greaves:—what it can be, and its potential to serve the society well. Let us together plug the gaps. Yes, there are gaps. Let us strengthen the weak areas—there are weak areas—and let us reconcile the areas of discomfort. This legislation does not belong to any one of us; no one political party; no one Minister; no one citizen. This legislation belongs to all of us, as Trinidad and Tobago.

Amy Emily Annamunthodo was killed, and like so many others, she made it to the news. There are numerous cases of child abuse that remain invisible. Neglect, torture and abuse have become the norm for so many of our children. Real justice for Amy demands that we prevent rather than wait to punish, as we must do. The last lines of Justice Barnes' Report state:

“Human life must remain precious in Trinidad and Tobago and the vulnerable must be assured of the protection of those competent to protect.”

Mr. Deputy Speaker, Members of this honourable House, people of Trinidad and Tobago, are we competent to protect our children? Are we prepared to protect our children? Mr. Deputy Speaker, through you, I implore, as we move forward, let us remember the children who were taken from us prematurely, tomorrow's dreams abandoned. Let us honour their memory by ensuring that no more will we sit idly by and allow our children to be ignored.

With these words, I beg to move. I give thanks. [*Desk thumping*]

Question proposed.

Dr. Amery Browne (*Diego Martin Central*): [*Desk thumping*] Mr. Deputy Speaker, I wish to begin by offering my congratulations to the Minister, and Senator, on what I believe is her maiden contribution to a debate in the Lower House of Parliament. [*Desk thumping*] I also want to take this opportunity to offer the Senator my best wishes for a happy belated birthday as well. I saw some celebrations taking place. [*Desk thumping*] Today is not a day for bombshells or matadors or eggshells or ranting and raving. Today is a day that we can all work together to dedicate to the nation's children. [*Desk thumping*]

I have some good memories of the hon. Minister whom I met maybe 10 years ago while I served as chairman of an NGO called CARE, Community Action

Resource, an agency dedicated to improving the lives of persons living with HIV and AIDS. The hon. Senator at that stage—she was not a Senator, but was a volunteer member of the executive board of the organization and we enjoyed some very fruitful collaborations, and I do recall her as a very passionate individual on the issue of HIV and AIDS.

More recently she is known as a human rights activist and an abolitionist of some note as well. And, clearly, the Minister remains a very passionate individual and that is something that is very encouraging and hence, what I believe was a very unusual presentation of the Bill, spending quite some time examining the Amy Annamunthodo Report before even mentioning the title of the Bill. It might have been about half an hour, but there is nothing wrong with that.

We should bear in mind, as we go through this debate, that our nation celebrates its 50th year of Independence this year, and in my opinion the second best gift we can give ourselves is a joint effort to creating a nation and world that is fit for children. [*Desk thumping*] I do not believe that anyone would deny that the successful passage and implementation of this Children Bill would be a key step in that direction and a key step in the right direction. Accordingly, I anticipate that the tone of today's debate would be a bit different to the tone of last week's debate, as we always should focus on key issues that would assist with the development of Trinidad and Tobago, and everything that we do here should be to ensure that ordinary citizens would feel that they are getting the best representation that they possibly could get.

Every single piece of legislation that we touch here has implications for the future, but I believe that today's Bill has very special significance. And Members reminded me a littler earlier that debate after debate has been calling for this particular Bill, and I am glad to see that it is here today.

Mr. Deputy Speaker, just to put it simply for the listeners at home, this Children Bill is designed to revolutionize the way we, in this country, think about the nature of what it is to be a child; it is designed to revolutionize the way in which we nurture our children; it is designed to revolutionize the way in which we care for our children, and it is designed to create a series of new offences and severe penalties that would help ensure that our children can survive and thrive in some very harsh modern realities. That is the Children Bill.

Think about it, by the year 2020, many of us would be either middle-aged or further advanced than that—

Dr. Gopeesingh: Or dead.

Dr. A. Browne: The Member for Caroni East is suggesting death. I would not wish that for you, Member for Caroni East. But the children of today are going to be the future representatives, ministers, leaders and persons to whom we would entrust the future of this country, so anything we can work together to achieve on their behalf, I believe is energy well spent.

It is known that children who are raised with love are much better able to share love themselves and, likewise, the unfortunate children who are raised in conditions of abuse are also much more likely to be abusers themselves. Unfortunately, the reality is that some of our children are not safe. Even as we speak and debate today, some of our children are not being nurtured and some of our children are not being cherished.

Without an empowered and committed family structure—and sometimes even despite the existence of an empowered and committed family structure—too many of our children have been suffering acts of neglect, violence, cruelty, injury, exploitation, including sexual exploitation, violations of positions of trust, exposure to drugs and alcohol, exposure to the wrong examples, and some have even paid the ultimate price of a violent death.

I recall the story—well, the reality of a 14-year-old girl who came to a clinic just a couple weeks ago, accompanied by her mother, for medical attention. It turned out—on taking a history—that this 14-year-old had missed her period, and a decision was made to do a urinary pregnancy test, which was positive. The shocking part occurred when the mother turned to this 14-year-old child and asked: “Which one you think is the father?” The child paused for a moment and said: “I think is the tall”—well, I would not even use the description. She described a particular type of individual, and the mother then smiled a bit and said, “Okay, well, then, that is not too bad.” That is the harsh reality of the times in which we are currently living.

3.45 p.m.

And, as we focus on the realities of the modern age, it might be useful for us to reflect on the words of the English poet, William Blake, who said:

“Every Night and every Morn
Some to Misery are born.
Every Morn and every Night
Some are born to Sweet Delight,
Some are born to Endless Night.”

No one in this Chamber can deny that these negative outcomes are more likely to occur if our children continue to be born into a society in which the legislative protection and the legislative framework are insufficient or outdated or incomplete. Unfortunately, that is the reality that continues to prevail. We owe it to our children to be very frank on this topic. And, I am going to break with tradition and share a view that may not be popular on any side of this House. And, that view is that, no administration has had a very distinguished record on this burning issue. No administration, including past and this current administration, has had a very distinguished record on this particular burning issue, the protection of children.

The record would show that it was back in 1991, that this country ratified the United Nations Convention on the Rights of the Child. Since then we have had, at that time the NAR, then UNC, PNM, UNC, PNM, UNC, administrations—think I got the count little wrong. But, certainly three different political parties have administered this country, since that convention was ratified, and yet still we are here today debating a very fundamental piece of legislation.

One shining light in the last decade was the work of former Attorney General, Ramesh Lawrence Maharaj, who developed and introduced what was then known as, a package of children legislation. Every time we talk on these types of Bills, I would mention his name, I notice that those opposite never, ever choose to do so. But, history would show that his input was very critical in laying a foundation for where we are today. The package that he and his team developed at that stage was extensive, but I would not describe it as comprehensive, and carried some significant gaps that were later recognized. The package at that time was not then proclaimed, as the UNC administration ran into some other challenges with regard to corruption allegations and in fighting.

Subsequent efforts were made utilizing a range of inputs including a family court committee to review and improve the various laws that were contained within that package of children legislation, and, efforts were made to involve more and more stakeholders in the process. At the end of 2007, my colleague, the Member for Arouca/Maloney and myself, came into office and recognized the importance of properly finalizing the child protection laws in the shortest possible time. We set ourselves some specific deadlines and with the support of the Cabinet at that time, we worked together with a team of technical officers from a wide range of sectors, to review, analyze, improve and finalize each Bill, one at a time.

I can say without fear of contradiction that that was a labour of love that took several months of painstaking work with very good people like, master Morris-Alleyne, Stephanie Daly, Joseph Ragoonanan, Bridgid Annisette-George,

Nafeesa Mohammed and many other persons, some of political stripe, some not of political stripe, often working well into the night after midnight on many, many occasions. I salute them and the staff members of several social sector Ministries for the genuine contributions that they made in bringing us to where we are today. [*Desk thumping*]

Mr. Deputy Speaker, there was some reward for those efforts as the International Child Abduction Bill—and, I know the Minister gave some background, but I feel that I can help contribute to a much more comprehensive background and understanding of this particular Bill.

Dr. Gopeesingh: You were there.

Dr. A. Browne: Yes, I was there for part of the time. These efforts were rewarded, as I said, as the International Child Abduction Bill was laid in the Lower House of Parliament in December 2007, just after the Parliament itself was opened for that term. It was then debated and unanimously passed on both sides of the House. Subsequent to this, the team that I described completed work on the Children's Authority Bill, which was laid in Parliament in May 2008; it was then debated and unanimously passed, involving both sides and both Houses. The same occurred for the Children's Community Residences, Foster Homes and Nurseries Bill in May 2008. And, finally, a picture emerged that Trinidad and Tobago's laws were becoming a bit more responsive to the needs of our children.

Mr. Deputy Speaker, that is some of the good news and some of the genuine achievements. But the Children Bill was really the largest Bill in this package, and really, a very important piece of legislation. The record would show that in September 2008, we completed our work on this Bill and were able to lay a vastly improved Children Bill in this House. So much work was done, that it was moved from what was previously couched as an amendment Bill to a genuinely new Bill, the Children Bill.

Debate on that Bill began in October 2008, and went on for several sittings. But, there were some concerns and opposition from the then Opposition, on several key clauses within the Bill, and it was then referred to a special select committee of the Lower House in November 2008. The Minister left that part out altogether. She just chose to mention that the Bill lapsed. But it did not lapse on its own. The Bill was referred specifically by the Parliament to a select committee of the Lower House and Members and others need to be aware that such committees allowed for shared responsibility between both Government and Opposition for the final outcome of key and important matters. The select committee for the Children Bill was convened under the distinguished chairmanship of the Member for Diego Martin

North/East, with additional membership from MPs including Marlene McDonald; then MP, Peter Taylor; MP, Dr. Tim Gopeesingh and then MP, Mickela Panday and myself.

Mr. Deputy Speaker, with the full consent and involvement of the UNC members of this committee, the team then undertook a very detailed work procedure that involved a clause by clause examination of the Children Bill and identification and approval of the clauses on which there was fairly ready agreement. There were some easy clauses that we went through, and then there was the identification and review of clauses that were considered more controversial in nature.

We also called in a series of experts for discussion and conclusion on all of those clauses on which there was disagreement with the then Opposition—and, I see the Member of Parliament for Caroni East is nodding his head because he remembers that detailed work, all of this taking place during that period.

Now, while this was going on and the select committee was meeting, a number of key steps were being taken by the social sector Ministries to put in place measures to improve child safety, even in advance of the committee completing its work and returning the Bill to the Parliament. Other Bills were passed and assented to, key aspects of the Children's Authority Act were proclaimed and a board of the Children's Authority was appointed for the first time in the history of this country in early 2009.

A headquarters for the Children's Authority was acquired, and, this served also as the initial North Children's Assessment Centre; I believe it continues to serve that purpose. Core staff for the authority—initial staff were recruited and work commenced to begin to flesh out the procedures and systems by which the authority would be able to fulfil its very important mandate.

In addition, subventions were provided to NGOs such as ChildLine to assist with the monitoring and detection of children at risk both in school and out of school, recognizing that it would take an entire constellation of sectors and agencies to ensure that our children are properly protected. So, a lot of background work was taking place while Mr. Imbert's committee was hard at work.

Mr. Deputy Speaker, as well, workshops were hosted with a number of key agencies to sensitize them on their roles in protecting children. The National Plan of Action for Children was pushed forward, the National Family Services Division was considerably expanded, scholarships were offered in key areas of the social sector and additional financial assistance was provided to some childcare institutions such as the Cyril Ross Nursery.

Background work: meanwhile in the meetings of the special select committee—well, those meetings continued and we arrived at the stage of what I would deem, full consensus. At that point the drafting experts from the Chief Parliamentary Counsel's Office were brought in and were mandated to prepare a consolidated Bill.

Unfortunately, while this consolidated Bill was being produced, the Parliament was prorogued and the Government changed hands. That is the reality of the record—unfortunately for the country. But, I wish to emphasize that comprehensive consensus was achieved in that committee. And, therefore, at every subsequent opportunity, when I was calling for the Children Bill, it was with the knowledge that both sides, the Government and the then Opposition, were in agreement on what the new Bill or the amended Bill should look like.

Mr. Deputy Speaker, let me be frank, since then, since that point, two years have virtually passed us in Trinidad and Tobago. Until finally, now we have before us a Children Bill, which in my opinion, in many regards, is identical to the Bill that that committee was reviewing. [*Desk thumping*] Even some of the controversial clauses that we took months of hard work, collaborating on and reviewing and agreeing on changes, are back here in their original form. If we choose to sit here—and we would not—and advance the same arguments as were used on the other side, the future of this Bill could be a very challenged one. But I do not think that would be acceptable to any Member. [*Desk thumping*]

Mr. Samuel: True, I agree with that.

Dr. A. Browne: The record needs to be clear and during this two-year period, as occurred with the period before, more and more children were being killed. That sad toll continues—not just in Trinidad and Tobago, but we have to be concerned about home—abuse, neglect and unfortunately continued murders of children.

I would not do as those opposed to us have done over the years, certainly during the time I have been in Parliament, stand and read out the names and gruesome details, and very often we tend to be selective in these things. So you would select a period when your party is not in power and you read out all the deaths and murders and give all the details. I would choose not to do so, because in most cases, I am certain we do not have the permission or endorsement of the families to do that. We just force them to relive those unfortunate details time and time again, and I am not too sure what we get out of that. I have to say that the Member of Parliament for Siparia was a very strong proponent of that particular approach and treated us to several of those lists, which I feel could do more harm than good to a family that is trying to heal after a tragedy.

Unfortunately, I am going to have to be frank here. This last two-year period was characterized by some examples of empty PR, which has become the defining feature of this current administration. [*Desk thumping*] As far as we have been informed—you see, we have to be realistic—no additional aspects of the Children’s Authority Act have been proclaimed over those two years, have they? No additional aspects. I recall when we partially proclaimed that legislation to enable an initial board to be appointed and initial staff to be recruited, there were loud complaints on the other side, “Why are you partially proclaiming the legislation? Time has passed and so many years have gone,” et cetera. Two years—[*Interruption*] Mr. Deputy Speaker, I would relish the opportunity to speak in silence in accordance with the Standing Orders, because I gave the Minister that honour.

Mr. Deputy Speaker, they complained then that it was only partially proclaimed. And, there was a lot of singsong on the other side. But, since those two years have passed, with the reins of power in the hands of the complainants, I want to ask—and I am hearing silence on the other side—I hope I am wrong, but no additional sections of that Act have been proclaimed, the same Children’s Authority Act.

4.00 p.m.

So, sometimes it is easy to complain, but when you have the opportunity to do something, very often, you realize the challenges that are involved, some of those challenges are inherent in the issue, and maybe, some of those challenges are inherent in the personnel that are being mobilized to treat with those issues. [*Interruption*]

Member for Chaguanas West, I would not recommend that we engage in crosstalk at this time. Mr. Deputy Speaker, I will proceed.

During that two-year period, no additional assessment centres were initiated, and again, I am hoping some Member on the other side would be able to rise and say that during this period how many additional assessment centres were initiated. Remember, I indicated the type of work that was going on at the committee, but at the same time, significant background work was being done to ensure that once the legislation comes into effect, more of the systems will be in existence. As far as I am aware, Mr. Deputy Speaker, no additional detention centres for children or youth offenders were opened during this two-year period as well.

Mr. Deputy Speaker, what I do know occurred during that two-year period is that the hon. Prime Minister moved into the residence and diplomatic centre with a

grand announcement that she was opening it up to the nation's children. That was the announcement to the public. Of course, she did not tell the population that this was nothing new at all, and that since that residence was constructed, hundreds of schoolchildren and other children were going through, visiting and touring on a weekly and monthly basis. But there was, again, that PR and pretence that we are opening up the building to the nation's children.

Additionally, the hon. Prime Minister, during that two-year period, made a grand announcement of the recruitment of a special advisor on children's affairs. But, maybe, it is only the two of them who really knew when that engagement began and when it ended because the hon. Prime Minister has never been clear on that particular issue.

Then, again during this period, exactly one year ago, the hon. Prime Minister wrote and published an open letter addressed to a child whose brutal death was covered extensively by the media. The *Trinidad Express* of March 02, 2011 is a good source of information on the contents of this particular letter which includes some very familiar phrases, and I will quote one of those phrases from this letter that was written and published in the media.

“What can I say as a mother, grandmother and Prime Minister about the way your innocent life was so brutally taken?”

This was one year ago, Mr. Deputy Speaker. That is one quote from the letter. Near the end of the letter, there was an additional phrase and I quote:

“Daniel, in your name, I proclaim, not as Prime Minister, but as a mother and grandmother, the Daniel Decree; a simple but powerful intention shared by the large majority of our nation's good, loving, law-abiding and decent citizens to actively join in a national movement to effect a permanent social change in Trinidad and Tobago.”

One year ago. Since then, I have been looking, I have been checking and we have heard precious little about this so-called Daniel Decree, and the hon. Prime Minister failed to respond in similar fashion to any of the subsequent murders of children that occurred in this land. But, at every occasion—well, I will skip that part. Mr. Deputy Speaker, since the Daniel Decree, more than a year has passed us by, and now we have before us a new, but not so new, Children Bill.

For some reason, the Children's Authority Board, during the same period, was allowed to lapse, I am informed, in January 2012, and a new board was only appointed two days ago in time for today's debate. I would like to ask the Government: why was that lapse allowed to happen? Normally, prior to the expiry

of the lifespan of a board, the issue is brought to the attention of the Ministry and the hon. Minister, and prospective new members or returning old members are identified, contacted and approached beforehand to allow for a smooth transition. This is not the only board that seems to have befallen to this fate. But given the importance of this issue, and given the cries over the years for the existence of a children's authority, I find it passing strange that such a board would be allowed to lapse. If there is anything that is being presented here that is inaccurate, I would welcome Members or the hon. Minister, when she is winding up to clarify.

So, as I have said before, there is no administration that can rest on its laurels on this particular issue. I cannot hold the hon. Minister opposite totally responsible, because this portfolio, during the two-year period, was not entirely held by her at all, but was held previously by the Member for Caroni Central prior to her coming into government, and we all know how he spent his energies during that period, including making television advertisements about children, starring himself all the while with no Children Bill. But, the goodly Senator has been in office for the last nine months and to be frank, there do not appear to be sufficient changes in this Bill to justify the additional delays that we have seen. The previous version of the Bill which was laid and debated under the last administration as a new Bill as opposed to an amendment Bill, this was done because of the significant amount of new content and radical restructuring that had occurred to produce the Children Bill at that point. I do not think that the same degree of changes, new content or radical restructuring occurred in the Bill that we have in our hands today.

That Bill, again, as I said was tabled and debated, addressed a number of new and emerging issues which were being treated with for the first time in the law of this country with regard to children, including child pornography; begging, using children; new offences related to the sexual touching of a child; new offences related to the sexual grooming of a child; new offences related to having sex in the presence of a child; new offences related to using a child to carry or deliver drugs or alcohol or tobacco. Those were revolutionary changes. A large number of those clauses have been imported into this Bill, but I just do not want the record to be distorted, and it needs to be clear what is the history of these advanced clauses. They pre-existed this particular Bill.

That Bill that I am referring to, which was laid and debated, was revolutionary in that it recognized the special vulnerability of children to persons in positions of trust: again, the first time that I am aware that such legislation was prepared and brought to this Chamber, to the Parliament of Trinidad and Tobago. The special vulnerability of children to be victims of persons in positions of trust: what are some of these positions of trust? Workers at children's institutions, workers in a

number of capacities at children's institution: educators, religious leaders, are persons in positions of trust with regard to children—coaches, private drivers, babysitters and caregivers. And higher penalties were imposed on such persons who would dare violate a position of trust to infringe on the rights of a child. Higher penalties were also prescribed to persons who commit offences against a child with whom he or she shares a familial relationship. There were also special new provisions to allow for parents to pay fines and damages should their children be found guilty of certain offences, and by any definition, it was a revolutionary—a new Bill.

The last two-year hiatus, however, cannot be explained based on any similar radical changes in the Bill. What we have before us is an almost identical piece of legislation with a few changes which I would like to summarize; some of which, not all, appear to be cosmetic in nature. After reading extensively from the Monica Barnes Report, the hon. Minister read out almost every clause although we have the Bill in front of us. There is nothing wrong with that, and interestingly, hon. Minister, I did the same thing when I introduced the Bill on the last occasion—the Children Bill—and I was chided, extensively, by the Member for Siparia and others. I assure you that you will not be treated with the same approach at all because I understand the importance of these clauses, I understand your passion in pounding them into the ears of the citizens of this country. This is serious business.

Mr. Deputy Speaker, with regard to the changes—I described some of them as cosmetic and some of them as not cosmetic—there has been some reworking of the definitions at the beginning of the Bill, so we need to understand what is new and what is not. There is the removal of a specific offence of suffocation in bed of an infant less than three years of age. Suffocation in bed of an infant; these cases tend to be very difficult to prove but it is widely held that a number of these cases occur every year due to sheer negligence or due to persons who imbibe alcohol, and then bring the baby or the child into the bed, or find themselves in the crib, et cetera. Sometimes parents are—*[Interruption]* No, it is serious. The child is suffocated and the question is: how does the law treat with such cases? I want the hon. Minister in winding up to either, identify the location of those offences in the Bill, or clarify for the House the rationale for this particular deletion. As I said, some of these cases tend to be difficult to prove.

There is also the inclusion of two clauses on the offence of female genital mutilation and a section introducing a children's attorney, and the hon. Minister gave some details on that. There is some amendment to the section entitled "Other Sexual Offences", but the so-called "Romeo" clause, which I recall was quite controversial on the last occasion, has been retained. This clause, just to explain,

seeks to avoid criminalization of uncoerced sexual activity between older teenagers who are close to each other in terms of age. The clause is fairly self-explanatory but it is included for a very specific reason given the reality of our society and other societies where—we would not use the word “consent” when dealing with a child or minor—there is known to exist uncoerced sexual activity between older teenagers that we may not wish to treat in this same harsh way as other types of sexual activity involving a child. I am going to say a few words about that a little later in this particular contribution. So, the “Romeo” clause, again, has been retained despite the controversy that it had attracted on the last occasion.

There is the simple removal of the part of the Bill that dealt with child labour and the hon. Minister mentioned that as well. Some other controversial clauses that were examined by the select committee are included in this Bill untouched. It is almost as if, I do not know, the history has been deleted. Clause 18 is another one of those clauses. And maybe we could look very quickly at clause 18, at this time, for the hon. Minister’s attention and other Members, which is included in Part VI, “Other Sexual Offences” and clause 18 says and I will read it very literally:

“Subject to section 20, a person who sexually penetrates a child commits an offence and is liable on conviction on indictment, to imprisonment for life.”

Even taking into account the “Romeo” clause, I would want the hon. Minister to consider the circumstance involving a 22-year-old and, let us say, a 17-year-old in a non-coercive sexual exposure. The question is: whether, if that should occur, as it does, such a person would be liable on conviction on indictment to imprisonment for life. Similarly, the “Romeo” clause would not capture two 15-year-olds who might be involved in a non-coercive sexual relationship. How would they be treated given the framing of clause 18:

“...a person who sexually penetrates a child”—and a child is defined as anyone under the age of 18 years—“commits an offence and is liable on conviction on indictment, to imprisonment for life.”

4.15 p.m.

I do recall, again, these types of provisions attracted tremendous controversy and the Bill was cast as draconian at that time, et cetera, but has been, despite the passage of so much time, imported literally wholesale into this so-called new Bill.

Any reasonable person would conclude that the time may not have been best used over the last two years in bringing this Bill with its similarities and some of its unusual deletions and features back into the House at this time. Notwithstanding all

of that, I am also of the opinion that no reasonable person would oppose the principles and objectives of this Bill and it certainly has the general support of the Member for Diego Martin Central.

I do feel that some of the clauses and changes in the Bill can be better explained and I am hoping that some of the subsequent contributors or the hon. Minister, in winding up, would clarify some of those clauses and changes.

In addition, I have some very specific recommendations. I would invite your attention to clause 30(b), which is on page 18. I do not know if this error was imported, but clause 30(b) refers to another Act, the Children's Community Residences, Foster Homes and Nurseries Act but it is referenced here as "Foster Care" instead of "Foster Homes". That may have been an oversight.

In clause 9(2)(a), which is on page 9, for the ease of reference of the Minister, this is a new section, which refers to the offence of female genital mutilation. There is reference to exclusion from liability of potential mutilation, which is performed in the process of a surgical operation on a child that is necessary for physical and mental health and the operation is performed by a medical practitioner.

In clause 9(2)(b), there is reference to the operations performed:

"...by a medical practitioner, a registered midwife or a person undergoing a course of training with a view to becoming such a practitioner or midwife."

I am not aware if nurses—the Minister of Health has absented himself—are allowed to perform surgical operations. I am not of that view and I would propose an amendment there to refer to medical procedures, as opposed to surgical operations. Nurses and midwives do not perform the same. That was clause 9.

Clause 13(4)(b)—for the ease of the Minister I would say that is on page 12—states:

"Notwithstanding the penalties imposed in respect of the offences under subsections (1) and (3), the Court may—

(b) order that the offender be referred to counselling;"

In some discussion and consultation with senior social workers and other professionals including psychologists, it is recognized that counselling might be a little too specific and we need to—I would recommend including some broader language here, because the type of intervention that the child or offender might require, may go well beyond counselling. Suggested words could include "order that the offender be referred to counselling and/or any other rehabilitative intervention or treatment". Again, it could even involve psychiatric or psychological assistance and the word "counselling" may not cover all of that.

Clause 18: we have already looked at that and I really want the Minister to consider some of the examples as presented and maybe offer some clarification. I am not sure we want to imprison. It really should be detention for life and not imprisonment. That is something else you might want to note, but we really would not want to detain for life or you may not wish to detain for life, individuals who are conducting themselves in a non-coercive manner in some of the examples given, bearing in mind the need always to change the reality of what is taking place, but this is a very severe penalty and, again, it might be a very simple explanation. I look forward to it.

Additionally, I do have some difficulty with clause 4(1), which is in Part II, page 6, "Prevention of Cruelty to Children." I would briefly read this clause:

"Where a person who is sixteen years of age and over has responsibility for a child, and the person wilfully assaults, ill-treats, neglects, abandons or exposes the child, or causes or procures the child to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause the child suffering or injury to his physical, mental or emotional health, that person commits the offence of cruelty to a child."

The way this clause phrased it really only seems to recognize persons 16 years and over as being responsible or liable in cases of cruelty to children and it really begs the question. The sad reality is that, in a number of cases parents younger than 16 years may be committing acts of cruelty, neglect, ill-treating, abandonment and exposure. We would talk a little bit about some of those underage scenarios. In a case in which a parent is younger or someone responsible for a child is younger than 16 years and is committing an unspeakable act of cruelty against a child, it appears that this clause and maybe the Bill holds no consequence at all for such younger mothers or fathers. It appears to be maybe an artificial barrier at age 16. It may be based on the research. I am just hoping for some clarification there. Again, there seems to be no liability at all for someone under the age of 16. We know that the potential for cruelty exists at any age.

Speaking of these younger parents, Mr. Deputy Speaker, the Bill before us, just like its prior version, makes exceptions for some offences against children once the person and the child are lawfully married. I know the Minister would have been expecting a little bit of discourse on this, but that is reality. In the previous Bill—and it attracted some controversy—[*Interruption*]

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

Motion made: That the hon. Member's speaking time be extended by 30 minutes. [Mr. C. Imbert]

Question put and agreed to.

Dr. A. Browne: I thank all Members for the extension. I was almost going to wish that the Member for Diego Martin North/East would have had more powers in the House, but I think I would cancel that particular wish.

We were looking at the clauses which provide some exception for offences against children once the other person and the child are lawfully married. The public record would show that in October 2011, the hon. Minister made a big deal about this particular issue and it caused some consternation among representatives of the Hindu, Muslim and Orisha communities. But now, five months later, surprisingly, we have a Bill before us with the same exceptions that basically, and I would paraphrase, facilitate the same practices that the Minister and a few others boldly declared were in contravention of the Convention on the Rights of the Child. That is the Bill that we have before us containing those same exceptions that were declared to be in contravention of the United Nations Convention on the Rights of the Child. I would appreciate an update on when these consultations or the process of engagement or decision-making in this regard will be held or completed—it may have been initiated and I am not aware of it, that is quite possible—and how we would wish to proceed at that time, because this is an issue that generates considerable emotional heat in some quarters, but it is something that we cannot avoid treating with in a responsible fashion.

That takes us right back to clause 4(1). Again, what about a 15-year-old wife who might be married under those exceptions through religious rights, who commits cruelty against her own child, for example, assault or neglect or abandonment? This 15 year-old would be lawfully married, would be accompanied by her child and if such acts are committed, what is the liability? What is the penalty? How does the law consider such an individual? Is it that they can be married and have children lawfully but no liability whatsoever for acts of cruelty?

Overall, I support the passage of this Bill, but as I supported and even assisted with amending the Children's Life Fund Bill, along with other Members of both sides of the House right here in this Chamber, I would say that 95 per cent of the Children Bill that is before us today was drafted under prior administrations and is good law. The remaining 5 per cent, most of it, is not bad law, but I warn against any undue delays in instant passage and implementation without consideration of some of the areas that I may have recognized and other areas which my colleagues may wish to explore, colleagues on both sides of the House may have recognized and may wish to introduce in this particular debate.

This Opposition, as has been said before by the Leader of the Opposition and other Members, stands ready, willing and eager to assist in every and any way possible and we are committed to facilitating any progress which would improve the welfare of our nation's children.

I strongly advise, Mr. Deputy Speaker, through you, the goodly Minister that by now we should have seen additional progress with the implementation of the Children's Authority and with the establishment of additional assessment centres and places of safety.

Some key indicators of such progress, and I am offering the indicators. I can go on an aside and say that this Government has been good with indicators, including the state of emergency when a good decision-making strategy would be to share with the population what are your indicators of success. So, when the process is completed, observers and stakeholders would recognize whether success has been achieved or not. I raised the same issue—[*Interruption*] you are drawing me in—with the Commissioner of Police when he came to Diego Martin to pilot Policing in the 21st Century; a lot of fancy words. I asked him very politely: "What are your indicators of success of this pilot?" Of course, there was no answer. At the end of it, it is easy for anyone to get up and say: "Mission accomplished, it succeeded", because there were no success indicators. I am suggesting that with this process, this very challenging process, that the Minister, we all have ahead of us some key indicators which would indicate progress.

One of those indicators would be recruitment of a full roster of staff at the Children's Authority, passage of the Family Court Bill and expansion of the Family Court, successful prosecutions against some of the new offences that we are creating, reduction in reported and actual transgressions against children and completion of the proposed review of the marriage exceptions for underage teens. Those are things that you can put checkmarks against with regard to progress.

Mr. Deputy Speaker, the challenge is ahead for all of us and it is not just about passing laws, which are very important, but also finding ways to change the social and cultural landscape within which our children are growing. We have just emerged from a Carnival season, which is a very energetic one and I would suspect that more—[*Interruption*]

Mr. Deputy Speaker: Hon. Members, this is a good time for tea. This House is now suspended until 5.00 p.m.

4.30 p.m. *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Dr. A. Browne: Thank you, Mr. Deputy Speaker. I do not propose to take much more time on this particular Bill. We were just looking at some of the broader issues, and I had gotten to the point where the comment was that the challenge before us is not just about the passage of laws—sometimes we get into the rhythm of that—but also finding ways to address the social and cultural landscape within which our children are growing, recognizing that we recently emerged from a very hectic Carnival period, some of the energies that we saw on display seemed to be channelled more and more in a direction that is a very bad example to the nation’s children.

Mr. Samuel: Well said. Well said.

Dr. A. Browne: It is clear that persons from all walks of life when exposed to the camera—and I use the words “exposed to the camera” very deliberately—seem to take on a whole new character, and it is not a character that is encouraging when it comes to the welfare and development of our children.

Mr. Deputy Speaker, I do not know what the solution to that is. I do not pretend to have all the answers, but sometimes in looking to the future let us say of this whole Carnival reality, maybe some of the solutions lie in looking at the past. Now, that might sound like a bit of a paradox, but maybe we need to use more of the resources in injecting some of the traditional characters and portrayals back into the Carnival. Instead of using big bucks to make the rich richer and the millionaires to add to their millions, there are families who specialize in these portrayals in Paramin, in Cocorite, in Moruga, all over the country, maybe we need to strengthen the reward for them to participate more, and maybe help change that reality so our children might be more familiar with some of those more docile presentations, as opposed to the presentations we are seeing on the stage, the modern characters with basically naked persons gyrating. So that is one aspect.

The other has to do with, Mr. Deputy Speaker, the issue of literacy programmes. I have said it many times and maybe others have dwelt on this issue as well, the link between improving literacy and reducing violence surrounding children, that has certainly been proven by the research. There have been some useful pilot programmes—I certainly recall one led through the Ministry of the People and Social Development by the Community Mediation Services Division, it was piloted in the Laventille area, a vacation programme involving children as well as working directly with parents, focusing on some very new approaches to improving literacy, and achieving greater intolerance to violence among the targeted children.

The Member of Parliament for Laventille West was also involved in that pilot project which was quite successful in terms of the number of children who were involved, their continued participation in the project with very low levels of dropout, and all of them graduating, many with parents present and getting significant reward from that; there was puppetry and other strategies, the whole theme was: “Talk It Out, Not Fight It Out.” There are many other types of those interventions which we need to identify at community level, expand and put resources toward.

Even at the constituency level, many Members of Parliament may have very good initiatives as always, over the years it seems—and yes—some are on the Internet sharing those—but it seems very difficult sometimes to break through if something is successful at the community level, to really offer it at the national level, and to have it expanded and resourced accordingly.

Certainly in the Diego Martin community at Central Diego Martin, we just did a vacation art programme where young persons who have never really been exposed to painting and art were brought in with very high quality instructions, some of them I would say are on their way to becoming artists whether full-time or part-time. Again, all of these are creative ways to change the cultural environment of children even from high-risk communities. Again there may be many, many other such examples in the wider community.

There are other things we could talk about: health and family life education return to ethics training—these have been mentioned over the years and it seems to be very difficult to get some of the breakthroughs. I do not think the dismantling of the National Aids Coordinating Committee brought us any closer to implementing health and family life education, and that is something that we really need to focus on more.

Changing the culture just briefly, there may be other creative ways to encourage more youth and child involvement in faith-based initiatives. My own parents and many family members in growing up would always talk about church excursions, and other things that seem to have been more attractive back then than they are to our children and youth now. But again, with resources there might be additional ways that we could simulate some of that attraction to faith-based enterprises and activities. There are debating competitions for children and youth in schools, but maybe we need to have some additional competitions, debating, public speaking, et cetera, specifically targeting faith-based youth, in that way we may get more persons involved in that type of activity.

Another issue which I would like to mention in the wider aspect of the culture of violence around our children, is finding ways to introduce or improve our culture of volunteerism, and probably recognizing and highlighting the positives where they do exist. I do not wish to make too many personal references, but I could say that the Member for Arouca/Maloney and myself have been doing some of that in our free time, getting involved with an orphanage, quietly working with a group of children.

I know other Members of Parliament and persons in public life do the same, but really identifying a batch, the group is called “The All Stars,” they named themselves, working with them, taking them on field trips, doing things like goal setting, following up with their school progress, things like that, but finding ways to just encourage more and more of that to take place. The next trip—I think is down the islands, to the Gasparee Caves and I am probably looking forward to that more than the children. [*Crosstalk*]

Mr. Samuel: “Yuh need ah guide?”

Dr. A. Browne: No, you are not quite invited, Member for Arima. I like the spirit that we have here at the moment. The other thing is really setting the right example, and I might sort of wind up on that, because it is one thing to pass the laws, it is another to put in place the systems, the authorities, the personnel but, Mr. Deputy Speaker, the onus is on us as well. And I know the Minister will agree with me that we also need to set the right example, and if we project images of gangsterism and thuggishness among one another and with other individuals, then it really does not set the tone for a violence-free or a safer environment for anyone, any generation, including our children. So that could be another contribution which we can make as persons in public life to really improving the welfare of our children.

So Mr. Deputy Speaker, I would not keep the House too much longer. I want to once again and very specifically acknowledge and congratulate the Minister’s efforts in finally bringing this Bill to be debated. It certainly has my overall support and I also want to congratulate the Minister on a few—I have not examined all the choices—but a few very good choices on this the second Board of the Children’s Authority, including the excellent choice of Chairperson in Madam Stephanie Daly.

The Minister and I had a brief chat before the sitting and we agreed that this Bill is not her Bill, it is not my Bill, it is not the Bill of any person, but it is the Children Bill; it is also the children’s Bill, it is the Bill for all the children of this country.

When we look around us today we may not be encouraged, and we might be tempted to describe what we see in our landscape paraphrasing Lord Byron as:

A nation which is a savageness of rugged men.

But maybe if we could work together on Bills like these, and other issues towards the future, by God's grace we can look forward to a better and brighter future for the children and for all of us.

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

The Minister of State in the Ministry of Gender, Youth and Child Development (Hon. Ramona Ramdial): Thank you very much, Mr. Deputy Speaker. Good evening to the House. First of all I would like to congratulate my line Minister, Sen. The Hon. Verna St. Rose Greaves, the technocrats of the Ministry, the team from the AG's office for this excellent piece of legislation. [*Desk thumping*] As much as the Member for Diego Martin Central may say it is a rehash, but we really worked hard—[*Interruption*]

Dr. Browne: I did not say that.

Hon. R. Ramdial:—and it was a lot of hard work and I want to congratulate the Ministry and the team for bringing this forward. I also want to draw reference to what the Member for Diego Martin Central said in his contribution with respect to the enabling systems in place that would lend support to this legislation and, of course, he made special mention of the Children's Authority.

I just want to clarify in this House, that since October 2011 we have been working with the Children's Authority, a new director pro tem was appointed in July 2011; two OJTs in August—September, 2011; a finance manager, October 2011; a research manager, in mid-October; a communications manager in December and in January 2012, we had our standard and compliance manager, of course, with the appointment of our board. For clarification, yes we are building on good work done by previous regimes and we really want to see that this Bill does what it was meant to do; protect the rights of our children.

Also, Mr. Deputy Speaker, I would like to mention that the hon. Member for Diego Martin Central also had a point with clauses 18 and 19, with respect to prosecution, and in clause 82 this is dealt with where it is stated:

“No prosecution of a child would take place without consent from the DPP.”

And I think that has been covered with respect to that. He also made mention of clause 13(4) being deleted from the Bill with respect to counselling, but clause

57(2)(k) deals with the counselling issue, that he mentioned, so it has been taken care of and amended.

Mr. Deputy Speaker, I want to say that this Children Bill is a very progressive Bill; it is forward and in adhering to international standards, the family remains the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children. Children should be afforded the necessary protection and assistance so that they can fully assume their responsibilities within the community. Being a developing country we have signed on to many international agreements and these have been ratified and, therefore, domestically we need to implement and enact these pieces of legislation, which would allow us to be on par with our international counterparts, and in order to also be an indicator that the Member for Diego Martin Central spoke about, an indicator to our developing status as a country.

Of course, in recognizing the child, Mr. Deputy Speaker, for the full and harmonious development of his or her personality:

“...the child should grow up in a family environment, and in an atmosphere of happiness, love and understanding.

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of ideals...and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.”

All of these things are age-old concepts where in society it is a part of our well-being, it is a part of our holistic development and, therefore, in enacting legislation in dealing with the protection of the rights of our children, these ideals would furthermore be implemented in the psyche of our culture and in our country.

Mr. Deputy Speaker, we are well aware as Members of Parliament that the Declaration of the Rights of the Child internationally, explains that:

“... the child by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.”

Many international treaties have made provisions for these in the past years.

“Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,”

And, of course, this was an excerpt of the Declaration of the Rights of the Child. This is where as a Government and a country that is bent on being termed developed, we have to adhere to these standards and ensure that domestically our laws are prepared to allow for such.

5.15 p.m.

Mr. Deputy Speaker, let me focus a little more, coming back home, on statistics over the past couple of years in Trinidad and Tobago. Of course, these statistics were collected from the Crime and Problem Analysis Branch of Trinidad and Tobago. [*Interruption*]

Mr. Sharma: Those statistics looking good.

Hon. R. Ramdial: We have data on sexual offences committed against persons 18 years and under for the period 2002—2011. Mr. Deputy Speaker, sexual offences: the total for those 18 years and under for females was 4,415, as compared to males which was 90; for 18 years and under, sexual offences against those. Between the ages ranges from 13 to 16, females, 3,525 and 43 males. And under 13, Mr. Deputy Speaker, we have had statistics for females at a level of 741 and for males, 42 with respect to sexual offences against our children.

This is very, very disheartening, Mr. Deputy Speaker, as when we analyze and look at these figures we realize that there is an urgent need for proper legislation, and of course, for the enforcement of such legislation in order to protect our children.

It is not a happy thing when you have to stand here and quote these sexual offences for our kids and realize that as much as in our minds we may like to think that we are developed, and we are a civil society, that these inhumane acts still take place within our society. It is very, very disheartening.

Of course, I also would like to quote again data on sexual offences for the years 2002—2011. From the year 2002—2011, we have seen drastic increases in sexual offences: A total of 1,305 with a minor, that is an individual under the age of 14, sexual intercourse with a minor under the age of 14. And of course, sexual intercourse with a female between the ages 14 and 16, we have had between the years 2002—2011, 1,320 individuals.

This leads me to my other point where under this new Ministry formed under our Prime Minister, Mrs. Kamla Persad-Bissessar, we are looking at standardizing the age for marriages. Of course, in any society we will have different stakeholders, with their different views and opinions, but we must remain on course, we must

make provisions for those stakeholders. But at the end of the day when a decision is made, it must have been with all consultations as many as are needed that would have actually occurred within a specific time period to make such decisions.

Standardizing the age of marriage to 18 years is not a new thing. Internationally, in developed countries, this is something that has been implemented for years before. I want to urge and appeal to the religious groups and the other stakeholders out there to bear in mind the seriousness and the reasons behind the need to standardize the age for marriage to 18. Because under the United Nations Convention—of course, you can see in the Bill here where there was a change—a child is an individual under the age of 18. So how could we have a Bill protecting children's rights for those under the age of 18 and yet still allowing marriages under the age of 18 for whatever reasons they may be? So we need to find some common ground there with respect to both pieces of legislation.

Mr. Deputy Speaker, I want to say—and of course the hon. Member to Diego Central specified and said over and over there was a two-year lapse and all these kinds of things that he was making mention of with respect to the Bill. But I want to say that my line Minister has been working tirelessly, and I know for a fact that committees have come and gone. The committee from the Attorney General's office was very committed in making this happen. And if there was a two-year lapse, it was all for the best interest of the nation. It was all about getting there, doing what was necessary, looking at the changes that needed to be made, and doing such in order to stay in line with Government policy and Government perspective. I think that this Bill contains nothing but good work, nothing but good intentions in terms of protecting the rights of our children. I want to urge the Opposition Members to continue supporting this Bill.

Mr. Deputy Speaker, there is a burning issue in the society right now, especially in Trinidad and Tobago, with human trafficking and, of course, children involved in illegal sexual activities, prostitution, et cetera. This Bill seeks to set some sort of standard—Part V of the Bill which very importantly provides for offences relating to the abuse of children through prostitution and clauses 11 to 17 cover this. It was specifically designed to tackle the use of children in the sex industry and make it clear that children involved in prostitution are primarily victims of abuse, and people who take advantage of them by exploiting them, are child abusers.

Now generally, when we look at the concept of prostitution, it is linked to poverty, Mr. Deputy Speaker. And in most countries we see governments taking the mandate to alleviate such, to alleviate poverty and to deal with that. This Government in Trinidad and Tobago has embarked upon a course, through

different Ministries, to alleviate poverty in order to reduce the number of negative factors that would allow for our children and for our parents—crime-related activities, prostitution, et cetera—to alleviate such negative factors arising from poverty. Around the world it is an indicator that poverty breeds negative activity; such as prostitution, human trafficking, et cetera.

So as a Government we have looked at the negative impact with respect to the relationship between poverty and, of course, protecting the rights of our children. It is included in this Bill, and I think it will make a meaningful contribution in the long term.

Let me just reiterate that clause 11 provides for the offence of allowing children to frequent brothels and a person who contravenes this provision will be liable on summary conviction to a fine of \$30,000 and to imprisonment for five years or alternatively, on conviction, or indictment to a fine of \$50,000 and to imprisonment of 10 years.

Mr. Deputy Speaker, you know within the ambit of crime in Trinidad and Tobago and crime-related activities, as a Government, we have also been trying to cut down these so-called brothels. They all operate under a guise of a bar licence, as you know. And I see the Member for Chaguanas West in some sort of, I hope not, opposition there.

Our society has been plagued with these so-called brothels and they operate under the bar licence where they are allowed to operate late hours and of course, the prostitution of our people comes into play here. We are looking, as a Government, to cut down on this and probably look at some other system that can be put in place. It relates to the manpower that we have, with respect to our national security system, it relates to the resources that are needed, the capability, the mobility of our police officers, and of course, the detection, skills and capabilities of our law officers.

So hopefully this Bill, Mr. Deputy Speaker, will allow for a measure of protection for our children where before none existed.

We look at clause 12 also of the Bill which sets out an offence where a person having responsibility for a child causes, encourages, or favours the seduction, prostitution or penetration of the child. The penalty for this offence will be imprisonment for life upon indictment, and it is the offence which is committed with the knowledge of a parent or guardian of the child. The court may require the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of the child.

Mr. Deputy Speaker, in our society we have seen examples of this where we have parents using their children through these negative activities, in terms of prostitution, to gather some sort of income or money. Again, I want to urge that is closely linked to poverty, this whole situation with poverty and prostitution. As law-abiding citizens and civil society, we would say, how could a parent do that? What in any parent's mind would allow them to persuade their children or their child to get into the ambit of prostitution? I want to say the lack of money, the lack of resources, hunger, in some instances.

Let us not be fazed, or let us not turn a blind eye by thinking that it does not exist. In Trinidad and Tobago there are people who go hungry on a daily basis; poverty is prevalent in some areas and these are things that we need to tackle as a Government, and I can say with conviction that this new Government is attacking these issues "headstrong".

Mr. Deputy Speaker, clause 17 sets out the definition of a prostitute, et cetera, and we move on to clause 20; the "Romeo" clause. This was self-explanatory, and is very, very important because those individuals under the age of 18, and as we know they do engage in sexual activity; it was explained by the Minister before, what are the limitations to these sexual activities under the age of 18. And of course clauses 20 and 21 set out to explain that properly.

Mr. Deputy Speaker, if we look at clauses 29, 30, and 31 they address all the offences under Part V: sexual penetration, sexual touching and so on, where persons are in positions of trust and in a familial relationship with the child, higher penalties are prescribed in some instances. And I want to make reference to this, especially—and the Minister mentioned it earlier in her presentation with respect to Amy Annamunthodo; of course, there is Sean Luke and then there is Akiel Chambers and all these cases that pervaded society at one time or the other. You have seen that we have instituted, in this Bill, higher penalties for such convictions, and 25 years as opposed to the 20 years that was proposed before.

Of course, engaging in sexual activity in the presence of a child also carries a much higher penalty. And, Mr. Deputy Speaker, I must say if you take a look at this Bill and I am sure you have—the penalties, the fines, the imprisonment, all of these, they have been made harsher for the one and only purpose, of sending a message out there to the would-be abusers and perpetrators against our children; that you think twice before you decide to do something like this, think twice.

Later on we will see the effects of this in society, we will monitor; there will be indicators, we will look at them, we will come back, we will amend the legislation to accommodate for whatever changes need to be made. But at the end of the day, I want to say that this Bill, so far, covers all aspects of the rights of the child.

I want to go back to the enabling system and structures before that I spoke so much about. There is the Children's Authority; at the Ministry of Justice we have the DNA Bill that is going to come on stream. I know it is at the committee stage and we are looking at that. There are other enabling factors and structures that other Ministries are putting into place to assist with the protection of rights for our children. So I do not think that anything is lost. I mean, of course, it is by trial and error; in some instances we may not be successful, but at least we will look at it, we will study it, we will analyze and we will come back and make changes to the legislation in order to protect the rights of our children.

Mr. Deputy Speaker, I do not want to be very long, I just want to again commend the team that worked on this Bill, I want to commend the previous regimes who had the foresight to bring it to Parliament. [*Crosstalk*] And I want to say that it is this regime that this Bill is going to be passed under and the wider public is very aware of this. According to the Member for Diego Martin Central, there is a culture shift, and a culture mindset that needs to be changed within Trinidad and Tobago. I think it is slowly happening. We have NGOs, we have religious groups, we have Government officials, Members of Parliament—Member for Point Fortin, for example, I am sure that she is doing a lot good work in Point Fortin with respect to the children and the youths because she is very, very well known in Point Fortin, I must say. [*Crosstalk*]

Hon. Member: She is?

Hon. R. Ramdial: So let us all get on board as a Government, Opposition; and both Government sides. Let us put this very important piece of legislation—let us vote on it positively, and let us really make the change that the population of Trinidad and Tobago wants to see. I thank you, Mr. Deputy Speaker.

5.30 p.m.

Miss Alicia Hospedales (*Arouca/Maloney*): Thank you, Mr. Deputy Speaker. I am thankful for the opportunity to join this debate on the Children Bill, 2012. I would also like to join with the Member for Diego Martin Central in commending all the persons who would have worked on this Bill over the years—for the number of years that they would have been working on it.

The Member for Couva North made reference to the fact that the UNC-A Government is currently seeking to reduce poverty in families and I want to ask the hon. Member, what figures are they actually using? The Central Statistical Office said that the poverty level is currently 21.8 per cent and the Minister of Community Development at one point in time, last year, in a newspaper article, issued a

message with respect to poverty reduction and he said that the poverty levels were at 17 per cent, and the Minister of Planning and the Economy is currently using 16.5 or 16.8 per cent that was previously used in 2005. I would just like to ask the hon. Member which rates are they working with and exactly how do they propose to reduce poverty in family life.

Mr. Deputy Speaker, prior to reading the Children Bill, the Minister of Gender, Youth and Child Development made reference to the Monica Barnes Report and highlighted a major concern, which is the way professionals respond to reports of child sexual abuse and reports of physical abuse. We saw in the report where a teenager was pregnant but with respect to the reporting to a law enforcement agency, there was none—a child was abused and there was limited or no reporting at all.

Mr. Deputy Speaker, even though the reporting of child sexual abuse and even physical abuse is mandatory, we see here there was a dereliction of duty on the part of professionals. There was a study conducted by Coombs in 2010, a researcher who specifically studied 10 teachers of varying degrees of experiences, and found that these professionals are often hesitant to report instances of child sexual abuse. What they indicated to the researcher is that they felt that they should not be given that burden to report, and they also felt that the requirement for them to report child sexual abuse was not fair. This type of thinking is, in some instances, pervasive among many professionals.

I have had an experience as a school social worker where I was told by the principal that a child was sexually abused. When I spoke to both the teacher and the principal, they were very hesitant in wanting to go to the police to actually do the reporting. That type of thinking is a pervasive type of thinking in the society. Most times people do not want to go to the police because they think that they will have to go to the court to testify, and then the issues of testifying, safety and security, and so on.

Mr. Deputy Speaker, there are a number of other studies that would have highlighted the same level of discomfort, and studies done in Trinidad and Tobago. The one I highlighted by Coombs was a study done here and there are a number of other studies that would have highlighted the similar type of feelings by professionals. Some of them would not report an issue of child sexual abuse if the child is a relative or the perpetrator is a relative. There are so many instances where they would prefer not to say anything, and in that case the perpetration of the abuse will continue.

I would like to say that proper systems need to be put in place to ensure that professionals report instances of child sexual abuse and even physical abuse, so that the experience of Amy Annamunthodo would not be continuing in society. There should be systems to ensure that mandatory reporting is a must and that professionals, all adults as a matter of fact not just professionals, are held accountable to reporting and to ensuring that the child's safety and protection is of greater priority.

Mr. Deputy Speaker, the Minister of Gender, Youth and Child Development highlighted an example of a Social Service Department that is left to struggle. This statement reminded me of a current issue where the Students Support Services Division of the Ministry of Education is a department that is left to struggle; it is diminishing, the workers there are challenged. And why am I saying that? The unit prior to the election of 2010 had 50 social workers, they are now down to about 33, and they also had guidance officers on contract, approximately 58, and they are now ranging between 30—35.

This is a major frontline social service provider to the children of the nation. I could tell you because I have had the experience of working in the field of school social work, and the service provided is a very, very valuable one, but I do not know why this particular unit is left to struggle the way that it is now. The challenges that they are currently faced with—the threat of losing more workers, because a number of the workers are on contract and they would eventually be sent home once the contracts have come to an end. I would like the Government to really pay some attention to that particular unit.

Mr. Deputy Speaker, in looking at the Bill, just for a brief moment, I would like to make reference to Part II of the Bill, "Prevention of cruelty to children". In the old Bill—and the Member for Diego Martin Central made reference to the suffocation of infants; I too would like to ask the Minister, what is the rationale for removing this particular section from the Bill? Under the old Bill it is listed under Part II, clause 5, and it says:

"Where an infant, under the age of three years, dies as a result of suffocation whilst in bed or in any other place of rest with some other person over sixteen years of age and it is proved that-

- (a) the suffocation was not caused by disease or the presence of any foreign body in the throat or air passages of the infant, or by any other cause; and
- (b) the other person was, at the time of going to bed, under the influence of drink, dangerous drugs or other substances having a similar effect,

that other person shall be deemed to have committed the offence of neglecting the infant in a manner likely to cause injury to his health within the meaning of section 4 and shall be liable—”

And they gave the summary conviction, the fine and the term of imprisonment.

Mr. Deputy Speaker, I am asking why was it removed because over the years we have had a few examples highlighted in the newspaper where children were suffocated as a result of being in the bed of an adult.

There is report posted by the chief coroner of Ontario, and he said that child deaths occur from unsafe sleeping environments such as crowded cribs, and babies sharing beds with siblings or parents, and he gave an example of how many of those deaths would have occurred in that jurisdiction. He further stated that parents should not share beds with young children but we know in Trinidad and Tobago, based on some of the living conditions, parents do share beds with their children. I think that this is an area that probably needs to be looked at a little more carefully when we get to the part of reviewing the clauses.

Mr. Deputy Speaker, Part II, clause 5, page 7 of the current Bill “Prevention of Cruelty to Children”, does not state what will be the sentence if a person is convicted on indictment. It states:

“A person may be convicted of an offence under this section notwithstanding that actual suffering or injury to health, or the likelihood of such suffering or injury to health was obviated by the action of another person.”

We want to know why that was left out.

Part II of the Bill, “Exposing children to risk of burning”, page 8, clause 6(1); why was clause 7(2) of the previous Bill deleted? Clause 7(2) of the previous Bill stated under the heading “Exposing children to risk of burning”:

“Where the child referred to in subsection (1) is killed or suffers serious or grievous bodily harm, the person having custody, charge, or care of the child commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for ten years.”

This is a serious matter and we would like to know exactly why it was left out of the Bill.

Mr. Deputy Speaker, another issue that I would like to raise is found in Part VIII of the Bill, clauses 40—42, and this part addresses the issue of child pornography, and I would like to indicate that while this part speaks to the transmission of sexual material via post, courier, electronic mail or facsimile there is no mention of

“sexting”, either from child to child or from adult to child or vice versa. According to Wikipedia, “sexting” is an act of sending sexually explicit messages or photographs, primarily, between mobile phones—a most popular pastime among young people. They use their iPhones, Smartphones, Androids, Blackberries, iPads—all forms of tablets. All these technological devices are actually used for “sexting”, and it is used by everyone, especially the young to communicate.

Mr. Deputy Speaker, “sexting” is a part of their world of communication. There was an example in 2010, where in a prestigious boys school they filmed two boys having some form of intercourse and they sent it from phone to phone. We would like the Minister to probably take another look at that—that modern form of technology, messages get from one place to the next very quickly, especially among the young people.

5.45 p.m.

Mr. Deputy Speaker, another issue I would like to raise is with respect to a report posted in the newspaper on July 26, 2011, which stated that a number of children, primary school students, have been abusing marijuana and alcohol and using cigarettes from as early as the age of nine years old. I am raising this particular issue—[*Interruption*]

Mr. Sharma: It is a very important point.

Miss A. Hospedales:—because of the issue of alcohol and cigarette use. The National Alcohol and Drug Abuse Prevention Programme (NADAPP)—[*Crosstalk*]
Mr. Deputy Speaker, I seek your protection, please.

Mr. Deputy Speaker: Hon. Members, let us allow the Member to speak in silence. Member for D’Abadie/O’Meara, [*Laughter*] let us allow the Member to speak in silence. We know the rules. We have been here for a very long period. The Bill is about the protection of children, so let the children benefit by listening to the Member.

Miss A. Hospedales: Thank you, Mr. Deputy Speaker.

The National Alcohol and Drug Abuse Prevention Programme (NADAPP), in collaboration with the Inter-American Drug Abuse Control Commission, sought to understand the consumption of alcoholic beverages among the population. They have found that children as early as 10 years old have been using alcohol. [*Interruption*]

Part VII of the Bill specifically focuses on the offences relating to dangerous drugs, tobacco and alcohol. In the previous Bill, clause 51(1), referring to

automatic machines for the sale of tobacco, was deleted. [*Crosstalk*] I would like to ask the Minister if they could look at that again. The automatic machines for the sale of tobacco were deleted entirely from the Bill, and the reality is that children can go and purchase tobacco specifically from a vending machine. The owners of vending machines need to know that the Government is serious, particularly when it comes to selling, providing or facilitating the sale of tobacco to children. As a result, we would like you to reconsider putting this back into the Bill. [*Crosstalk*]

As I indicated, children could have easy access to the machines. Sometimes there are no adults around; all they have to do is put money into the machine and they could access the tobacco. So these owners really need to know they must be compliant with the law. Putting it back in the legislation would tell them that the Government means business. [*Interruption*]

Mr. Deputy Speaker: Members in the gallery, let us be a little quiet so that the recorder can hear. Please continue, Member.

Miss A. Hospedales: Mr. Deputy Speaker, Part VIII of the current Bill, which was previously Part VII of the previous Bill, focuses on child pornography and trafficking for sexual exploitation. There were significant deletions made with regard to arranging or facilitating pornography, the offence of trafficking, intentionally arranging or facilitating the offence of trafficking, facilitating the departure from, arrival into or travel within Trinidad and Tobago for a child involving the commission of the relevant offence.

Legislating the various areas I have identified would ensure that the trafficking of girls for the purpose of prostitution is reduced. Taking it out of the legislation would not really ensure that those persons who facilitate these types of activities are brought to justice. As indicated by my colleague, what type of signal would we be sending to them. Are we going to ensure that stringent measures are in place or are we just going to be very lenient and encourage or facilitate that type of activity? This is also a major human rights issue which should therefore be addressed. I would like the Minister to give it a little more consideration again. Can the Minister also tell us, if she could, why these clauses would have been deleted.

When looking at the various issues of child labour, clause 108(1) and (2) were deleted from the previous Bill. It spoke to the appointment of inspectors that would go into business places, examine the books and other forms of documents that would determine the age of the child working in a particular establishment. I think that this is a very, very important part of Bill that was deleted, because we have found that there are a lot of children working in establishments. If these places are not monitored, to make sure that persons working there are not below the age

falling into the bracket of child labour, then what would happen is that these children would continue working for those individuals, and particularly, they would continue to be missing from school.

I remember that on January 16, 2011, there was a report in the newspaper that 4,000 children were missing from the school system. A number of persons asked, “Where are these children?” and whether those children were actually working or whether they were recruited into gangs. That is a lot of children. If there are inspectors in place who would go and monitor those establishments, you would find that people would not really be willing to hire a child below a particular age.

I would like the Minister in winding up to probably let us know a little more about why the inspectors were not included in the particular piece of legislation, and to also tell us what alternative measures they have in place to ensure that business places are monitored and to ensure that they are compliant with the legislation, particularly as it relates to child labour.

Mr. Deputy Speaker, I would just like to end. [*Desk thumping*] Like the Member for Diego Martin Central, I will support the Bill, because we have worked diligently over the years to ensure that it was actually brought to this House.

The Minister in the Ministry of the People and Social Development (Hon. Dr. Lincoln Douglas): Mr. Deputy Speaker, I thank this honourable House for the opportunity to contribute to today’s debate on the Children Bill, 2012. [*Interruption*]

Mr. Sharma: “At least yuh dress up for it. Yuh not looking like Amery Browne.” [*Laughter*]

Hon. Dr. L. Douglas: It is with a sense of honour and pride that I stand here today to represent the Ministry of the People and Social Development, to speak about a piece of legislation that has had a long history, and association with the Ministry of the People and Social Development, and to a Bill that I myself have spent long hours participating with the many people who have worked on it.

I want to recognize all the staff, the non-profit organizations and community organizations that have participated and made a significant contribution to making this Bill very precise, so that it could have the kind of import that we want it to have.

Indeed, childhood is a special time. It has been a special time for me; I do not know about other people. In all our lives it is a time where we learn, where we play, where we understand what the world is about and where we come to grips with

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what is our culture. There are studies that say by the time you are five years old, you have learnt 85 per cent of everything you need to know in life, and how to live and how to deport and carry about yourself. So we recognize that protecting our children, especially our young children, is of immense significance for the development and future of our nation. Today, a lot of the turmoil and confusion in—I do not want to say young people—the life of our nation, is primarily because we have not focused on how critical and crucial it is to protect our children.

This nation, as we rightly heard, has signed off on a number of international conventions as they relate to the protection of children. It is important that we subscribe to these conventions primarily because they bring us forward into a more modern and more civilized society. Sometimes when I say “civilized society” people take me to task. I have been taken to task for using the term “civilized society”, but in a sense we have demonstrated a great degree of incivility.

When you think of the long list of children in this nation, and the hon. Minister mentioned in detail one story, but that story—and her life represents a significant struggle, carrying in her body; and I have witnessed her on numerous occasions, carrying about her own demonstration of the pain of our children, that it was suffering over and over, and the list goes on. She mentioned Amy Annamunthodo, but it goes on to Daniel Guerra, Akiel Chambers, Sean Luke Lumfai, Hope Arismandez, Tecia Henry, Roshni Ramdial, Permanand Persad, 13, Dane Andrews, Radha “Pixie” Lakhan, Lily Persad and Mustaq Benoit, Lisa Sammy, Zakiyah Mitchell, Etienne Smith, Dion Barclay, Shennelle Codrington, Ricardo Mckenzie, Jashauna Hypolite, Neil Clement and Mikhaeil Alleyne. The list goes on about atrocities.

We are not just talking about—as we say long time, “yuh get a licking”, or my father used to say he would “tan my hide”; that meant a real bad licking. We are not just talking about discipline. We are talking about children who are burnt with cigarettes, and tied by their hair, and pummelled to death, and thrown through windows, and burnt with a hot iron and beaten with cable. All these kinds of things go on ad infinitum in society, and they have to stop. They demonstrate some level of incivility among those of who are charged with the responsibility of taking care of the most vulnerable in our society. [*Desk thumping*] Indeed, that is the test of any developed or civilized society, that we are able to take care of the most vulnerable, and we start with our children.

The United Nations and other international bodies recognized the severity of abuse that children were facing, and passed many, many conventions, and we have subscribed to these conventions.

This Bill is long overdue. This package of children legislation—and when we say a package of legislation, we want to remind ourselves that this Bill is part of a whole package of an Adoption Bill; it is part of the Children’s Authority Act; it is part of the Children’s Community Residences, Foster Care and Nurseries Bill; it is about the Family Court Bill; the International Child Abduction Bill; it is about the Status of Children Bill. All of these work together in tandem with each other, if we would say so. This Bill is not by itself, but is part of that whole package. It is important for all of us to know that in spite of the time that has passed, we rejoice that this Bill is finally here and we look forward to its passing. Whatever is necessary for us to make this happen, we look forward to it.

So, Mr. Deputy Speaker, I want to talk about some of the things in this Bill that strike me, that I want to speak to the nation about. As much as I know all of us in here are highly intellectual, well read and we have read the whole Bill, in a lot of ways our nation has to be trained, has to be educated. The truth has to be communicated, so that all of us could behave in a manner that is becoming of a nation that is developed and cares and is concerned for our young people.

Coming out of the work, I am happy that we had the contribution of people from the field of psychology, persons from all the various non-profit organizations that work with young people and civil society. I am happy they made their contribution so that today we could have a much more detailed and a better Bill to work with.

6.00 p.m.

Permit me, Mr. Deputy Speaker, to look at how this Bill helps us as a nation to meet the expectations of the international community, especially the UN Convention on the Rights of the Child, which is the premier international treaty delineating the universal rights of children, and binding nations in ensuring that these rights are afforded to children within their borders.

The Convention stipulates that in all our actions, once we are dealing with children, the best interest of children should be our primary consideration. There can be no doubt that with this Children Bill the best interest of the child is the dominant thread running through its provision.

The fact that this Bill is being laid today, ensuring that the internationally recognized rights of children are respected and afforded to children in our nation, speaks to this Government’s commitment to its international obligations, and more importantly, to our commitment in doing that which is in the best interest of the children, and also it works in tandem with our Prime Minister who, we know, has a

profound interest, compassion, in children and in their well-being. We have seen her brought to tears at the impact of the pain of children on her life. So, it is consistent with her leadership, and this administration's commitment to making the lives of children more meaningful.

Allow me, and my colleagues, to highlight some of the salient requirements and expectations of the Convention on the Rights of the Child, and how this Bill addresses those. In Article 19 of the convention it stipulates that nations must take all appropriate measures, including legislative measures:

“...to protect children from all forms of physical or mental violence, injury or abuse, or neglect or negligent treatment, maltreatment or exploitation...”

This Bill addresses that.

One of the things that this Bill addresses is begging. We will not tolerate people taking their children into the streets to beg, to make money to run the family, exploiting children in a way that places them in danger. Of course, there are exceptions and the Bill does make allowances for that. It gives the authority the right to give permission, because there are girl guides or schools that raise money to do different things, so it says with the stipulated authority giving permission. It allows for those kinds of things, but the sense of using a child to go out on the street to beg for money to support the needs of adults or other people, the Bill addresses that.

Clause 4 of the Bill relating to the prevention of cruelty to children speaks to Article 19, and under clause 4 it will be an offence of cruelty to a child to wilfully assault, ill-treat, neglect; abandon children or expose them to experiences of such cruelty.

I think in clause 30 it talks about—let me look at it, Mr. Deputy Speaker, because it is very crucial—positions of trust; those of us who have the responsibility to take care of our children. Positions of trust in relation to a child, if he is 18 years of age and over; if someone looks after a child.

It talks about who is a person of trust, anyone who has the responsibility of working with a child, is appointed to be a guardian of a child, looks after a child who is receiving an education, people who are teaching their children violin or gymnastics or some kind of a sport, a constable, a medical practitioner, a nurse, coach, a trainer, a person who is over 18 years and has direct responsibility for a consistent period of time, in the life of the child, that person has a position of trust, and trust is a sacred thing to our society. There are modern practitioners of governance and politics and finance and business who say that trust is the fundamental capital upon which a society is built.

Francis Fukuyama in this book *Trust* says, “our business and our society function at the speed of trust.” So the breach of trust, we consider, to be an extreme violation of our culture, society, and in this case, the life of child, and so the Bill does make provision for the breach of trust to face stiffer penalties.

Article 33 of the international convention: It exhorts nations to:

“...protect children from the illicit use of narcotic drugs and psychotropic substances...to prevent the use of children in the illicit production and trafficking of such substances.”

Clauses 35 to 39 of the Children Bill fulfil this country’s obligation under Article 33. No more will persons be able to act with impunity in exposing children to, giving them dangerous drugs, using children to sell, buy, deliver drugs, and exposing them to drugs. This goes to people who run institutions and organizations like clubs, bars and other kinds of places where you can find children.

We have had experiences of this here in Trinidad and Tobago, young girls age 14 in places and institutions where they sell drugs, alcohol, where they are causing a child to be exposed to illicit drugs, alcohol, cigarettes and other psychotropic substances. The Bill addresses that for people, those of us in this nation who are adults and run institutions, it is our responsibility and duty of care to protect children from coming into institutions where they would be faced with this kind of situation.

Article 34 of the convention encourages nations:

“...to protect”—children—“from all forms of sexual exploitation and sexual abuse... to prevent:

- (a) The inducement or coercion of”—children—“to engage in any unlawful sexual activity;
- (b) ...exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.”

Clauses 11 to 17 prohibit the use of children through prostitution, while clauses 40 to 42 prohibit child pornography.

Mr. Deputy Speaker, it is reprehensible that in our beautiful country such despicable acts are being committed against children, and through this Bill, let me assure this House and our nation that should anyone be found using, or causing to

be used, or soliciting our children as prostitutes or for prostitution, and should anyone be found exposing, imposing, inciting, facilitating child pornography, the full force of the law would be applied to those committing these despicable offences.

This relates to people who run organizations, as my colleague has said, that allow children in these organizations, that they too must take heed.

In Article 37 it stipulates that nations must ensure that children:

- “(a) ...are not subjected to torture or other cruel, inhumane or degrading treatment or punishment”—inclusive of prohibiting—“capital punishment nor life imprisonment without possibility of release...for offences committed by persons below eighteen years of age;”
- (b)—and that children are not—“...deprived of his or her liberty unlawfully or arbitrarily.”

The article goes on the state:

- “(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance...the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.”

I am happy to say that the Children Bill has more adequately provided for the fulfilment of Trinidad and Tobago’s obligation to Article 37.

Clauses 49 to 68 detail the procedures on the rights of children in our nation in the event of their being deprived of their liberty lawfully; that means if they are arrested or they are brought before the courts—if they are deprived of their liberty lawfully, this deprivation of liberty is not to be done unlawfully, and there are clear stipulations regarding the treatment punishment to be meted out to our children, lawfully detained because they have committed an offence.

Additionally, the Bill, in clause 59 very clearly abolishes capital punishment for those of our children who have committed an offence invoking the sentence of death while under the age of 18.

Of extreme importance, children who have been lawfully detained by the authorities have access to a children's attorney, who would be specially assigned to them so that you can safeguard the interest of our children. I think this is very important.

In Article 12 of the convention it further provides the right for children to have:

“...the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through representative or an appropriate body...”

In addition to allowing for the provision of a children's attorney as before mentioned, to represent children before judicial or administrative proceedings, the Bill in clauses 69 to 80, delineates procedures for allowing children to be heard, and to give evidence directly, and even while not present, at a judicial proceeding.

In Article 9 of the convention, it encourages nations not to separate children from their parents:

“...against their will, except when competent authorities...determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.”

In other words, there might be conditions—I have just received a report that someone saw three children out in the forest taking care of each other. Apparently the mother is a drug addict, the grandmother is a drug addict, so in a situation like this, one might assume, or a court might assume, that these children might be better off in a different environment. This Government is extremely concerned about separating children from their parents, and we know that this should not be done arbitrarily, because we believe that children are best when they are with their family. But sometimes such situations, you know—we find it very difficult to see situations where families are actually abusing their children. Indeed, a lot of the abuse and misuse of our children are with people who they know, who are close to them, who might be a neighbour, a family, brother, sister, an uncle, an aunt; how many people we know.

I was talking to a young lady that says she know five people who have been sexually abused, and she is sure that each one of these five people know five people each, that is 25 people in a small space of time. And most of these people are—the abuse that they have described, is within the context of people around them, people whom they go to school with, neighbours, friends, uncles, aunts and cousins.

We have to come to a realization in this country that abusing our children, our family members, our neighbours, our friends, is a wrong thing. It is inhumane, and

it has to stop! So there will come a time when it might be the responsibility of the Government to remove a child. This Government is extremely concerned for the safety, well-being and holistic development of these children away from their parents.

Clauses 43 to 48 of this Bill address this concern and provide for the taking of children to places of safety, after the separation from their parents or other person who have committed or caused the commission of offences against the children.

Indeed, as the Minister rightly said, in the case that she mentioned, the child was taken away and brought back, on more than one occasion, in a sort of nonchalant manner, and in retrospect, one would say that should have been a case where the child should have been removed until such time that situation was sorted out, but the child was brought back repeatedly until—well, tragedy.

6.15 p.m.

Mr. Speaker, I could go on highlighting the areas of this Bill where our Government's commitment to fulfilling its international obligation is evident, but permit me now to focus briefly on the significant achievements of this Bill, some of which I have just highlighted.

The Children Bill, 2012 reflects a more holistic approach to safeguarding the welfare of our nation's children. Significantly, the Bill provides, amongst other things, for the imposition of more stringent penalties for acts of neglect, cruelty to children and abuse through prostitution. Penalization of persons who intentionally or through carelessness and recklessness, leave children unattended for long periods of time—they want to go to Carnival or they want to go to a fete or they leave a child with a child; this is carelessness and recklessness, putting a child in harm's way; going out of the house and leaving the child by himself/herself with a stove on, with food cooking, so the child reaches up and pulls something down and gets himself/herself burnt, harmed or killed, as the case might be, these are cases of recklessness. Penalization of persons who intentionally—and it is important, Mr. Deputy Speaker, that our nation, our people, our parents come to grips with these realities, that our children are our most prized possessions and we cannot take chances with them. [*Desk thumping*]

You cannot just leave a child and say, “Ah goin down de road” and the child is home by himself/herself, or that he/she comes home from school, the child is five, six, seven, eight, nine, 10 and he/she has to open the door and let himself/herself in, cook his/her food, warm it up in a microwave and sit and watch television until the parent—this is not acceptable.

Penalization of persons who intentionally or through carelessness or recklessness, allow or facilitate a child's access to firearms and narcotics. We have seen and heard of children who have shot themselves because they found a gun under the bed or they found some other thing. Criminalization of several recently observed behavioural trends, including the production and distribution of child pornography; sexual touching of children; sexual grooming of children and trafficking in children for the purpose of sexual exploitation.

Mr. Deputy Speaker, on the issue of sexual grooming, a man came to me since I have been in this administration, and this is a man who was found with thousands of pieces of pornographic literature with children. He was boasting to me that the Government is holding back his business and he was never caught with anything in this country because those were his things. In other words, this was a man—and there are people who are practising sexual grooming. They are preparing their child to engage in sexual activity with somebody else in another country, and that is one of the things that the Bill addresses. If you do this here in Trinidad, you do it internationally, you are still guilty. *[Interruption]*

Hon. Member: Good point! *[Desk thumping]*

Hon. Dr. L. Douglas: This man had gotten off on some technicalities and was boasting to me that they did not catch him with anything, so I am happy that the Bill addressed this.

If you are here in Trinidad and you are training a child in the United States, Germany, France, Burundi, Malawi or anywhere else to practise in sexual activity; if you are carrying on some kind of international ring through the Internet, or via cellphone or whatever, and engaging with people to do things with children and you are in Trinidad and Tobago, we have the teeth in the law now to deal with you. *[Desk thumping]*

Dr. Gopeesingh: That is right.

Hon. Dr. L. Douglas: So, I am happy that the Bill addresses that. It addresses trafficking in children for the purpose of sexual exploitation; the imposition of more stringent penalties where, in perpetrating a sexual offence against a child, the offender abuses his position of trust or familial relationship with the child; humane age-appropriate treatment of children accused of, and incarcerated for, crimes by ensuring that the child is not detained in the same facilities with adults.

Since I have been here in Government people have written me about girls, in particular, who do not have an institution and they are kept incarcerated with adults, and that has to stop. So, the Bill ensures that children are not detained in the same facilities as adults.

The Bill also introduces expanded sentencing options upon the conviction of children. These options include counselling—and in this regard I want to agree with my colleague from Diego Martin Central—

Mr. Imbert: What? [*Crosstalk*]

Hon. Dr. L. Douglas:—that what is necessary might be more than counselling, it might be therapy, it might be mentoring, and so, it should allow for any form of treatment—he had a more excellent way of putting it, I would give him some credit here—that might be necessary according to whatever standard in assisting the child in rehabilitation.

Ordering that conviction not be recorded, ordering community service in lieu of incarceration, deeming the child-offender in need of care and protection, et cetera. The Bill also speaks about criminalization of acts involving female genital mutilation.

Dr. Gopeesingh: It is called “infundibulation”.

Hon. Member: “Aaaah, niceee!” [*Laughter*]

Hon. Dr. L. Douglas: Mr. Deputy Speaker, some time ago in Trinidad and Tobago we would not have thought about this, but seeing the globalization of things and the movement of people, it is now common to walk down any street in Trinidad and Tobago and hear a wide range of languages. People from different parts of the world now live here. [*Interruption*] Rightly so, they have brought practices with them. So, some of these things that exist in other places, some things that people practise on children in other parts of the world, we want to set the standard here, and this idea of—well, the Member for Caroni East gave me the big medical term and I do not want to try to repeat it lest I get myself in trouble. [*Laughter*] So, this act of female genital mutilation, we are glad that this is in the Bill, to let people know the standard to which we subscribe in Trinidad and Tobago. [*Desk thumping*]

The Ministry of the People and Social Development has had a long history with this Bill, and despite the couple of years or the time that has passed associated with drafting and bringing this Bill to the House, I am proud to say that the Ministry of the People and Social Development has not been resting on its laurels, but we have proactively been developing and implementing several initiatives and activities geared toward ensuring the rights and safety of our children in our nation. [*Interruption*]

Permit me to indicate a few: for July 2011 the implementation of the committee recommendations contained in in Justice Barnes Report; implementation of a task

force on child protection issues; support of the national hotline for students implemented by Childline; the Children's Authority of Trinidad and Tobago and the support for the development of that; establishment of a parenting support unit; annual vacation camp by the Couva social services; mentoring programme for teens—this happened in 2010-2011 and I am sure we would do it again this year. In the national family services, "It's family time, let's talk radio", radio talk show; parenting and family training in communities; support for parents and caregivers of children between zero to three years; life skills for adolescents; supporting the international day of the family; support for individuals and families in need; support for the national plan of action for children.

The Ministry of the People and Social Development has been working and supporting the promotion of the child's right participation as enshrined in the UNCRC; support for programmes against child labour—we have had a child labour day event—production of the MPAC materials, CDs, DVDs brochures, calendars, booklets; strengthening coordination and networking with stakeholders, workshops and consultation outreach, et cetera; community mediation, which is not in our Ministry right now, but this Ministry has worked—

Hon. Member: They take it away from you or what?

Hon. Dr. L. Douglas: I think it is in the Ministry of Community Development—story telling caravan on the benefits of mediation; anger management for adolescents and teens; children Christmas treats and outreach; parents support groups; parenting workshops.

In the area of social welfare, the Ministry of the People and Social Development continues with public assistance; special child grant; general assistance grant, which was formerly known as the Emergency Cases Fund; disaster relief; uniform; textbook; clothing allowances, and in this year we had quite a challenge in meeting the many, many disasters and untoward circumstances that have faced people and children in particular. Just recently we were working feverishly with those from Morvant who were moved to Oropune, providing books, transportation, et cetera, so that they could continue to go to school.

Also, the Ministry continues to work on behalf of our children and more needs to be done in terms of supporting the operation of children's homes: St. Michael's Home for Boys; St. Jude's Home for Girls; St. Dominic's Children's Home; St. Mary's Children's Home. More needs to be done in these institutions to support the work that is going on there.

Subventions to other children's homes like Casa de Corazon; the Credo Drop-in and Development Centre for Socially Displaced Boys; Islamic Home for Children;

Ferndean's Place Children's Home; Jaya Lakshmi Home; Petherton Trust for Girls and Young Women; the Mothers Union Children—all of these are organizations that receive subventions and support from the Ministry of the People and Social Development—Hope Centre; Phillip's Children's Home; Rainbow Rescue Children's Home; Credo Foundation for Justice; Sophia House and the Cyril Ross Nursery; Multiple Indicator Cluster Surveys—surveys done periodically to monitor the status of children in Trinidad and Tobago. The MICS4 was commissioned in November of last year; social investigation unit; research on child crime is presently being done.

The adoption unit: the adoption board continues to work to assist with adoption and the meaningful placement of children; People's Issue Resolution Committee has a—children's issues also pass through our People's Issue Resolution Committee.

Then there are development programmes: the establishment of a remand home for young female offenders. As I speak, Mr. Deputy Speaker, you would realize that some of these are shifting between Ministries right now. Modernization of St. Michael's School for Boys; refurbishment of St. Jude's School for Girls; Mount Carmel Girls Hostel; establishment of the Children's Authority; reconstruction of St. Dominic's Home for Children; replacement of the Centre for Socially Displaced Children; the Credo Foundation for Justice; refurbishment of St. Mary's Children's Home; construction of children's home.

The Ministry of the People and Social Development has focused on empowering individuals and strengthening families, supporting the best interests of our children by strengthening the people and the units that provide care for them. I want to join with the hon. Minister in her call for supporting social workers at this juncture, because social workers are really the forefront of the pain of our society, and oftentimes they work long hard hours with not as much pay as others in other Ministries and in other areas, so we make a call for increased social workers.

In conclusion, I would like to stress to this House and to our nation that today we have an opportunity to ensure that we no longer neglect to deal with what is happening to our nation's children. I recommend that we hear and we listen, not only to the words but the pain of the hon. Minister as she speaks to this Bill, and we no longer neglect to deal with our children, and as such, we must take all necessary measures, including passing this Bill to ensure that our nation's children are safeguarded, that they are raised, reared under conditions that facilitate their holistic development.

Indeed, it was Nelson Mandela who said that:

“Protecting the soul of our children is the fundamental test and demonstration of how civilized and developed our nation is.”

I stand here in support of this Bill and I pay tribute to all the people who have worked hard to bring it to this House.

Thank you very much.

6.30 p.m.

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Mr. Deputy Speaker. You know sometimes I think you cannot sink lower, and then you surprise me. [*Desk thumping*]

Mr. Sharma: I will always surprise you.

Mr. C. Imbert: Mr. Deputy Speaker, the Minister in her address made little or no reference to the work of the select committee in the 2009 Session of this honourable House that was appointed to consider and report on the Children Bill, 2009, and I think it is necessary to read into the record the Members of that committee. I happened to be the Chairman. The Member of Parliament for Diego Martin Central, Dr. Amery Browne, was a Member; Mr. Peter Taylor was a Member; Dr. Tim Gopeesingh and Miss Mickela Panday.

So we had two Members of the UNC and three Members of the PNM appointed to consider the Children Bill, 2009. And I would say we spent almost one year deliberating on the 2009 Bill, which had, I think, more clauses than the 2012 Bill. I have the 2009 Bill in front of me, and it actually went up to clause 123. The Bill before us, the 2012 Bill, has certainly less than that; has 88 clauses. So 40 clauses or 30 odd clauses are either being merged or have disappeared.

Now, Mr. Deputy Speaker, the last meeting of the committee that I had been able to get a record of, was on December 11, 2009. There may have been meetings after that. But, if one goes into the record and looks at the meeting held on Friday, December 11, 2009—and they had the pleasure of the company of Dr. Tim Gopeesingh, who, I must say, contributed to the deliberations of the committee, behaved quite differently to how he behaves in this Parliament as he accuses me—[*Interruption*]

Mr. Roberts: But look who talking, boy! [*Crosstalk*]

Mr. C. Imbert: —all the time. No, no, the hon. Member accuses me all the time of behaving differently in a committee, and he behaved differently in the committee. He was very helpful to us, especially being a medical doctor. [*Interruption*]

Hon. Member: Fantastic.

Mr. C. Imbert: And one of the issues that engaged the deliberations of the Members as I said, two UNC Members and three PNM Members, was the whole question of the age of liability with respect to offences committed by children against children. One of the points made by our technical support staff—because there were quite a few people who came to help us, as the various speakers who have spoken have said this legislation has had a long gestation. It has been in the works for years and years and years. Some of the players who assisted in drafting the various forms of this Bill are still around. Some are not. New people have come in. But one of the points made to us by a very senior legal practitioner, was that we had to be very careful not to criminalize children, their activities and what the psychiatrists and psychologists would call, “the normal activities of children”. And one of the precautions we took in the committee was to engage the services of two practitioners, two child psychologists I believe, or maybe one was a psychiatrist—Dr. Gopeesingh would correct me here. *[Interruption]*

Dr. Gopeesingh: One is a psychiatrist and one is a psychologist.

Mr. C. Imbert: One is a psychiatrist and one is a psychologist, but two experts in child psychology and child psychiatry in the Caribbean, not just in Trinidad and Tobago, to talk to us about the whole concept of criminalizing the activities of children.

One of the points made by the senior legal practitioners, people who have been operating within the Family Court system since its inception and within the whole system of dealing with the protection of children and also the professional experts, was that one had to be very, very careful to subjecting children to the trauma of the judicial system. You know, charging them, arresting them, making them go through the whole process of a trial, could have a deep traumatic effect on a child. And I see in this Bill, regrettably, we have several clauses which are going to do exactly that. And this is one of the things we spoke about at length and there was consensus, both among the PNM and the UNC, which is why I am so surprised that this thing has come back in this very draconian form. In clause 18:

“Subject to section 20, a person who sexually penetrates a child commits an offence and is liable on conviction on indictment, to imprisonment for life.”

Now, on the face of it, without deep examination you might say to yourself, well, what is wrong with that? But let us look at what was there before. In the 2009

Bill, which had, as I said, these aspects of that Bill, had the support of both sides of this House, you had clause 17(1):

“A person eighteen years of age and over who intentionally sexually penetrates a child under fourteen years of age commits an offence and is liable on conviction on indictment to imprisonment for life.”

And it goes on:

“(2) A child fourteen years of age or over but under eighteen years of age who intentionally sexually penetrates a child under fourteen years of age commits an offence and may be liable on conviction on indictment to detention for life.”—not imprisonment.

“(3) A child under fourteen years of age who intentionally sexually penetrates a child under fourteen years of age commits an offence and may be liable—

(a) on summary conviction, to a fine of twenty thousand dollars and detention for five years,”

And then there is a catch-all clause:

“(4) Notwithstanding the penalties imposed in respect of offences under subsections (2) and (3), the Court may—

(a) order that the offender be deemed in need of care and protection and referred to the Children’s Authority, which shall investigate and seek any appropriate order of the Court with jurisdiction in family matters;

(b) order that the offender be referred to counselling;

(c) order that any family members, members of the offender’s household or persons connected to the child be referred to counselling;

(d) order that no conviction be recorded;

(e) order that the proceedings be sealed and not divulged without an order of the Family Court; or

(f) make any other order as the Court may deem fit.”

Mr. Deputy Speaker, these are very important issues, because in the Bill before us, a child under the age of 16, in other words, 15 years, 11 months and 30 days—[*Interruption*]

Hon. Member: [*Inaudible*]

Mr. C. Imbert:—who engages in—this is a serious matter—sexual intercourse with another child, 15 years, 11 months, 30 days old, is liable to imprisonment for life. So you are criminalizing children. And what the psychiatrist and the psychologist told us, that is the worst possible thing you can do.

We are not talking about rape here. Let me make this very clear. I am talking about a child forcing themselves on another child. I am talking about two children engaging in consensual sexual intercourse. You know they could be almost 16, and you are making them liable to imprisonment for life. Even if they do not get imprisoned they have to go through the court process of being arrested, fingerprinted, charged and then go through the whole trauma of a trial. And I would urge the Government not to go this way. There was nothing wrong with the multiple-tiered system in the 2009 Bill. There was nothing wrong with it. Because it recognized the fact that in our society, in the Caribbean—and this is what the psychiatrist and the psychologist told us. As I said, we had the support of both sides of the House on this. I must say deliberations in this committee were very encouraging. We had a lot of argument—[*Interruption*]

Dr. Gopeesingh: Professional.

Mr. C. Imbert: “Yeah, very professional”—a lot of argument. We argued for months, but we arrived at consensus on this issue, that when the psychiatrist and the psychologist told us that the age of sexual awareness in the Caribbean is somewhere around 15, it is typical—you know, typical. And in the junior secondary system, because of hormonal changes in young children, two children may engage in sexual touching—let us not even talk about sexual intercourse. They may engage in sexual touching and you are going to imprison these children, in one case for 10 years, in another case for 20 years, and for life.

I want it to be understood that we had a lot of discussions on this and we reached bipartisan agreement that this is not the way to go. I would urge the Government—I am not suggesting this Bill go to a committee. If this Bill goes to a committee it would just stay and spin around inside the committee.

Hon. Member: [*Inaudible*]

Mr. C. Imbert: I am just saying it would just spin around inside the committee and it would—you might have another election. We did not know that there was going to be a general election in April 2010. We had no idea.

Dr. Khan: But you all called it. You all called the election.

Mr. C. Imbert: Mr. Deputy Speaker, could you ask “pit”—he is acting. The Speaker is not here. Come on behave yourself. The fact of the matter is in 2001, I was in the Parliament, the UNC had just won another five-year term and then all of a sudden after nine months there was a general election. So you never know what is going to happen. And in May 2010—[*Interruption and laughter*] You know, Mr. Deputy Speaker, these gentlemen, they have to listen, you know. I mean if you do not want to listen you will not learn. The point I am making is that—[*Interruption*] I am talking on the Bill! The committee had almost reached to the end. We were in the process of submitting a report and the Parliament was dissolved. That was the point I was making. [*Interruption*]

Hon. Member: But you made a good point on the Bill.

Mr. C. Imbert: And therefore, I would urge the Government, go and read the deliberations of that joint select committee. In fact, a matrix was developed and a consolidated Bill was developed back in early 2010, because that was the task given to the technocrats, the public servants in December 2009, going into January, February and March 2010. The technicians were in fact in the process of drafting a new Bill and in fact here I have the clauses which were agreed upon by the select committee which was redrafted in the Children Bill, 2009. And we went from clause 2 and we had reached clause 109. So we just had about 10 clauses to go.

So I would ask the Minister, before rushing headlong into this situation and criminalizing the behaviour of children, go back into this and make appropriate amendments. You can lift what was there in the 2009 Bill, from clause 17 onwards, you would get a sense of what is going on, and if you do that we on this side are not going to fight you. That is why I say no need for this thing to go back to a committee and get stuck there for two years and then you never know what would happen, okay. Let us get this thing out of the way but let us get it right. Because the thing about this Bill that it is so ironic in this 2012 Bill, there is a particular clause which talks about the responsibility of someone over the age of 16. And it is clause 4, and it says:

“Where a person who is sixteen years of age and over has responsibility for a child, and the person wilfully assaults, ill-treats, neglects, abandons or exposes the child...that person commits the offence of cruelty to a child.

(2)...is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for ten years.”

6.45 p.m.

So somebody, age 16 and over, who commits the offence of cruelty goes to jail for 10 years, but somebody under the age of 16, no. In the case of this clause, when

the person is under the age of 16, no penalty. So let us take the ridiculous situation where a person is 16 years and one day old, and they neglect, abandon or expose a child to injury that they have responsibility for, they are liable to jail for 10 years. Somebody is 15 years, 11 months and 30 days, they are not liable for anything. But if they have sex, they go to jail for life. Do you understand the anomalies and the inconsistencies inside of here?

You need to clean up these things. You need to deal with these issues, and the whole thing is children having relations with children, or children having responsibility for children, be careful about criminalizing them. We would much prefer that you use the formulation that is in the 2009 Bill, which talks about bringing in the Children's Authority, referring it to the Family Court, referring the offender for counselling, et cetera, before you jail them, before you fingerprint them; you arrest them; you lock them up. These are 15-year-olds.

The other thing that we want to point out is, in the 2009 Bill there was a definition of "Family Court". It was in the definition section, and it was included in the definition of a court.

“‘Court’ includes the Family Court;”

And, again, the senior legal practitioners who helped us and are very knowledgeable about these things, said it was always desirable to have judicial proceedings against children within the Family Court environment rather than in the Magistrates' Court, or rather than the High Court because of the exposure to adults and all that goes with that, and we were of the view that all of these offences should be dealt with in the Family Court.

Now, that is a policy issue, but this was the view of the bipartisan team, the PNM and the UNC team, and there was even a definition created for it.

“‘Family Court’ means the Court established by the Judiciary to hear and determine family matters filed in the High Court in Port of Spain and the St. George West Magisterial district pending the establishment of the Family Court of Trinidad and Tobago throughout Trinidad and Tobago.”

So that is something else we would like you to look at.

The other thing we would like you to look at is where children are being prosecuted or subjected to judicial proceedings, that it be mandatory that it be a juvenile court, and that the proceedings should always be held in camera, not discretionary. That is another point we had reached, that these things should be always dealt with outside the glare of public scrutiny, with the media absent, because it really is quite unfair to the children, to have their matters heard in open court with the media present and it being publicized and so on.

So, Mr. Deputy Speaker—[*Crosstalk*] No, “I ain’t finish yet.”

Hon. Member: “Yuh going good.” You keep going.

Mr. C. Imbert: “Yeah. I not taking on Jack and Chandresh. Dem eh making sense.” I will speak to you, Member for D’Abadie/O’Meara. [*Laughter*] I know it is not often you like hearing me.

Hon. Member: Speak to the Deputy Speaker.

Mr. C. Imbert: Oh, I apologize. I am not supposed to talk to you. I would speak to you, Mr. Deputy Speaker, and you can listen.

I heard the Member for Lopinot/Bon Air West say: “Wherever you are in the world, we will get you.”

Hon. Member: “Who say that?”

Mr. C. Imbert: “He say that.” He said, “If you are a citizen or a national of Trinidad and Tobago, and you commit a crime anywhere in the world, we will get you.” “He say that!” Now that comes from clause 85, and I put it to you, there is a fundamental error in law in clause 85, because it says:

“A Court in Trinidad and Tobago shall have the jurisdiction to try an offence under this Act where the act constituting the offence has been carried out—

- (a) wholly or partly in Trinidad and Tobago;
- (b) by a national of Trinidad and Tobago, whether in Trinidad and Tobago or elsewhere;...”

“You got to be crazy!” So a national of Trinidad and Tobago residing in Fiji, subject to the laws of Fiji, within the territorial waters of Fiji, you are going to apply a Trinidad and Tobago law to them? Laws of this nature cannot have extraterritorial jurisdiction. That is a simple principle of law. I do not know who dreamt this up, but it cannot work, because the people are not within the territory of Trinidad and Tobago.

If they come back to Trinidad, yes; if they are extradited, maybe, but certainly you cannot have this carte blanche clause that “a national of Trinidad and Tobago whether in Trinidad and Tobago or elsewhere”, in Timbuktu, or someplace like that, “you go send police for them?” Our police would not have jurisdiction in those countries to arrest the person, detain them and bring them back to Trinidad and Tobago.

Children Bill, 2012
[MR. IMBERT]

Friday, March 09, 2012

So, again, Madam Minister, I would ask you to take a look at that. You know, sometimes legal draftsmen or others get carried away when they are making law. Now, as I said, at least 30 clauses have been removed from the 2009 Bill to create this 2012 Bill, and some of the clauses that have been removed, I am a bit surprised that they were removed.

Let us take a look at clause 119.

“The Rules Committee of the Supreme Court of Judicature Act, may make rules subject to the negative resolution of Parliament.”

Unless I am missing something, that is not here. So who is making the rules? I mean, if I have missed it, no problem; tell me.

Secondly, clause 122 in the old Bill:

“Where a person may be charged in respect of the same conduct both with an offence under the provisions of this Act and an offence specified in any other enactment, the provisions of this Act shall apply...”

It makes sense, because you have a conflict of laws. You have new law being created by the Children Act; you would have other things like the Sexual Offences Act and so on. Which one is going to prevail? This is why this clause was in the old Bill. Why is it not in the new Bill?

These are not controversial matters; these are things that are operational. So, again, unless I am missing something, and I have not seen it, I really would like the Minister to take a good look at the 2009 Bill and look at these operational issues and see what has been left out and see why it has been left out, and why you would want to leave it so. Put it back.

If there was a clause in the old Act that said that this Act is supreme, that is what we want, because there are all sorts of confusing legislative procedures out there, which is what makes the protection of children so difficult, Member for Lopinot/Bon Air West, through you, Mr. Deputy Speaker. One of the reasons we have such difficulty in dealing with acts of terror, oppression and brutality against children is that there are many conflicting legal provisions, and you have conflict of laws, and that is why it was an excellent idea to make this the supreme law as it relates to children.

So unless, as I said, I have missed it—I looked through it and I “ain’t seeing it.” I looked under “Miscellaneous”; it is not there. So just put it back for me, please.

So we on this side, because we had spent so much time in preparing the 2009 Bill, because the general principles are more or less the same—the general principles are that we want to protect children against abuse of all kinds, whether they are sold into prostitution, whether they are beaten to death, whether they are abused sexually or all of the heinous things that adults wish to do to children, for whatever horrible reason they may have—we are in complete support of enacting new legislation that will protect our precious children.

This thing is long overdue. It is really being kicked around like a football. The Member for Diego Martin Central was quite right, that everybody has to take the blame for this. All administrations have to take the blame for this. We have to take the blame and the current Government has to take the blame, because there is really no reason, with all the work that we did on the Children Bill, 2009, I am not seeing any, what I would call, improvements. When I look at the work we did in 2009 and I look at this Bill, I am not really seeing, what I would call improvements.

I know the Minister has just come. There are some things that have weakened the legislation. But I know the Minister just came and, therefore, I am not blaming the Minister. Whether it is eight months or nine months, that is not a long time in politics; it is not. You have to catch yourself when you go into a Ministry. But there is no excuse by the Government for this delay of two years in coming to Parliament with a Children Bill when, as I said, a bipartisan select committee had almost reached consensus on the way forward with respect to legislation.

We had dealt with the definition of “court”; the whole question of the Family Court, and we had indicated that a magistrate may transfer the matters under this Act to any court in Trinidad and Tobago with jurisdiction in family matters, and we think that is very, very important. Do not comingle children and adults. We had dealt with the “Romeo” clause, the whole question of if a person is three years older than the child against whom he or she is purported to have perpetrated the offence, that the person is not guilty once it is consent. And I notice that is in this Bill. There are some things that we dealt with that are here, but not all.

You have a whole number of sections with respect to alcohol and tobacco. We had dealt with all of that; we had dealt with the permission of the DPP before going ahead to prosecute people under the age of 18; we had dealt with the whole question of trafficking of children; the whole question of child prostitution; the departure from Trinidad and Tobago of a child; the arrival to Trinidad and Tobago of a child; more or less, kidnapping of children and so on; the forcing of children into servitude; the slavery and so on.

All of that had been deliberated at length. If you go to the verbatim notes of that committee you will see how we dealt with that. We had dealt with the whole question of the places of safety you take children to and so on, and the whole question of not criminalizing children and putting them under the care of the Children's Authority before you subject them to the trauma of a child. You also had the situation where we had dealt with children not being put into adult prisons, that they should be detained in places that are specifically designed to deal with children. So, again, you have no comingling of adults and children.

So I am not going to draw this out much longer. I would ask the Leader of Government Business—and you can answer if you wish. Would you prefer me to go through every single point we had made, or would you rather prefer that I simply ask the Government to take a look at the consolidated Bill and so on, that we had dealt with?

Dr. Moonilal: Thank you very much, Mr. Deputy Speaker. Because this is a very, very significant debate and it is the intention of the Government to debate this matter today in the House and take the vote on another occasion, but to end that debate today, I would suggest, if it is possible, that you can elaborate—

Mr. C. Imbert: Try and go through.

Dr. Moonilal:—try and go through and elaborate so that we will have the benefit of the notes that you are referring to, but also your *Hansard* contribution to reflect on. Thank you.

Mr. C. Imbert: That is fine with me. So that you are going to conclude the debate today, Mr. Deputy Speaker, through you, but you will come back. You will listen to what we have to say, make adjustments as you see appropriate, and come back. Right, that is fine. And I think this is sufficiently important to everyone, that we will all work together to achieve that. [*Desk thumping*]

What I will do, I will do it in writing. I will refer to the clauses which were agreed to by the select committee. There is a document. This is on the 2009 Bill, but the 2012 Bill is really an evolution of the 2009 Bill. A lot of the clauses are virtually identical. It is just some have come out. So what I would do, I would simply refer this document to the Government, the tabular—the clause by clause examination that was prepared in the final—

Dr. Moonilal: Elaborate on it in a summary form.

Mr. C. Imbert: “Yuh trying tuh kill meh? All right. All right.”

7.00 p.m.

I would try to go through the clauses as best as I can. If that is what you want, well then, let me look at the first clause that is problematic, that is clause 4(1). And, that is the clause that says:

“4(1) Where a person who is sixteen years of age and over has responsibility for a child, and the person will fully assaults, ill-treats, neglects, abandons or exposes the child...that person commits the offence of cruelty to a child.

(2)...is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for ten years.”

The problem with that clause is what happens if the person is under the age of 16. Because, somebody under the age of 16, just under the age of 16 could do all of these things: could assault, ill-treat, neglect, abandon, cause the child suffering or injury to his physical, mental or emotional health.

Dr. Moonilal: But, taking your logic from your earlier complaint, you would not want to criminalize the child under 16.

Mr. C. Imbert: No.

Dr. Moonilal: So—

Mr. C. Imbert: But, it is not any penalty whatsoever.

Dr. Moonilal:—what do you suggest?

Mr. C. Imbert: You see, you cannot give them a free pass either, as the Leader of the Opposition has said, so, this is where you have to bring in the whole question of referring them to the Children’s Authority and asking the professionals to come in and decide what is to be done with this child. Whether the person should be referred for counselling, whether the person should be put on probation, whether probation officers should be appointed to supervise the child and so on. You are not giving them a free pass, but you cannot let them get away scot-free. Because, all of these things that can happen here, the 16-year-old can do to the child, the 15-year-old can do to the child as well. So, that is the first clause we would like the Government to look at and establish what you are going to do with the person under the age of 16.

The next clause that we wish you to look at in some detail is clause 18, and that is the clause that creates the offence. [*Interruption*]

Dr. Moonilal: Clause what?

Mr. C. Imbert: Clause 18. That is the clause that creates the offence of sexual penetration or which creates the penalty for sexual penetration as imprisonment for life. And, again, this does not have an age limit in it. Whereas, in the 2009 Children Bill, from clause 17 onwards, clause 17, clause 18, clause 19 and so on, there were clear age limits.

The first point we wish to make is that the previous Bill spoke about a person over the age of 18. The wording of the 2009 Children Bill was a person 18 years of age and over—in other words, an adult, who intentionally sexually penetrates a child under 14 years of age commits an offence. Now, you may argue about the 14 years of age. That is something that people could quibble about. I am not going there. I am talking about the fact that you are dealing with the offence being committed by an adult against a child. That is the principle that has disappeared from this legislation. And, that was the principle that we had agreed to, that if an adult interferes with a child, you throw the book at them, but, if two children are together and they are doing something that nobody is forcing themselves on the other person and they are just doing something which may come natural to them, you are criminalizing them here.

Again, this would flow into clause 19 of the current Bill, where again the phraseology is, “a person”, rather than what was in the previous legislation again in clause 19 of that legislation, where a person 18 years of age or over intentionally touches a child, and the touching is sexual, he commits an offence. So, again the general principle is that you do not want to criminalize children, but as I said, I want to make it clear, you do not want to give them a free pass either. Okay. So that if they are caught engaging in acts, there must be consequences for their actions. But, for children, people below the age of 18, the consequences should not be at first instance, it should not be arrest, charge, trial, jail for life and all that sort of thing.

So, that would be the next clause that we would want you to look at. The “Romeo” clause, well, it is very similar to the clause that we had, that a person 16 years of age or over, but under 21 years of age is not liable; you have changed that to 20. I have consulted with the Leader of the Opposition and we have no problem with the reduction to 20. That is no big thing, that the Minister has put in that amendment he wants to reduce the age to 20, to us that is okay. We would not fight that down.

But, the whole question, is the question of what happens to the 15-year-old. Because, again, look at clause 20:

“20.(1) A person sixteen years of age or over but under twenty-one years of age is not liable under section 18 or 19—

- (a) he is less than three years older than the child against whom he is purported to have perpetrated the offence;”

What happens to the 15-year-old? And, when you look—what is so magical about 16?—at the minutes of the fifth meeting of the select committee on December 11, 2009, I would read clause 3.2.8 of those minutes on page 3.

The committee discussed new clause 23 and agreed to an age minimum of 15 years as well as agreeing to an age term of three years older than the child against whom he is purported to have perpetrated the offence.

And, the reason it is 15, in that the psychiatrist and psychologist told us, that 15 is a better age in terms of determining the first time for sexual awareness among children. Sixteen was sort of an artificial point at which the offences were being set and 15 would be a better age to look at.

Again, as you go through pages 21, 22, 23 and so on, the word “person” is used without saying that this is a person over the age of 18, and that is something we would like the Government to look at. Make a distinction between somebody over the age of 18 and somebody under the age of 18. That would go right through—surely, you do not want me to go through every single clause where the word “person” is used. I would like you to look at the use of the word, “person” and see whether it can be replaced in a significant number of instances with “a person over the age” or “18 and over”. Not “over the age of 18”, “18 and over”. That takes you through a lot of the clauses in the Bill, that general principle of “18 and over”.

Another clause I would like you to look at very carefully is the abolition of the death penalty. Now, that is already an existing law. I think it is in the Offences Against the Person Act where the death sentence is not applicable. That is clause 59 and it was in the 2009 Children Bill as well; the wording was almost identical, clause 59:

“59. The sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he was under eighteen years of age.”

Now, I am not sure outside of murder, what offences in our system attract death? Treason and outside treason. So, again, what is this doing inside of here, because in the Offences Against the Person Act, there is a clear statement—and that Act goes back to 1925—that if you are under the age of 18, you cannot be sentenced to death. But, let me tell you why I am raising this point. In that law, it says, however, you can be detained at the President’s pleasure. And I thought to myself that is a much

better formulation, what is in the Offences Against the Person Act, that you can be detained at the President's pleasure; you are not sentenced to death but you are detained at the President's pleasure.

I thought this is introducing some confusion into our laws because this principle is already in our laws. So, I would ask the Government to look at that and see whether it is necessary at all, and whether you could just refer to the wording in the Offences Against the Person Act or lift the wording from the Offences Against the Person Act and put them in here. So, make it clear you are not going to be sentenced to death, but you can be detained at the President's pleasure on such terms and conditions as a court would order.

Coming through again—well, I already spoke about clause 85 where I said I do not believe our laws can have extraterritorial effect unless it is part of some mutual assistance treaty and there are arrangements in place for cooperation with authorities in other countries, and those are very limited circumstances. So, I just do not see the point of putting in that a national of Trinidad and Tobago would be liable if they commit a crime in another country. I just do not see the point of that.

Mr. Deputy Speaker, I think I would end here because I think, I have given the Government enough information. As a Member of the Opposition, I am not allowed to circulate anything. Apparently, those are the rules, but I would hand this to the Leader of Government Business so he can take a look at it. I will give him my copies of the Minutes and [*Interruption*] clauses which were agreed upon by the select committee with respect to the Children Bill, 2008, which have been the redrafted Children Bill, 2009.

Dr. Moonilal: That is in the parliamentary record.

Mr. C. Imbert: Yes, yes, yes, so you could get it yourself. And, then you have the meeting of the special select committee, the various meetings—there were five of them—appointed to consider and report on the Children Bill, 2009.

So, I would ask the Government, listen to what we have to say, redraft the clauses appropriately and you would get the support of the Opposition in due course to pass this legislation. I thank you. Mr. Deputy Speaker. [*Desk thumping*]

The Minister of Tobago Development (Hon. Vernella Alleyne-Toppin): Thank you, Mr. Deputy Speaker. I thank you for the opportunity to address this honourable House on the Children Bill, as we call it. I want to congratulate as I begin, the hon. Senator for her tenacity in bringing this Bill to the Parliament.

Even as I stand to contribute to the debate, I want to step back into some personal experiences. I want to thank the doctors, nurses, medical staff of the Eric

Williams Medical Complex, very publicly. Recently, my husband suffered a heart attack and had quadruple bypass surgery. And, I want to thank and to say how proud I am of our medical institution the Eric Williams Medical Sciences Complex. I want to thank the Minister of Health, the Minister of Education, the Member of Parliament for Tobago West and all of the people who prayed and who supported us; sent cards, whatever they did.

Often in this country we just lay blame. And I want to make sure that all of this comes out. At such a delicate time for the people in my family, we are here now this week debating the Children Bill. We had thought that last week we would have debated the Children Bill, but we had to put it off for the No Confidence Motion. And, of course, Mr. Deputy Speaker, I featured very prominently in that debate. In the midst of trying to shield my family from the abuses that children encounter, by trying to shield my grandchildren from the abuses that people encounter, I recalled a poem that I must use, so that our national community could bring to bear the words of this poem as they deal with the children in our midst and how we protect them from abuse.

7.15 p.m.

I want to read from Rudyard Kipling's "If" and it says:

"If you can keep your head when all about you
 Are losing theirs and blaming it on you;
 If you can trust yourself when all men doubt you,
 But make allowance for their doubting too:
 If you can wait and not be tired by waiting,
 Or, being lied about, don't deal in lies,
 Or being hated don't give way to hating,
 And yet don't look too good, nor talk too wise;
 If you can dream—and not make dreams your master;
 If you can think—and not make thoughts your aim,
 If you can meet with Triumph and Disaster
 And treat those two impostors just the same:
 If you can bear to hear the truth you've spoken

Children Bill, 2012
[HON. V. ALLEYNE-TOPPIN]

Friday, March 09, 2012

Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to, broken,
And stoop and build'em up with worn-out tools;
If you can make one heap of all your winnings
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings,
And never breathe a word about your loss:
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the Will which says to them: 'Hold on!'
If you can talk with crowds and keep your virtue,
Or walk with Kings—nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much:
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And—which is more—you'll be a Man, my son!"

Mr. Deputy Speaker, our children need to have that moral fibre and we need to give them the tools with which to build that moral fibre. As a teacher myself, I have had cause to witness in my career—40 years of teaching and lecturing—children who have suffered abuse, and how it works on their life, how it works on the psychology, how it works on the mental and physical and how it works on the education of the child. I am referring especially to cruelty to children. I have witnessed where children have disappeared from their homes. Children have disappeared at the hands of adult perpetrators. Disappeared!

Mr. Deputy Speaker, in 1979, my first encounter, I was having my first child and one of the students that I was teaching disappeared from the school. She left for school the morning and did not appear in school and did not return home. That child

has not been seen or heard of since and that is a full 32 years ago. The parents have never heard from the child nor seen the child again. We have several instances of students who have disappeared—one in particular from my own neighbourhood, who disappeared early in my tenure as a Minister, and whose body was found months after in a shallow grave near to her home. The child had gone to the shop and whatever happened then, the next thing we knew, months after, her body was discovered in a shallow grave very close to the shop. I do not want to belabour those—I do not want to call the names of the children; I do not want to get into what happened because it is very painful to the mothers, fathers, brothers and sisters and to our community. The little girl whose body was discovered in a shallow grave was just 12 years old. Mr. Deputy Speaker, I cannot rehash all of that so the families will be in pain.

But, I want to say that we in this country have to protect our children. We have to protect our children from adults. It is said that it takes a village to raise a child, and in many villages, it is the adults who perpetrate the crimes against the children. It is the adults who seduce the children into wrongdoing. In many instances, we have a sort of tacit acceptance of the fact that people are abusing children and getting away with it. We have the situation where the child becomes, almost the criminal because the child, in reporting what happened to him/her, is vilified; the child is made to be afraid; the child is thought to be lying; the child becomes the victim. This Bill will protect the child, as well as our communities, from the degradation to which we are trying to sink.

Mr. Deputy Speaker, in my own village, two young boys were found murdered in a house and they had been buggered. No one has been charged for that criminal offence. The time has come, and that is why I am so glad for the tenacity of my hon. Minister here for holding on to this legislation, and after just a few months in office, bringing it to this Parliament. [*Desk thumping*]

We have a clause where we would deal with adults who contribute to the delinquency of minors. I encountered in my teaching career, a situation where a male student was behaving very strangely after a time—grades going down; all kinds of things happening. That male student, we found out later, was being raped by an elder aunt every Saturday when his mother went to the market. I am not speaking only of girls being molested, but I am speaking, also, of boys being molested. Boys have been molested in this country—and I can say “it is alleged” like some people—by people in high office who should be guiding, guarding and keeping them; molested by people who are their teachers; people in their churches and places of religion. I do not have to speak much about this because we are all aware of this, and in many cases, we turn a blind eye; it is not our business.

We have many cases of incest. We have many cases of child abuse by fathers and stepfathers. Last week, I heard a story of a particular young child who was abused sexually by her father, and, about somewhere in the beginning of February this year, she died from AIDS. The abuse started when she was eight years old, and her own father gave her AIDS.

Hon. Member: Gave her HIV.

Hon. V. Alleyne-Toppin: Gave her HIV and AIDS and she died of full-blown AIDS. Mr. Deputy Speaker, the father deliberately molested the child. He had a vendetta in which he was sure that the godfather was, in fact, the father of the child; and because of that, he perpetrated that violence against that child. It turned out that he was violating his own child. The stories are huge and heavy.

We are witnessing where teachers, caregivers and guardians are violating the trust placed upon them. Every member of our society should be moving strongly towards protecting children. I want to come very close, in my short contribution to this Bill—in my contribution about sexual offences.

Mr. Deputy Speaker, I know of a situation where a child went to his mother and he told her that he was being violated every time he went to church. The mother said, “We cannot condemn the man in charge of the church because he is a high official, and you cannot just bring down the whole church, so let us be quiet about it”; and she kept sending him to church. Today, that young boy is dead because the place that he was going was a place where he was being molested every time he went.

Mr. Deputy Speaker, I have lived in jurisdictions where it is an offence for an adult to contribute to the delinquency of a minor. I want to applaud this Bill for looking at the adults who contribute to the delinquency of minors; adults who deliberately violate children; adults who cause children to be violated; adult women who take their girl children and sell them into prostitution; adults males who take their girl children and sell them into prostitution; adults who pimp out their children. I am sure that every one of us here could give you an occasion or an instance of such a circumstance.

We all know of the young child who was buggered and killed with a stalk of sugar cane. In this country, we have actually fiddled too long with the passing of this Bill. I do also congratulate the Member for Diego Martin North/East who has brought some very valuable points to this debate and whose contribution, and those of the other speakers—Member for Arouca/Maloney—we will, of course, take on board. Because we have a responsibility in this country, all of us have a

responsibility, to make sure, that we are not talking politics here, that we are not arguing about all kinds of spurious things as we do sometimes, that we not laughing at serious issues, and today, we are coming together to serve this nation, Trinidad and Tobago, in the way we should be serving this nation. [*Desk thumping*] We will not fail our children. We will not continue to fail our children.

In another jurisdiction where I have taught, the teachers are trained and mandated to ensure that if there is abuse of a child, it is reported. Mr. Deputy Speaker, I would like to see violence against children made notifiable. If a child comes to a medic, to a medical institution, to a school, to a church, in the presence of any adult or anybody who can say, "I am seeing bruises on this child, I am seeing cuts on to this child. I am seeing some sign of abuse", that medic must report that matter to the police.

I want to tell you about a situation when I was teaching in Tobago. There was this teacher who had discovered that a father was abusing a child. When I speak of it, the whole of Tobago would know what I am talking about and many people in Trinidad. The teacher decided that she would go to the police. When the father discovered that the teacher would go to the police, the father went to the school armed with a huge kitchen knife, walked into the class and stabbed the teacher to death in front of the class. Today, we are at a junction here that is very serious and very critical. The trauma to the children who were in that classroom remains. The trauma to the parents, the family of the teacher and the entire school remains. Today, there is a special day in that school that they celebrate in the negative sense of celebration: this is the day when we lost our innocence here.

7.30 p.m.

Sometimes there is reluctance on the part of the authorities to accept that a child is telling the truth about a situation of abuse. Sometimes the authorities do not believe. I had a stint at being a social worker and I worked in the Morvant and Manzanilla districts during 1997/1998. There was this particular mother who had come to me to tell of her paraplegic; a child who can neither speak nor hear nor see, but the child was growing normal physically; quiet and attractive young woman. One day, some neighbours saw the children in the neighbourhood running to this window peeping and running away and laughing. When they investigated, they found that a relative in the house was continually abusing that paraplegic child who could not report anything because the child could not speak, day after day.

I reported the matter to the police officers who worked with me. The family of the mother of that child was up in arms with the mother, against her, because she had reported the incident. The family said: "You will bring our family into

disrepute.” The child could not report for herself or protect herself. The child was in a wheelchair. When confronted, the older relative, a step-grandfather said: “She fell out of the chair and I was helping her off the ground.” He gave all kinds of reasons. Nothing came of it, because the authorities at the time, to whom this was reported, decided it was a family affair and they would keep their hands out of it.

Mr. Deputy Speaker, we have come to a point where we are going to take collective responsibility for the protection of our children. It is a custom in our place to tell a child: “You are a man now, let me give you ah drink. Yuh tunning man jus now, leh me give yuh ah drink. Come take ah drink. Dis is for de worms.” Many people start their children on the abuse of alcohol from very young. Very young you tell the children: “De only time yuh a man is if yuh drinking. De only time yuh ah man is if yuh smoking.” The yardstick by which we measure what is a man, becomes skewed. Men are those who can drink a lot, smoke a lot and drive when they are very drunk. A man is somebody who has no regard for what other people feel. A man is somebody who can beat his wife. A man is something that is very different from what the man should be. Instead of being protector, the man is the abuser.

I went to a church one time and I listened to a sermon which was given by a very upright pastor. He purported to explain to us how our society deals with things of a sexual nature and with sexual intercourse. I was really amazed at the things he was saying. I think I would repeat some of them, without trying to be vulgar or blasé. I would repeat what the pastor was saying. He said that there are men whom he has encountered who have described to him some of the things they do, and they were talking about the rod of correction and the metal of correction and the whole aggression of what people think should be a sexual action and the way they operate, the young girls are the best, the young girls are pure and the young girls are those who they must—the picture was of women who had to be super-submissive and who had to just accept whatever happened. Mr. Deputy Speaker, even as we talk about violence against children, it is tied up with violence against women. In many cases, where there is violence against children in a home, there is violence against women.

I know of cases where the wife is in denial because the child has come forward and said: “I am being molested.” I know of cases where women have said: “We do not have a way of providing for ourselves, so do not say those things about your stepfather.” I know of cases where children have been told: “You have low

self-esteem and this is why you are making those accusations against your father.” I have known of cases where children have gone on to be adults and have entered marriages which have failed because of that scourge of having had a lifetime, as a child, of abuse from their fathers.

A few weeks ago, there was a seminar at one of our secondary schools in Tobago and Mr. Wayne Chance, whom we all know, was one of the moderators. At a certain point in that seminar, they realized that the girls were becoming quite emotional and they sought to ask some very direct questions. They asked the girls: “What can you say about sexual activity in your own life?” They were young girls, minors in the school. I would not say what the name of the school is. Seven out of 10 girls in that room said that their first sexual encounter was a rape. I am talking about two weeks ago. Seven out of 10 girls said that their first encounter with sex was rape. I am talking about schoolgirls. I am talking about people who should not have had any sexual encounter at all. Seven out of 10 said it was rape, either date rape, or statutory rape, but all of it perpetuated by older members of the society, by neighbours, uncles and relatives of all descriptions.

These girls were, for the first time, talking of those experiences. They had not reported them to any teacher, any parent, any police or anybody. Of course, they all started crying because they could not contain the burden of the offences on them. Again, we have a responsibility. Many of these things occurred with men who were totally intoxicated and under the influence either of alcohol or some drug. One little girl who was raped on a date, ended up in the Scarborough General Hospital and almost bled to death; a young girl. As I speak today, I feel very, very emotional about this whole situation because it has been going on for years and years and years in our society.

The prisons contain very few offenders of this nature. Most of these offenders are walking around among us. I want to ask that—the perpetrators of these crimes, when they have properly exhausted their options and they are apprehended—in this country, we consider placing such on a list of perpetrators. I want us to have what we call a list of paedophiles. I want us to have a notifiable list that you can know that there is a paedophile in our neighbourhood, that there is a paedophile among you in your building where you work. I want us, in Trinidad and Tobago, to be serious about the way we protect our children and not just give it lip service in the Parliament, but give the legislation the umph and the teeth with which to work.

We have legislation on our books that nobody takes any cognizance of; legislation, of course, that has been there for years and nothing is enforced. Somebody said to me once: “The people in Trinidad and Tobago are like

earthquakes in Trinidad and Tobago.” I said: “What do you mean by the people in Trinidad and Tobago are like earthquakes?” He said: “They are never serious.” I want us to become serious about this thing, to take it upon ourselves as the burden of something that we have created, something that we can move to correct.

Among us, there are liberalists who indoctrinate children; liberalists who say: “It is okay, there is nothing wrong with this.” There are even liberalists who are preachers who say: “Let brotherly love continue,” in excusing homosexuality. But we are saying in this Parliament, and I am sure that I have consensus here, that against the children, this is unacceptable. Indoctrinating a child is against the law and it is indeed a very wrong thing. You cannot expect if you as an adult want to live your life with your sexual preferences, however you want, and we do not deny you that in this country, we do not expect you to indoctrinate children and make them do the things that are dastardly; the things that will hurt them psychologically, the things that will hurt them emotionally, the things that will cut short their childhood and bring them into an adult position where they are old, they are guilty and they are harmed psychologically.

Mr. Deputy Speaker, another student that I have taught died, as a result of some obscure—something happened and she, being a Jehovah’s Witness, could not accept blood and she died. I cannot go into the circumstances of that, but they are horrendous. She was a young girl. I think we should ensure that especially our teachers in our schools will be able to tell us that there is something wrong: the child’s grades are slipping, the child has been coming into school—I taught a child who came into school every morning and when she came near to you, you could smell that she had been molested. You could just smell the child and know that she had been molested.

Hon. Members: What?

Hon. V. Alleyne-Toppin: I am telling you. Many of the children come to you, as a teacher—those who have taught—and they hug you. We went into depth about that. It was not in this country that happened. We went into depth and people said: “she had a weak bladder and she smelled of urine.” To be very plain and bold, it really was abuse. But as a teacher, we have to know the signs and symptoms of this kind of abuse, otherwise all the legislation that we do, we will not be able to pick up what is happening with our children. [*Interruption*]

7.45 p.m.

The Member for La Brea agrees with me, because he has been a teacher; and teachers pick up the signs.

Mr. Deputy Speaker, I want to state that the statute of limitations does not run out on paedophilia. If you were abused 50 years ago in this country, you can bring a charge against the person who abused you. I again applaud the intent of this Bill, because it will seek to redress evils done to children, even when they become adults. The psychological trauma that the children go through, right throughout their lives, will be addressed, even if it is just in the redress, even when they are adults, and they come to the point where they can point out their perpetrator and get some kind of closure; some kind of redress on the issue.

I have known of students who have been sexually violated by teachers in the school, while school is going on. Again, I am talking about persons whom I know. I am talking about members of my own family. I am talking about persons violated by the very persons, who I am saying should be the persons to see what is happening with them—teachers.

Teachers in this country have violated female students, they have also violated male students, and some of this takes place while school is in session, in the school building. As a teacher, children would come to you, especially as a female teacher, and tell you what is going on. Parliamentary privilege notwithstanding, I will never call the names of any persons who are guilty of these offences. I will not! I will not! But they know who they are, and they have violated our nation's children. To further the violation after the sexual act, they have gone with the children to have illegal abortions. Some of these girls are now unable to produce children. Apart from being infertile, some of them have the children from these criminal acts. Some of these children are adults today—because as I say here every now and then, I have been a teacher and lecturer for 40 years.

PROCEDURAL MOTION

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Deputy Speaker, in accordance with Standing Order 10(11), I beg to move that the House continue to sit until completion of the debate on the second reading of the Children Bill, 2012 and matters on the Motion for the adjournment.

Question put and agreed to.

CHILDREN BILL, 2012

Mr. Deputy Speaker: Hon. Member, you may continue.

Hon. V. Alleyne-Toppin: Thank you, Mr. Deputy Speaker. I was on the point of teachers who abuse children. I consider this the worst kind of abuse. I consider this untenable; I consider this criminal. This is one of the most hideous of criminal

offences. A child is a trusting creature. A child is an easily influenced creature. A child needs to be protected, guided and given the correct principles with which to continue into adulthood. A child who is violated in this way has his/her education interrupted, has his/her childhood cut off; such a child now depends on the psychological help of the society.

Our schools do not have the support systems through which—even with our limited number of guidance officers, we do not have the support systems to carry that child through and out of that journey of abuse and into a life of plenty. In many of the instances where children have been abused at school some of them have been impregnated. I can tell you that there are teachers in Trinidad and Tobago who have impregnated their students. They have had their education cut off and they have had to join the role of mother. They have had to go into the role of nursing mothers so they cannot go to school. Even if they are trying to have the baby and then go back to school, they are ridiculed by their peers. Where they are not ridiculed, their peers come around for counselling—“How it was?” “How it feel?” “How dat labour was?” Some children’s childhood has been cut off. Even when that has happened in our society, I am witness to the fact that many of those teachers have never been persecuted and have risen to high office in this land. Many of those teachers hold very high office in this land.

Mr. Deputy Speaker, I have taught in Trinidad and Tobago. I taught at the Scarborough Junior Secondary School, the Bishop’s High School in Tobago, the Scarborough Methodist School, QRC, Trinity College, Bishop Anstey in Trinidad and at the Carenage Government Primary School. I did my teaching practice at Malabar RC School, Five Rivers Junior Secondary School and Tunapuna Government School, so I have taught all over the country and in other places abroad.

I am saying again that in my own family, my cousin’s education was brutally cut off by a teacher, who went on to university and ran out of Tobago. The child was a student at the Scarborough Junior Secondary School. I was also her teacher. She is my cousin, she carries my name and she carries my blood. Our family was devastated because the child’s aunt was boarding the teacher and cooked for him. When the child went to deliver a meal to the teacher, he raped her. She got pregnant, and this child had a child.

So I am not talking about allegations; I am not talking about “it is alleged.” I am talking about persons in this country who have gone to high office with those things hanging over them. I am talking about one teacher in particular who violated all the

schoolgirls, and every time he violated a student, he burnt her leg with a cigarette butt, and said: “That is the mark of the beast.” So we have a string of young girls who have a cigarette butt mark on their leg.

Mr. Deputy Speaker, if you do not think that I am speaking the truth, you can corroborate my story, because the teacher’s child who came out of that union—there was no consent in it, it was statutory rape—the child is now my cousin because the mother is my cousin. You follow me? So I am connected to the teacher in a very bizarre kind of way. The teacher is, in fact, my cousin-in-law. The teacher had to run from the village, somebody else had to go and remove his belongings, because murder and mayhem might have taken place among the members of the child’s family.

When I talk about offences against children, I have had a long career of children coming to me: “Miss this is the situation. Miss we went with the group on a tour and when we were there this teacher came in, broke down the bathroom door and rubbed his stuff all over me, and said: ‘You are pretending you are a virgin, take this.’” The sordid details I should not mention. [*Interruption*]

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

Motion made: That the hon. Member’s speaking time be extended by 30 minutes. [*Hon. Dr. T. Gopeesingh*]

Question put and agreed to.

Hon. V. Alleyne-Toppin: Thank you, Mr. Deputy Speaker. I say again that the statute of limitations does not run out on paedophilia. My family could still bring a lawsuit against the teacher. This is why I want a register making paedophiliacs notifiable, making sure that when those persons come into your neighbourhood or they come for employment, even if you employ them, you know they are paedophiles. That dastardly act goes against all conventions of all religions. Nobody, no religion, no culture, no sect allows for the violation of its girls and boys. In high office in this country are people who have violated boys—[*Interruption*]

Mr. Sharma: “Yes! Yes! De PNM.” [*Laughter*]

Hon. V. Alleyne-Toppin: Not only girls—“Way you was all de time?”

Mr. Sharma: “Ah was doing de research, de PNM have plenty.”

Hon. V. Alleyne-Toppin: They have buggered the boys and have covered it up with all kinds of hideous crimes. We have to protect our children from these perverts among us, from these persons who cannot contain their emotions.

Mr. Sharma: “Dr. Gopaul said dat about de PNM, Dr. Gopaul.”

Hon. V. Alleyne-Toppin: Mr. Deputy Speaker, we have to protect our children. One of the reasons I am not saying the names of all those persons, although I have parliamentary privilege, is that I must protect the children. I cannot say that the teacher’s name was so and so, and the child was so and so. I must protect the children.

8.00 p.m.

I know of students who opened car doors of teachers and jumped out when the car was moving. And I am glad that I have come to the Parliament after a long teaching career, where I can contribute to a Bill that protects our children—[*Desk thumping*]—because as a teacher, I was unable to do very much to protect the children. We did reports, we did all kinds of things. Minister of Education, Member for Caroni East—the people that we reported to ignored us. The people that we reported to ignored us. After my good friend was killed for reporting, teachers were afraid to report. [*Crosstalk*]

Mr. Sharma: [*Inaudible*]

Hon. V. Alleyne-Toppin: What about her? So we have to open the avenues, open the doors, and make provision for the reporting to be done confidentially and effectively.

I know of a man who had been to court for molesting his stepdaughter, got off the charge—he had a lot of help—and very quickly they removed that child from the home and he went on to molest the second daughter. We know of people who molested all the daughters and all the sons. And some in the guise of religion; “They must not go out, I must have them first.” Mr. Deputy Speaker, our society has gone into a kind of warp in respect of this and it is very, very—if I may say the word—disgusting. [*Interruption*] Reprehensible. Nice word Minister of Justice, reprehensible.

Mr. Sharma: He is a judge, you know.

Hon. V. Alleyne-Toppin: And I would wish that our people would be very, very harsh on perpetrators of these crimes.

Mr. Deputy Speaker, we have to have the social networks in place because once these things have come to the fore and they come to light, and we have charged the perpetrators, we have to now support the victims; financially, emotionally, spiritually and psychologically. We have to support the victims, therefore, we have to put in place systems that would nurture them, bring them back. I am very happy that the Members on the other side of the House agree that we will all support this Bill that would bring us to a place where we can serve our children better. We must provide for the safety of our children. If I am to quote from the *Bible*:

“Inasmuch as you do it unto even the smallest one of these, you do it unto me.”

So in the Christian religion, to which I subscribe, one cannot expect to violate children and not violate God’s trust. Violations of children are abhorred in the Christian religion.

Mr. Deputy Speaker, one day—I would say, maybe my hon. colleague here has come to the kingdom for such a time as this. We have all come to the kingdom for such a time as this. We have come to the kingdom to make sure that Trinidad and Tobago is rid of the scourge of molestation against children, is rid of the scourge of perpetrating violence of against children, of perverse activity.

We want to cross the step into a cleaner place, a more civil society, a society where its children are respected, and allowed to grow and be nurtured in a civil society. We have the distinction of being the third best place in the world for a girl child to be born; as far as education is concerned. Let us move that again to the best place in the world for a girl child or boy child to be born, in respect of the way our society treats our children. Nice picture, “eh”?

Mr. Deputy Speaker, as I congratulate again the People’s Partnership for bringing this legislation to the fore, I do congratulate also our hon. Prime Minister, who is sure that children must be protected under her stewardship. Our Prime Minister, hon. Kamala Persad-Bissessar, loves children. She understands that the society is as strong as its weakest areas, and if we strengthen our children, we strengthen our society; if we treat our children as we should, we build a better society.

Although some of the Bill does not seem to be something that we are very guilty of—maybe like genital mutilation, maybe, does not seem to be—we do not know of the hidden circumstances under which some of these things might be occurring. Mr. Deputy Speaker, in all of my 40 years—let me see I taught for like about, steadily in schools, primary and secondary—for about 35 years—*[Interruption]*

Mr. Sharma: You started when you were 10?

Hon. V. Alleyne-Toppin: Uh uh. [*Crosstalk*]

Mr. Roberts: Lyrics boy. [*Laughter*]

Hon. V. Alleyne-Toppin: Mr. Deputy Speaker, in all that time as a teacher, in all of that time, I beat only two children. People “doh” understand how I could have only beaten two children in all of that time of teaching.

Mr. Sharma: I am sorry I was not in your class.

Hon. V. Alleyne-Toppin: I never had problems with children dealing with me. I never had to beat children. [*Crosstalk*] The first child I hit, I was teaching at Scarborough Methodist School. I forgot to say that I taught at Scarborough Methodist.

Mr. Sharma: You teach Rowley? [*Crosstalk*] [*Laughter*] [*Desk thumping*]

Hon. V. Alleyne-Toppin: Dr. Rowley was my classmate in infants and second year. And he was my schoolmate at Bishop’s High School. I think we were in the same class at some point. Then Dr. Rowley went on to teach at Roxborough Secondary.

Mr. Sharma: You serious?

Hon. V. Alleyne-Toppin: Yes.

Mr. Sharma: He beat any children?

Hon. V. Alleyne-Toppin: “I doh know.”

Hon. Member: You did not refer to him earlier on?

Hon. V. Alleyne-Toppin: He was the dean of discipline.

Hon. Members: What?

Hon. V. Alleyne-Toppin: Dr. Rowley was the dean of discipline. [*Crosstalk*]

Hon. Members: And Louis Lee Sing disciplining him so?

Mr. Roberts: “And he cyah discipline Louis?”

Hon. V. Alleyne-Toppin: Mr. Deputy Speaker, we have to be very careful what we teach our children when we are teachers. And some people have taught our children things that they should not have been taught. [*Crosstalk*] Some of our teachers have taught the children things that they should not have been taught. And they have demonstrated the things that they have taught them, on the children.

Mr. Deputy Speaker, I beat two children. The first one, I hit him because he was coming from another class and walking into my class and making mischief. I gave two taps on his shoulder and he squared up to me, and he said, “Hit me again, you think you make me?” I decided I would never hit another child in school because I do not want to fight with a child. [*Crosstalk*]

Dr. Moonilal: Hit him, “leh” we see how you do it.

Hon. V. Alleyne-Toppin: I just gave him two things—I did not even hit him with anything.

Hon. Member: Why “yuh” did not hit Rowley too?

Hon. V. Alleyne-Toppin: The second time I beat a child, it was at Scarborough Secondary. I beat the child, with a ruler on the hand, and then some time passed and I went back to the child and I said to the child, I am sorry for hitting you. The child had come to me to complain that a teacher, a gym teacher, was doing all the exercises with them, hold the legs whatever, and the teacher was doing all kinds of things.

The teacher came to me and said the child is spreading all kind of rumours about me and “ting”, and they are lies and so on. I beat the child. I investigated and beat the child. A little time passed and I went to UWI. When I went off to UWI, a report came to me that the teacher had been caught with a 12-year-old child in an uncompromising position at lunchtime, far away, up the hill, in a yard, in her school uniform. I went back to the child that I had beaten and I apologized to the child for having beaten her. That child today is a policewoman.

She said, “Miss, I was telling the truth”. “Yuh understand?” But you see the circumstances, the teacher made it seem as though she was a gossip-monger. And you know, just some lashes with a ruler on her hand, and I made her apologize. She said, “Miss, yuh see what I was telling yuh, he used to interfere with us”. So I am saying in our schools where the children must go—because you have to go to school, it is mandatory—you have to go to school, that is a place to pick up abuse. This is the place to pick up abuse on children. Because nowadays, many of our children are not bothering to go to church and all that “yuh” know. That is another story by itself. They are not bothering, the parents are not leading/guiding: church, mosque, temple, where there is a thing that says “thou shalt not”. We as mothers and fathers, we are not holding that responsibility where our children could be civilized.

If you have a “thou shalt not” in your life, maybe you will get tempted but maybe you would not perpetrate those violent crimes that we see in our society.

How could somebody tie somebody to a tree and then to a cow? How can a human being do that to another person? What is happening in Trinidad and Tobago? Where have we reached? How far down do we intend to go? Where do we plan to degenerate into? [*Crosstalk*] I am saying that the place where we have our children gathered every day for the greater part of their lives is in the schools. When you are in the school and the teacher is violating you—

I spoke to a guidance officer about a young boy whom I saw being misled and I said, “Talk to him, try to see if you could help him, bring him back on the road. I do not think the road he is going on is a good road because older men are bugging him”. And the guidance officer said to me: “So that is his preference, so what should I do?” Mr. Deputy Speaker, the child is now a man and that is his life, because of his introduction to life.

Mr. Deputy Speaker, as much as I know that the other side agrees with the Bill, I am very happy for that, I want to congratulate, again, the Senator for pushing—I know how she has used her life and her energy, I know. [*Desk thumping*] I want to support her wholeheartedly. Even as I step out of here, I know that there are people who are waiting, they would like to say, “Yuh see you, I go fix yuh, yuh was talking bout me but yuh did not say meh name”. I am not saying your name; you know who you are.

And they have a thing that they say in Jamaica; “Meh dash meh rockstone a hog pen and him not bawl out”. [*Crosstalk*]

Hon. Members: What?

Dr. Moonilal: Explain that to the *Hansard*.

Hon. V. Alleyne-Toppin: We say it in Tobago too. “Meh dash meh rockstone a hog pen, and no him nat bawl out”.

Hon. Members: What “dat” mean?

Hon. V. Alleyne-Toppin: “Who the cap fit, draw the string.”

Mr. Roberts: That means get EMA approval—

Hon. V. Alleyne-Toppin: The statute of limitations does not run out on paedophilia. And people in high office in this country have violated girls, have violated boys, and continue. You know there is a song that Valentino sang and said, “The Trinidadian, the ambitious guy with the jacket and tie who does walk the road and hold up he head high, you will be shocked to know where that ambitious fella head does go”. [*Crosstalk*]

Hon. Member: “Oooh Good!”

Hon. Member: “And yuh know he head bald.”

Hon. V. Alleyne-Toppin: I do not know. “Yuh understand?” “Ting” to cry about, we have to laugh about. Maybe when you live in glasshouses, you should not throw stones. No pun intended. When you live in glasshouses you should not throw stones. [*Crosstalk*]

8.15 p.m.

Mr. Deputy Speaker, I thank my colleagues for all the support that they have given me, and I thank you for helping me to shield my dear husband from all this negative publicity—lovely picture that you are looking at [*Looking at the Member for Point Fortin*—because he is at a delicate stage coming out of the quadruple bypass surgery. I thank my colleagues for supporting me, my children and my grandchildren. I thank everybody for working with me. Let us work together to protect our children. Let us work together to make this Parliament an honourable place as they call us all honourable. Let us live up to the name of honourable. Let us not come into the Parliament to tell lies about people, to leave out bits of information so that people could vilify you, [*Desk thumping*] so that people could denigrate you.

Maybe some people have a wider agenda, and all is fair in love and war. Maybe all is fair in love and war, but you see that is a mala fide spirit that tries to knock people down when they are down; when you are trying to make sure that you decide to keep your loved one alive—and I would knock you down every day. Let us treat each other like human beings. You will never find that I would go into personalities, I would always talk issues. “And who de cap fit, draw de string.” Mr. Deputy Speaker, I thank you. [*Desk thumping*]

Mr. Deputy Speaker: Before I call upon the hon. Member for Arima, dinner is being served upstairs in the Members’ Dining Room. For those of you who are interested you can file out one at a time and have your fill, and return to the House. The hon. Member for Arima.

The Minister of State in the Office of the Prime Minister (Hon. Rodger Samuel): Mr. Deputy Speaker, it is indeed a pleasure for me to stand and be part of this debate, if we can call it, but to be part of the involvement of the thoughts and processes that would have taken place, and to comment on the things that have taken place with regard to putting together the Children Bill. It intrigues me, tremendously, the fact that as a House we can come together and comment and

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have meaningful discussions on something that is so important to the development of a nation, to the protection of children, and that we can be so cohesive in our approach to achieving the desired outcome that would be beneficial to the children of Trinidad and Tobago.

If there was never anything that could bring this House together, this Children Bill will do that. This Children Bill should do that. This Children Bill should set the tone for the development of further issues and things that would come to this House, because this Children Bill would lay the foundation for so many other things to be implemented within the legislation of Trinidad and Tobago.

As we consider this particular Bill, we recognize, and I must quote from the *Bible*, Psalm 127:3-5:

“Behold, children are a heritage from the LORD,
the fruit of the womb a reward.
Like arrows in the hand of a warrior
are the children of one’s youth.
Blessed is the man
who fills his quiver with them!
He shall not be put to shame
when he speaks with his enemies in the gate.”

Being aligned to that, the Apostle Paul then encouraged fathers not to provoke their children to wrath, but to bring them up within the kind of realm of discipline and instructions of Almighty God. The wise man, Solomon, once said:

“The glory of children is their fathers.”

And it means that it is never too late for a nation to place emphasis on children, and I, personally, would applaud all of the attempts that were previously made for the purpose of us arriving at where we are today, and the fortitude of the hon. Minister of Gender, Youth and Child Development, to persist in her pursuit to ensure that this particular Bill gets to where it ought to get. We pray that as we continue to deliberate and share our views on both sides that the outcome of this Bill would be of tremendous value to this nation.

“UNICEF uses the term ‘child protection’, to refer to preventing and responding to violence, exploitation and abuse against children—including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage.”

It further goes on to say that children, in so many instances, are subjected to violence and exploitations, abuse and neglect. They are at risk with regard to death. They are at risk with regard to poor physical structure. They are at risk with regard to poor mental health. They are at risk of being infected by diseases—STDs as well as HIV. They are at risk of having their educational levels being retarded because of stress and social and psychological disorder. They are at risk of displacement. They are at risk of becoming street people. They are at risk of vagrancy and poor parenting skills later on in their lives.

It is Kahlil Gibran who declares in one of his writings entitled, *The Prophet*:

“Your children are not your children.

They are the sons and daughters of Life’s longing for itself.

They come through you but not from you,

And though they are with you yet they belong not to you.

You may give them your love but not your thoughts,

For they have their own thoughts.

You may house their bodies but not their souls,

For their souls dwell in the house of tomorrow,

which you cannot visit, not even in your dreams.

You may strive to be like them,

but seek not to make them like you.

For life goes not backward nor tarries with yesterday.

You are the bows”—and it is talking about us who are adults—“from which your children as living arrows are sent forth.”

Mr. Deputy Speaker, it is therefore important for all of us to realize that this legislation must not be legislation in isolation, because this legislation, for it to be very effective and for it to realize its intention, must now be supported by other means of legislation. And that the same tenacity and the same cordial approaches that we have had in this House with regard to this Bill we need to now approach the other Bills in the same way. Looking at the desired outcome is focusing on the

objective. This Bill in isolation will be a waste of time if it is not supported by all of the other Bills that are supportive in making sure that this Bill is effective—the Adoption of Children Act, Children’s Authority Act, the Children’s Community Residence, Foster Homes and Nurseries Act, and all of the Bills that we must work tediously at in order to make this particular Bill effective.

If we do not do that, and we prolong and continue to procrastinate, as we continually sometimes do in this House, then this would be a waste of time. It would just become another piece of paper on a shelf with no use because there will be no enforcement of the things that are necessary. So we need to approach all the other Bills in the same manner. That manner that says that we need to have a desired outcome and we must work hard and feverishly at it becoming a reality, so that all of these Bills together, as they become a reality, can now change the dynamics of how we look at things—and how we look at children and care of children in this country.

It is very, very important as we progress and as we move forward that we seriously understand the responsibility that is being placed upon our shoulders in this House, to ensure that these Bills move forward in the manner in which they should move forward and achieve the desired outcome.

Mr. Deputy Speaker, it is also important for us to realize that too often when we talk about abuse, one of the things that we very rarely ever speak about is the abuse of male children by adult females. In so many instances we are one-tracked, one-dimensioned, the same way when we talk about gender, the average person always thinks about from a feminine aspect and we never think about gender including all aspects, male and female. Every time we hear about gender affairs, people immediately start to think about women.

When we talk about the rights of people, you are thinking about women, but when we talk about abuse, the average person, the moment you hear about sexual abuse the first thing that comes to mind by the average human being is some male adult affecting a female child—and it is always like that. We need to understand that it goes both ways, that the pendulum swings on the two sides and the coin is flipped on two sides—the same way there is abuse of the adult male on the female child, likewise, there is sexual abuse of the male child by the female adult. We have got to be clear with regard to that because this society has become biased against the male in so many instances. I am sure if you see a headline, “Adult sexually abused this child”, the first thing that people think about is a man against a female.

We have got to change that. We have got to change the way it is felt. We have got to change the stigma that is attached to it. We have got to realize that in reality it

is across the board, and as much as you have adult males affecting young females, there are adult females who are also taking advantage of young males. The society is a problem because if a young girl goes to the police station and says that she has been abused by a male, the police take action. If a young boy probably goes to the police station and says, "I have been sexually abused by a female", police officers may say, "Wuh you complaining about?" They may wonder. If he goes and tells his friends that he has been abused by a female they would say, "You are a dan", because that seems to be the stigma that is attached to our society. It is a kind of cultural thing. If it happens to the male child, "Wow, you real good, boy, you are a dan", but if it happens to the female child, it is abuse.

8.30 p.m.

Mr. Deputy Speaker, we have got to change that. We have got to level the playing field. We must make it easy for the male child, as well as the female child, to report cases of abuse. Whether it be neglect, or whatever it is, we must make it easy for both sides. We must not have it said to the male, "Wha wrong with dat?", but to the female, it is wrong. We have got to change the way we think in Trinidad and Tobago. If we do not do that, then this particular aspect of legislation will only support one side of the coin.

I do not want that every time we talk about abuse and sexual abuse—I mean, the mindset sometimes, even in this House, is one-sided, and it has to change. We have got to now be careful how we look at this thing or else it would be a failure. Boys as well as girls are being abused sexually. It is not men abusing boys, but women abuse them likewise, and I want to note that.

But no legislation has worth until and unless it is enforced. The problem that we have had in this nation is a lack of enforcement. We have a lot of good legislation, but they are never enforced. The enforcement sometimes is short-lived because it is never sustained. We do not have a lot of sustained enforcement of laws in Trinidad and Tobago. And I could give you a good example of that.

Last week, we had a great fiasco on the streets of Trinidad and Tobago, because there was this little news going around the place that it was \$5,000 if you did not have the sticker for your vehicle. It is so strange that the sticker and you are going to have your vehicle assessed and checked is the law, but if it is not sustained and enforced, then we would find ourselves with the kind of madness that we have had. So the enforcement is what sustains the effectiveness and potency of any legislation that comes to being in our land. The problem is that we have good legislation, and we throw it to the wind by not being able to enforce it.

Mr. Deputy Speaker, I want to encourage that it is necessary therefore that we seriously consider how we are going to enforce the legislation and how we are going to set up the necessary infrastructure for the enforcement of the legislation. In order for it to be enforced, it means that law enforcement officers have to be retrained. I am not too certain if at the training colleges for our police services, persons are trained to deal with this aspect of legislation. If not, then we would have to now ensure that part of the training of officers coming out of our colleges, that that is part of the training and it is effective, or else brilliant lawyers would beat the system.

The dynamics of law enforcement must change for this Bill to be successful. It is all well and good to have it on paper, but it is far better if the system is put in place, the process is carefully worked out so that it begins to be implemented as soon as the Bill is approved. It means we have to start to train and retrain law enforcement officers for this to be effective.

This is not just coming to the House and having a Bill passed. There is so much more infrastructure to be put in place; there is so much more. As a matter of fact, I believe we now have to begin to think of the remuneration of officers and all these social workers. Why? You do not want them to reach a point where they can be easily paid off. Here is a child that is abused, and if the counsellor is easily paid off then we are in trouble. We have got to find a way of ensuring that they want to work and remain in the job and be honest. It means we are going to have to consider, how they are remunerated for the work done, so it would be tough for them to take a bribe, so that some child is affected because they take a bribe.

A lot of stuff, a lot of consideration, must be given to this. A lot of thought must go into this, and not just the idea that we came to the House, discussed a Bill, we passed it and then it sits on a shelf. We cannot afford for this Bill to just sit on a shelf. As I said before, we must work now to ensure that all the other supporting Bills come into being, and the infrastructure and all the amenities necessary to make it effective, they too are worked out closely.

I am not too sure of the statistics, because the statistics tend to vary from place to place based upon the research, about whether children who are abused later on in life become abusers themselves. Some statistics say yes, some statistics say no. I am not too sure, but maybe we could do a study of it. We can now do a survey on it. We can now check and see why people become abusers.

Surveys have been done with regard to children who become alcoholics and children who smoke. There are surveys which say that children who come from homes where people smoke are more susceptible to being smokers than those who

have not. There are a lot of surveys, but I am not too sure. Maybe in studying and looking at this Bill we have to check and see why people become abusers, to see if those who have been abused, when they become adults, become abusers themselves. Maybe not abusers in the way that they have been abused, but abusers in some way, because abuse is not just sexual. It can be emotional and psychological.

We have got to probably look at these things in order for this to be effective, because if we do not do that, then we would leave loopholes and then somebody would come up with some psychological defence that says, "Well, I was abused." Maybe we have got to go back and do surveys of people and family, because this shows its ugly faces in the family unit. An abuser would come from a home. An abuser would come from a family. What has gone on in that family life that has caused this thing to happen? We too often look at the end product, the end result. Here is somebody that has been abusive to a child. Do we find the cause to learn from?

We are a kind of reactive type of society, and not a proactive society. Because if we could study from those persons who have been abusers, and we could learn from them, then we could find solutions to help families. And we do not do that. So we come up with laws. We come up with Bills, and we feel that the Bill in itself becomes a solution. But the Bill in itself does not become a solution, because we are not now studying the cause of things. We are not going back and looking at and learning as to why this thing is happening and how many families are affected.

A person may abuse in one way. We must learn if that person was ever abused, and what is the psychological issue taking place in the mind of that individual and how it affects others that are around; how it shows its ugly face on the job; how it shows its ugly face in the yard with its neighbours; how it does that, because it is not just one dimensional. If we are not a people that are learning from issues, then we would find ourselves having Bills upon Bills upon Bills, and waiting for the result and not finding solutions for the situation and for the sickness that takes place.

Mr. Deputy Speaker, if we do not do that, we are in trouble. When we talk about abuse and sexual abuse, we are talking about the end product. As a nation we deal with end products, and we are not going backwards. We leave a lot of the sociologists and psychologists to look at things, but as a nation we are not finding solutions to the problem, the cause of them. How can we learn from the cause and prevent other situations from happening around the place?

Yes, it is all well and good to have all the penalties for what takes place, and the penalties are good, they need to be severe, but what do we learn? How does this deter a person from becoming abusive? Is it that he would not become abusive because the fine is great? How does it shift? So we have got to be learning. I believe along with this Bill, there needs to be so much more study on the issues of abuse rather than just a Bill being passed in the House.

Mr. Deputy Speaker, for quite some time, and as many would have said, it has been years that this Bill has been on the table. Some have boasted about where it originated. My purpose is to commend everybody. Some have tried to take a little fame from it; that is not the issue. So often we forget the purpose of the thing and we try to praise ourselves for what we do. But really, where is the praise, if it is not effective? Where is the praise if the desired objective is not achieved? Where is the praise if children do not benefit from the outcome of this? It is important for us to see that, and if we do not see it we can find ourselves in tremendous difficulty.

I want to emphasize the fact that this Bill brings us together. This Bill will draw us closer together, and it ought to. We need to understand full well that if this does not happen now, then this country would be in greater danger. You have to understand the levels at which things are happening. Many Members have spoken, and the Member for Tobago East shared her own experiences as a teacher. She shared experiences of her own family who have been affected and abused in some way. Many of us who sit in this House may have some experience, one way or the other, or may know some individual who has been abused in one way or the other. Many of us do that. When you think about it, abuse is across the board.

There is a juvenile centre in Trinidad and Tobago. I have dealt with young persons who have been sent to there. I remember one young man said to me—and I am talking about someone below 18 years—that he was sent to the juvenile centre because he had stolen, well, took his uncle's car without permission—that is stealing—crashed it, and somebody was injured. They sent him to the juvenile centre because of his age. I went to visit him one evening and he said to me, "I hardly sleep." I asked, "Why?" He said, "Because it is hard to sleep in the day, because the officers do not want you to sleep, and I have to sit up all night in my room." And I am like, "Why you have to sit up all night?" He said, "I dare not sleep. I dare not sleep." The young man said that to me in our juvenile centre.

So when we are looking at the child's situation, we have got to look at the institutions of incarceration that deal with the child, that deal with the young person, that deal with the teenager, and how effective they are at preventing further abuse. If you are a victim of abuse, and you abuse somebody, and then you are

incarcerated as a young person, and you find yourself a victim of abuse while you are incarcerated for abuse, you are making a monster, because you are becoming an angry person. You will become a terror. You will hurt somebody, because you are now getting back what you gave. So with this entire situation here, we must now visit our juvenile institutions to examine, survey and see if there is abuse going on at those levels.

It is not looking at just the little child. We are talking about right up to 18 years. Young people are sent to our juvenile system; they are incarcerated in our juvenile facilities, and it is a proven fact that there is a lot of abuse, and it may not just be sexual. It may be a different type of abuse that takes place in these facilities. So a lot of study has to go on.

The idea of the Bill is to look at it and make sure we cover all grounds, that we leave no stone unturned in our approach to making sure that it is effective, that it is not just a matter of just rushing it through or pushing it through, but to make sure we study all these things.

What happens? Do we have the facilities that are geared towards helping these young perpetrators of abuse? Do we have the system to help? Even the adults who find themselves abusing young people in one way or the other, not necessarily sexually, do we have the mechanisms, do we have the programmes to assist them in our penal system, to help them change, to work with them to help their development, so that they would not continue their abuse, one way or the other?

8.45 p.m.

It could be physical abuse or sexual abuse, and we must have all the infrastructure, the amenities, and the programmes geared at assisting these people, so that it does not happen again. This Bill is to protect children from adults in many instances or to protect who just older than they are, and we are going right to the age of 18. But the system that will help deal with and counsel them, while they are in the system, needs to be closely looked at, and if we do not do that, we would fail miserably, because we would send people—in our juvenile system, we would incarcerate people, but we would not solve the problems that we are undergoing. I need for us to look at it closely, the juvenile system, the means of incarceration, how we deal with people of that nature, and all this must be taken into consideration as we take care of this Bill.

I want to applaud all who have worked on this Bill for the years. I want to applaud the hon. Minister of Gender, Youth and Child Development for her persistence, her pursuit and her passion. Sometimes you feel that she would cry,

sometimes you feel she would faint, but you know something, at the end of the day, we must all work together in this House to achieve the desired outcome, and that is the protection of our children, in one way or another, and the putting together and instituting all the infrastructure that is needed to have this thing become a tremendous success. I thank you.

Mr. Deputy Speaker: Before I call upon the Member for Caroni East, I suggest that we take a brief suspension of 15 minutes, so that Members may refresh themselves. This sitting is now suspended until 9.02 p.m.

8.48 p.m.: *Sitting suspended.*

9.02 p.m.: *Sitting resumed.*

The Minister of Education (Hon. Dr. Tim Gopeesingh): Mr. Deputy Speaker, and colleagues, thank you all very much for affording me the opportunity to make a small contribution to this very important and necessary Bill which in fact is one of many children's Bills that, combined, take care of our children in the Republic of Trinidad and Tobago.

We are speaking about taking care of children under 18 years of age, and all that comes with it in terms of the necessity for discipline and order in this nearly one-third of our population—the children under 18 years of age. This Bill in fact deals with mainly a number of offences and how we deal with offences related to the children.

I must first of all congratulate the hon. Minister for bringing this Bill so quickly after her appointment as Minister of Gender, Youth and Child Development. It shows the passion and today was an example of her passion for the love of her children and the love of the children in this society.

I remember vividly speaking to her, almost a year and a half ago, when she began to talk about what we need to do in our society to protect our children, and today is an example of her passion when she had some degree of deep emotionalism in her presentation of this Bill. So I want to congratulate her and our team of Members who worked with the Law Reform Commission to bring this Bill together in such a short period of time. We cannot be criticized for taking 20 months for bringing this because it is such a bedevilling Bill, so many intricacies, as it is very difficult to come to a final Bill with any degree of ease. To substantiate that, I will show the history of this.

This Bill is one of five Bills, which were discussed, related to dealing with children who can be offended or to whom offences are committed. I remember in 2000, a debate took place when our administration then, the UNC, brought on the

Children's Authority Bill, the Children's Community Residence, Foster Homes and Nurseries Bill, and the International Child Abduction Bill. Then nothing was done for a while until in 2008. In the First Session of the Ninth Parliament, this Bill came back in and was introduced by the then Minister of Social Development, the Member for Diego Martin Central, on September 05, 2008, "An Act relating to the protection of children and matters related thereto".

The second reading took place on October 24, 2008, and that Bill was referred to a special select committee November 28, 2008, and on December 12, 2008 a committee report was laid by the Member for Diego Martin North/East, the Minister of Works and Transport, but then the Bill lapsed in December 2008. So it was introduced on September 05, and then lapsed on December 16, 2008. Then it was reintroduced in the Second Session of the Ninth Parliament—I am giving this history to show that it is not an easy Bill to deal with, and we are very gratified, as a Government, to know that Members of the Opposition have indicated that they are willing to support this Bill, and the Member for Diego Martin North/East has in fact provided some areas for our consideration, and which we are grateful for. In fact, he produced the matrix of the comparison of the Bill between 2008 and 2009.

On January 09, 2009, the Bill was reintroduced again by the Minister of Social Development, First Reading, and January 14, 2009, it was referred back again to a Special Select Committee of the House of Representatives. The first report of that committee was laid on March 20, 2009. The first interim report was debated, again in March 2009; second interim report was laid in May 2009; third interim report, in July 2009, and a fourth interim report in December 2009.

So under the previous administration, under the then Minister of Social Development, the Bill took another year again through various stages in the House of representatives from January 2009 to December 2009, after having been through about six months in 2008, in the Second Session of the Ninth Parliament—in fact, the Bill lapsed again in January 2010.

9.10 p.m.

So, twice the Bill was introduced; special select committees were put together and on both occasions the Bill lapsed. So, I must congratulate and compliment the hon. Minister of Gender, Youth and Child Development on bringing this back together again so that, hopefully, with the contributions of the Members on the opposite side, we would be able to move quickly into bringing an end to this and have a final Bill before us.

Mr. Deputy Speaker, this Bill is, in fact, one of 18 pieces of legislation that deals with children. You have the Children Act, you have the Infants Act, the Adoption of Children Act, the Age of Majority Act, the Status of Children Act, the Family Law Act, the Family Proceedings Act, the International Child Abduction Act, and so on; 18 pieces of legislation dealing with children that are in tandem with each other to look at how we govern the lives of children in the national community. This goes hand in hand with the Children's Authority Bill, the Children's Community Residence, Foster Homes and Nurseries Bill and the International Child Abduction Bill.

In 2006 the United Nations on the Rights of the Child produced a report for Trinidad and Tobago and it was important to note the statements on this report. The committee at that time felt that some of the recommendations in our concluding observations adopted, following consideration of the state parties, our initial report in 2006, had been given insufficient follow-up, particularly, those relating to coordination, data collection, resource allocation for children, abuse, ill-treatment and domestic violence, corporal punishment, alternative care, reproductive health education, street children, child labour and administration of juvenile justice.

So you see how many areas the United Nations on the Rights of the Child looks at when we produce a report for a country in terms of what they really need to see how we are dealing with as a country in terms of looking after our children. Administration of juvenile justice, street children, education, reproductive health—so in some of these areas I would like to just make a few points related to some of these areas that are incorporated in this Bill.

Mr. Deputy Speaker, it is a very distinguished honour to be able to speak before you. A child comes into this world—or every time a child comes into this world it makes you believe that God gives man the assurance that there is hope in life again.

Mr. Sharma: That is a brilliant point.

Hon. Dr. T. Gopeesingh: Every time a child comes into this world it makes you believe that God gives man the assurance that there is hope in life again, because these children bring hope and their lives bring hope and these children are born out of hope and we must never disappoint them.

Mr. Sharma: You speak from experience.

Hon. Dr. T. Gopeesingh: The hon. Prime Minister has given Minister De Coteau and myself the responsibility of dealing with the children in terms of helping to prevent some of the offences that would be created amongst the children, and this Bill is dealing with the offences committed against children. [*Interruption*]

So, the education system has a major role to play as far as prevention of—[*Interruption*]

Mr. Roberts: Imagine—[*Inaudible*—]—how many children you delivered over the years?

Hon. Dr. T. Gopeesingh: Well, God has been good. [*Laughter*] My colleague is asking me how many children I delivered in this world. It is thousands! Thousands [*Desk thumping*] I thank God for the ability to have done that, and for me, every time I delivered the little one I felt the joy and happiness of the parents and the joy and happiness of seeing this little one.

So, from our perspective, all of us on this side are very privileged to know that we want to be able to contribute to looking after the almost 350,000 children before the age of 18 in our country. In fact, in our school population we have close to quarter of a million children between the ages of five to 18. So, where are we in terms of ensuring that offences are not committed against children? Firstly, is in the education system in the schools, we have to educate the children.

Secondly, we have to educate the parents, and we have to educate the community. We have to ensure that we produce citizens that would have a sense of value that commission of offences against children will not occur. How do we ensure this? Now, we have to face reality. In Trinidad and Tobago we have—I can give an example of students in our schools in Standard 3; 60 per cent of the students in Standard 3 in our schools belong to single-parent families. That is the research that was done. So, it means that the children are left there to be taken care of, generally, by their mother. We have absent fathers; fathers who are never there; fathers who begin to father one, two, three, four, five children with five different mothers, and this is where we have reached.

There was a law that was brought on to ensure that fathers take care of their children; I think it was the Paternal Protection—I cannot remember the name of the law, but fathers needed to ensure that they are taking care of their children, if not physically but financially. I do not believe anybody, probably, less than five people have been charged with the offence of not taking care of their children in Trinidad and Tobago, but we have absent fathers, and this is one of the reasons we have the problems emanating in our society. What do we do? The Bill basically deals with the offences, and we have about 80 clauses in this Bill and about 13 parts in this Bill—prevention of cruelty to children; offences in relation to begging, risk of burning; firearms and ammunition; offence of female genital mutilation; abuse of children through prostitution, other sexual offences, offences relating to dangerous

drugs, tobacco and alcohol; provisions for the safety of children; child pornography; child offenders, children's attorney, evidence and procedures, and miscellaneous.

Mr. Deputy Speaker, the Member for Diego Martin North/East indicated that we had done a comparison of issues related to the Bill in 2008 and 2009, which he passed on to me and which the Leader of Government Business has indicated that he will be retrieving from Parliament so that we will continue to work on some of the issues which the Members on the other side indicated that we needed to put together in a manner that they would support very quickly. So we have taken note of that and we would be working on those aspects which gave problems in terms of coming up with answers on the Bill in the past, in 2008 and 2009.

I want to give a little scenario about the real statistics relating to our situation in Trinidad in terms of the teenage pregnancies, one of the major social ills in this country, and a lot of the things in this Bill really relate to that. When we look at the Central Statistical Office figures—I do not have the exact figures here, but I remember speaking about it in the past, there are over 2,500 pregnancies occurring in Trinidad and Tobago with young girls under the age of 18 on a yearly basis. The birth rate is about 17,000; 2,500 occurring in girls under 18 years of age, and from research that I have done over the past in my profession, by the age of 19 there were approximately 1,000 young ladies in Trinidad who already had four children by the age of 19. A very sad state of affairs. This is on an annual basis—so 2,500 young ladies having pregnancies before the age of 18—[*Cellphone vibrates*]

Mr. Deputy Speaker: Hon. Members, there is a cellphone next to the microphone, if you could move it away, because the transmission of emails, text messages and these kinds of things, are transmitted through the microphone. So, kindly move your cellphones away from the microphone. Please, continue.

Hon. Dr. T. Gopeesingh: Mr. Deputy Speaker, when you do the further analysis of these 2,500 unfortunate young ladies who became pregnant, you would see that the fathers of these children being born—[*Cellphone vibrates*] It is not mine.

Hon. Member: Move it away from the microphone.

Hon. Dr. T. Gopeesingh: No, mine is off. Mine is off, Mr. Deputy Speaker.

Mr. Roberts: Go ahead. Go ahead.

Mr. Sharma: It may be your pacemaker.

Hon. Dr. T. Gopeesingh: The Member for Fyzabad said it might be my pacemaker, but I am fine. [*Laughter*] I am fine, thank you “Chandos”.

Mr. Deputy Speaker, the fathers of these children are above the age of 21/22, and if you go further into the CSO figures you would see that the fathers of some of these children are in their late 20s and early 30s. It is statutory rape that has been occurring in Trinidad for years. I can give testimony to it.

In the antenatal clinics when I was practising in obstetrics at the women’s hospital, on a weekly basis, we would see 15 new patients in the antenatal clinic, and inevitably, between eight to 10 of these new pregnancies were young girls below the age of 18. When you saw who the fathers of these children were, these fathers would not make any statement about it and they would be quiet. Now, what do you do in such situations? You want to determine what has been happening so you refer it to a medical social worker.

But our system over the years has not been able to produce the number of medical social workers and school social workers, and the whole gamut of professionals that we need in our society. It is the will and the determination of this Government, that we will make sure that we continue to allow for the training of more and more social workers in our society, because there are situations where we can have a one-stop mechanism, as we were discussing with the Member for San Fernando West earlier. Particularly at clinics, when you see problems related to young girls, we can deal with them right there and then when we have enough clinical social workers, behavioural psychologists and clinical psychologists, et cetera. So we would move expeditiously towards training of more social workers in our society, and therefore, we would be able to tackle some of the problems related to these young girls being pregnant for men in their 30s.

9.25 p.m.

Then following that, a lot of these young girls lose their lives because they go for backstreet abortions. Basically, the girls who become pregnant are usually the poorer ones; they cannot afford the medical care that people pay for when they have more money. So they end up by backstreet abortionists and a significant number of them die as a result of the abortions or their morbidity is so devastating some of them never ever become pregnant again. Those are the types of issues that we have to deal with and we are discussing in this Bill about offences against the child.

For a number of years, I have had the experience in my practice where mothers have come in very—on the point of real devastation when their young daughters have become pregnant and they are unable to know what to do about it. From a medical standpoint, parents cannot detect a pregnancy in a young girl unless the girl

is probably about four to five months pregnant, because they are so physically fit, their abdominal muscles are strong and by the time their pregnancy begins to show and the mother could detect it, they are about four or five months pregnant. So these girls end up having—some of them attempt to have abortions at that age which is extremely dangerous and life-threatening, but some continue with their pregnancies. Then they leave school, and as they leave school they have to take care of the little one, because most times they do not have a mother or grandmother present at home to take care of the little one, so that they can go back into the school system. So we find a perpetuation of children having children.

This is one of the major factors that have given rise to the criminal activities in Trinidad because the young ones who grow up with a system where they have not been properly fathered nor mothered, they lose their self-esteem, their self-worth, their self-value and they become the problems in society.

We have to ensure that we create a society now, where we prevent these things from happening and what is the best way other than by a sound education system. The Prime Minister has been determined in her approach towards dealing with social transformation, by the fact that she is investing in human capital development. Close to \$8 billion has been made from year to year, dealing with education in the early childhood, primary, secondary, post-secondary and in tertiary education. We are moving very rapidly towards ensuring that 60 per cent of our population receive some tertiary education. She has in fact gone where she said that she was going to go when she made her promises, that we were going to spend more than 20 per cent of our annual income on education at close to 5 to 6 per cent of our GDP, way better than most of the developed countries: the United States, Canada and Great Britain.

Our Prime Minister and our Government are investing heavily in education because we want to ensure there is human capital development to ensure sustainable development. So when we put all these laws in place here, hopefully these laws would not have to be used for dealing with offences because we would have created some generations in the future that would not reach this kind of situation which we have to deal with at the moment. We have lost generations and we do not want to continue to lose more generations.

Minister De Coteau and I have decided at the Ministry of Education to ensure that we deal with a situation of prevention rather than having to deal with the management of deviant behaviour. We are educating the children between the ages, three to five by Universal Early Childhood Education and we are ensuring that in

the primary schools we pay a lot of emphasis now on value education, which the Prime Minister speaks so often about, that we need to bring back in the education system.

In that context, the Ministry of Education has embarked on a philosophy of ensuring that we have citizenry development, character development, morals, values, ethics and etiquette. All of these things are now embedded in the primary school education and would be continued to be taught up to the Standard 5 level and even to be examined at the SEA examinations. So we have tried to create a system in our education which would redound to the young ones growing up with a sense of self-esteem, self-worth and values, so that the deviant behaviour would no longer be there.

We are also dealing with the question of errant behaviour in schools. On a repeated basis we see teachers having encounters with young students in the school, and this comes to us pretty often, and we have to investigate it and deal with it. But this should not be occurring. We should be preventing that. And therefore we are moving towards a system—hopefully, we would work with the Teaching Service Commission to ensure that we do some psychometric testing of our teachers, so that we have teachers in our system who would not have this type of errant and deviant behaviour. And we appeal to all teachers and principals and so on, to make sure that they conduct themselves in a manner that is becoming of their own dignity.

It is not only in Trinidad and Tobago that we see this problem, because when you look at your Internet and you see reports from the American associations and so on, in terms of education, you will see—just today I was reading where a number of schools in the United States, in same sex schools, the senior girls are going at the younger girls for lesbian relationships, and they are being molested by the senior girls. This is a story I got today from one of the American systems, one of the American areas of education.

So what do we do? We have a number of offences that we are looking at, but we are looking at the preventive aspect. We know that 30 per cent of our population does have some special needs when these children are born. Within the first five years of life you can detect some difficulty of attention, deficit disorder; emotional, behavioural and psychologic abnormalities, dyslexia; autism; Down's syndrome; neuromuskeletal disorders—so 30 per cent of our birth rate of 17,000 annually, equivalent to about 5,100. On an annual basis we have approximately 5,000 children who have some special needs in addition to auditory and visual difficulties.

So when these children are not determined, when you do not know the incidence and the prevalence of these and you do not put systems in place to deal with these problems, these 5,000 children on an annual basis become unsuccessful in their educational life and they move through the system with the problems associated that cause all these offences.

We at the Ministry of Education are now moving swiftly to determine the incidence and prevalence of these various disorders, and we would be working with the Ministry of Gender, Youth and Child Development, that we would be setting up centres throughout Trinidad and Tobago, where we would be managing and treating all these young ones with specialist type of treatment, whether it is clinical psychologists, behavioural psychologists, whether members from the dyslexia association, the autistic society, members working with the Down's syndrome society, and optometrists looking at the students with visual difficulties and audiologists dealing with students with hearing difficulties, because they are all so intertwined.

In the past we have not been able to do this in Trinidad and Tobago, so these 5,000 children move through the system on a yearly basis and this is where the crime emanates, and this is where all the offences take place in our school population because these children become worthless during the school time, they do not feel as though they belong there, because they have not been dealt with in a successful way.

We have also said in the Ministry, that discipline is not violence, and we have sent out to the teachers in schools that their form of discipline must not be violence. Corporal punishment is not a form of discipline and therefore we are training them now in alternate dispute resolution mechanisms. In fact, Minister De Coteau has mandated me [*Laughter*] to go to a conference next week, to attend a meeting on "Alternate Dispute Resolution", where Trinidad and Tobago is taking a lead role in a worldwide discussion in that area.

So Mr. Deputy Speaker, we are moving from the perspective of prevention and we are doing a number of things. In addition, the whole question of technological improvement and advancement of our citizens—[*Interruption*]

Mr. Sharma: "Talk slower, Member for La Brea is taking notes."

Hon. Dr. T. Gopeesingh: When we have 17,000 laptops being given every year; at the end of our five years as a People's Partnership Government, we would have given 85,000 laptops. Let us say that there are four siblings in a home—four

by eighty-five—we would have touched the lives of over 340,000 citizens who would have the ability to have information communication technology skills in our society.

In just the first year of the introduction of the laptops and bringing technology into our schools, the Prime Minister was able to report that one of the leading assessments of countries in term of information communication technology, we rose 17 points in just the first year of our introduction of our laptops. So we are not only moving from a value system and prevention of some of these areas that we are looking at under this Bill, we are looking at the emotional, psychological and technological advancement of our children in our school system. And once we maintain that rate we are moving them from early childhood, into primary, into secondary, we would have made a significant advancement in our education system, and social mobility and social transformation would take place. We would not see the benefits of this in the short term, but we would see the benefits of this in the medium to long term. Therefore some of these areas under this Bill would not have to be used at all, Mr. Deputy Speaker.

There are other areas that we have introduced in the school system. The school-based management, working with the local school boards, so that the people in their community together with the parents teachers association, the trade unions, TTUTA, a students' alumni, heads of department, deans and principals working conjunctively together would bring about a system where they would be able to manage the schools constructively so that where the children belong to them, the students would continue to do well. So it is a multipronged approach that we are using in the education system to prevent the types of offences that are being perpetuated and perpetrated in the society at the moment, by our children.

9.40 p.m.

Mr. Deputy Speaker, the other areas that we are looking at, as a government, is the question of foster homes, nurseries and orphan homes. I know the Minister of Gender, Youth and Child Development is doing a deep analysis of the infrastructure and the human resource capability and capacity in these homes so as to prevent these homes from having difficulties, and we are working together with a number of these foster homes and nurseries to ensure that they are able to take care of the children who are there, so that we would not have the reports of abuse within these homes.

I have spoken about the continued training for social workers, et cetera. There are some areas in this Bill that speak about dealing with children who go begging on the streets, where there are offences related to dangerous drugs, tobacco and

alcohol. From research done, we know that there is a high prevalence of students who have been exposed to alcohol and who have drunk alcohol even at the tender age of before 12, the statistics of which I do not have at the moment, but it is relatively high. Therefore, these are other areas that we are looking at, of preventing and trying to ensure that they do not take place within our school system. But when the students go home, you find that they are exposed to all these irregularities, and so education is the way forward for them to prevent them being exposed and participating in some of these areas.

Now, street children used to be a lot more prevalent long ago in our society, but you see less and less of it now, and I believe my colleague, the Member for Caroni Central, the Minister of the People and Social Development, has been looking at that, and we are working with him in reducing truancy within the school population and so ensuring that these children are in school, rather than having to be on the streets. We are taking care of the poor and parents with disabilities who really cannot deal with their children and who, in the past, would have sent their children out on the streets to beg. This is no longer a problem that we have to deal with to any major extent.

This Bill also deals with the question of children at the risk of burning and firearms and ammunition. You know, many fires at home are set by children because parents are not there. So as we continue to educate our society and as we continue to deal with the question of poverty eradication, which is one of our fundamental pillars that we are looking at—it is, in fact, number one on our seven interconnected pillars in our vision for the Republic of Trinidad and Tobago—we look at the question of eradication of poverty and, therefore, parents being able to take care of their little ones. So parenting at home is critically important to reduce all these incidents.

You remember recently—well, young children below the age of 12 and 14 having firearms and ammunition. Of course, this is a societal problem, with gangs, and we have had to deal with it in terms of bringing on legislation related to gangs and, hopefully, we would be able to reduce and eradicate the gang warfare that is existing in Trinidad and Tobago at the moment.

The Member for Diego Martin North/East touched on some areas which gave problems in discussions at this special select committee; the question of sexual touching and what do you do with children under the age of, let us say, 15, having sex with a child age 15 or 14; how you deal with them. It is a major situation which we understand and appreciate and accept that we have to find, within this Bill, a mechanism so as to reduce the punitive aspect for these children, but to rehabilitate these children.

The question of female genital mutilation which we have been speaking about in this Bill is something that has been occurring in international countries, particularly in our counterpart African continent. I remember in my training in Great Britain between 1978—1981, we used to see a lot of young, beautiful girls, coming in having been mutilated—it is open; we are in an adult population too—sexual parts had been cut off from these young girls and orifices had been sutured together so that they cannot have intercourse and so on. That was the type of thing being done in terms of sexual mutilation of these young girls. Now that is being reduced, internationally. Thank God, we are not seeing much of that anymore, and we are grateful for the international communities in their fight against this type of mutilation of young ladies and young girls.

It was really a horrendous thing to see how these young girls were mutilated. It is totally unacceptable and really unpleasant when you have to experience it yourself, to see the problems; you feel very repugnant about what would have transpired in some of these areas.

The question of child pornography is very real in our school population, because with the advent of the telephones and cameras, we see a lot of it more and more in our schools, and with the Internet and YouTube and so on, you see that being moved through the system so that girls now, under peer pressure, feel that they have to be part of the system and they engage in this type of activity. It is something we have to continue to work with to prevent the widespread use of this type of children's pornography, and then on the Internet we have now dealt with the legislation for ensuring that the children are not exposed to these adults who encourage these young children in this pornographic type of relationship.

In effect, this Bill really deals with a lot of the issues on offences against the children that children participate in; young ones participate, and the child's age is 18 and under. So this Bill really deals with some of these offences.

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

Motion made: That the hon. Member's speaking time be extended by 30 minutes. [*Hon. C. Sharma*]

Question put and agreed to.

Hon. Dr. T. Gopeesingh: Thank you, Mr. Deputy Speaker, and thank you, colleagues, for allowing me an extension of a further few minutes to deal with some of the other areas.

The places of detention: one of the areas that we are critically aware of is that young girls who have committed some crime and have to be sentenced by the court end up in the major prisons. So a young girl about 15 or 16, under the age of 18, ends up in a major prison rather than us having detention homes for them to be taken care of in a more environmentally-friendly situation and more hospitable, that would allow for some degree of bringing the person back to a normal way of life. But when exposed in a major prison, it becomes worse and worse for the young girls. So the Minister of Gender, Youth and Child Development is moving towards ensuring that we build proper detention centres that will prevent these young girls from having to go to the major prisons and be mixing with the adult population. So this is another area that we are looking at.

So when the United Nations on the Rights of the Child reported on Trinidad and Tobago in 2006 that we do not have enough data collection and resource allocation for children, we are now moving swiftly, as a government, to collect the information that will help us to make decisions. We cannot make decisions without empirical data to substantiate where we are going. So we are in the process of data collection. You know that the census of 2010 was conducted recently, and the Minister of Planning and Development has indicated that we will be receiving some information related to that census pretty shortly; that will give us more information in terms of decision-making.

I have dealt with the question of corporal punishment in our schools. It is against the law, because, as one of our colleagues mentioned—I believe it was the Minister herself—when you expose children to abuse; when you abuse them, they, in fact, turn around and become abusive later on in life. So you need to nurture them and care for them and prevent abuse. The Member for Tobago East mentioned that in her 40 years of teaching she has had the unfortunate opportunity of having to deal with just two students in a manner that she felt she had to do. So we have implored our teachers that corporal punishment is not the way to go.

I have spoken on the issue of reproductive health, and I forgot to mention the fact that when these girls mutilate themselves with abortions and so on—and this, I remember early in my career as well, in 1975, gave rise to us thinking about some research that we would have done on young girls who were presenting themselves in their 20s to become pregnant, and when you took the history from them you realized that they had two or three abortions. They became infected slightly; both fallopian tubes were blocked and, therefore, they remained infertile—they could not have children. So the thought of that made us do the research on infertility, particularly on young girls in 1975, and we found that those who had one previous abortion, 50 per cent of them become infertile, and that is well documented in the international research documentation in referred international journals.

So the whole question of the sexual misconduct, sexual activity and prostitution, and all these areas related to offences on these young girls—well, the Member for Arima mentioned offences against boys by senior female teachers, and then offences against boys by boys, and offences against boys by men. So it is a societal problem which has to be dealt with from an education perspective, not only by punishment. Sure, we need punishment. So the laws will effect the punishment, but we are going beyond that in terms of the education of the society, education of our children, education of our generations to come, so that eventually we would have rid the society of this major scourge that is gripping the rest of the world as well, not only Trinidad and Tobago.

9.55 p.m.

Child labour: we are in the process of looking at our Education Act because our Education Act for compulsory education is between the ages of six to 12. There is no question that the compulsory age for education must be between five to 18. And, the question of child labour is related to the age of 16 and under. I believe somewhere it speaks of about 12 and under. So those between 12 and 16, I think we are still unclear whether if they work it is being considered as child labour. But it is something we would have to look at from a larger perspective.

When we say that the compulsory age of students must be 5 to 18, we would eliminate the whole question—or probably five to 16—of child labour, because there are a number of poorer homes where children above 16 have to do some work to help to support their families. So, we have to look and at the age at which we define child labour as possibly below 16 years of age and not necessarily less than 18 years of age.

So, Mr. Deputy Speaker, we are prepared on this side to work with the Members on the other side, particularly, those who went through this for three years, the Member for Diego Martin North/East and the Member for Diego Martin Central, who have tremendous experience and knowledge in this area, because they sat on special select committees in 2008 and 2009, and I had the pleasure of working with them. And, I always say the Member for Diego Martin North/East—if he would listen to me now. The Member for Diego Martin North/East, I have always complimented him on his manner of conduct as a leader—[*Interruption*]

Dr. Moonilal: Behind closed doors.

Hon. Dr. T. Gopeesingh:—behind closed doors, in select committees and joint select committees; very, very professional. I do not know what happens to him

when he comes to this House. [*Desk thumping and laughter*] But we are seeing a better side of him now. I think he is less aggressive now than he has been. So, Members, colleagues, could you imagine if you are seeing had seen the Member for Diego Marin North/East in the situation which now confronts us and he is better now than what he was? Could you imagine that? [*Laughter and crosstalk*] A number of Members on our side had been exposed to him.

So the Leader of Government Business has assured that we would take in the recommendations that you have on your side in the final formulation of this Bill. We do not really want to have it go back to another special select committee. We would want to deal with it as quickly as possible, and satisfy the nation as a whole in dealing with this matter of offences against children. So, Mr. Deputy Speaker, I thank you for the opportunity to have spoken.

Mr. Fitzgerald Jeffrey (*La Brea*): Thank you very much, Mr. Deputy Speaker. There can be no doubt in any rational mind of the importance of the Children Bill. It is indeed very critical, and I would say opportune as we have seen the proliferation in the escalation of child pornography and children prostitution; the physical, mental and emotional abuse of our children. And so, I want to compliment the hon. Minister of Gender, Youth and Child Development for bringing this piece of legislation forward.

Mr. Deputy Speaker, we need to go back a little bit. When a child is born, that child is created by Almighty God and is blessed with all the gifts, all the talents, all the resources, to make that child a success. And, we are charged as adults to help that child discover and develop those gifts and those talents, not only for that child's development but also for the development of society.

Indeed, it was Clive Pantin, former Minister of Education who referred to children as flowers of the nation. And, what an apt description of children, as flowers of the nation. Indeed, children are the flowers of the nation, born with the potential to produce fruits, but to get the right quality of fruits we must ensure that that plant or that flower get the necessary sunlight, moisture, and nutrients that are available. We must protect that flower from bacteria and from the "bachacs", if we hope for the flower to produce good fruits. Likewise, with our children, we must protect the children from those human "bachacs" and human bacteria that tend to curtail their own development.

You see, Mr. Deputy Speaker, when a child is born, that child is born devoid of prejudice, hatred, envy and dishonesty. How does that child grow up to become the devil incarnate? It is by adults with warped minds who take advantage of the

innocence of our children, the vulnerability of our children. And it is left for us in this Parliament—supposed to be—the schools, our religious institutions, our homes, and indeed, the protective services to make an intervention to ensure that our children develop properly.

I was a teacher as well, like the Member for Tobago East and, we know the importance of the little minds, the little impressionable minds. When we look at those children who tend to fall victims of children prostitution, they are really some of these children with low self-esteem, low achievers and we are charged to make that intervention. Indeed, in my whole career in the teaching profession, I never had to use corporal punishment on any of my children. I guess I was privileged in passing through the hands of people like Lystra Yuille, Umilta Mitchell, Vena Jules, John Niles, just to name a few, who were able to lay the foundation on how you are supposed to deal with our children. So, I want us, in looking at this Bill, to go through it with a fine tooth comb to ensure that we do not miss out anything.

When we look at the Bill on page 2:

“‘child’ means a person under the age of eighteen years;”

Therefore, on attaining the age of 18, you are an adult. On reaching the age of 18 you become an adult. When I go to Part II, clause 4(1) and (2), I have a little difficulty. Clause 4(1):

“Where a person who is sixteen years of age and over has responsibility for a child, and the person wilfully assaults, ill-treats, neglects, abandons or exposes the child, or causes or procures the child to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause the child suffering or injury to his physical, mental or emotional health, that person commits the offence of cruelty to a child.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for ten years.”

And, I ask the question, are we going to charge a 16-year-old \$50,000 and imprisonment for ten years?

Now, 16 years means that is a child; that child is not an adult yet, until 18. So why put in 16 years old? And, I would like the Minister to explain to us how she arrived at 16 years old. In my estimation it should be 18 years there. Sixteen years really does not cut it from what I see, because, obviously from two standpoints: one, which 16-year-old could pay \$50,000? [*Interruption*]

Mr. Sharma: I think you are reading the wrong Bill.

Mr. F. Jeffrey: Which 16-year-old would be able to do that?

Secondly, as I mentioned before, this whole question of the age, and I think we need to address that.

I go to same Part II, subclause (6):

“Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a child to administer reasonable punishment to such child.

Reasonable punishment referred to in subsection (6), in relation to any person other than a parent or guardian, shall not include corporal punishment.”

I am sure, hon. Minister of Education, Caroni East, I think corporal punishment is still on the books.

Dr. Gopeesingh: Yes, but we are taking it off.

Mr. F. Jeffrey: But, it is still there. But, more than that, what do we mean by reasonable punishment? Who determines that? What do we refer to as reasonable punishment? We all know that apart from getting the “licks” and so on.

Hon. Member: You used to get “licks”?

Mr. F. Jeffrey: “Go and stand in the sun, hands up in the air; kneel down.” And, recently we heard about the whole question of the allegation of the child’s head being put down in the toilet bowl. What do you mean by reasonable punishment? And I know that is a grey area. There are many teachers in the system who refuse to deal with discipline because of that grey area. What do you tell a child? As a school child growing up, the teacher used to tell you all kinds of things. Nowadays, you have to be careful of what you tell the child. And therefore, I think we have to go a little bit further to explain what we mean by reasonable punishment. That is going to be a real critical thing with this Bill here. [Interruption]

Dr. Khan: You have to explain punishment too.

Mr. F. Jeffrey: Huh?

Dr. Khan: Reasonable and punishment, let us define both.

Mr. F. Jeffrey: Good, let us define that. If corporal punishment is so bad, why are we allowing parents or guardians to do that? Why are we doing that?

10.10 p.m.

Mr. Sharma: Tell us.

Mr. F. Jeffrey: “Dah wey it have in de Bill here”. It is bad. So “yuh teachers and dem eh have dat thing dey” but the parent or the guardian could do it. Something there tells me that there are mixed signals. I think we need to look at that and see, for example, how we are going to arrive at [*Inaudible*] I understand what you are trying to get across but all teachers are not reasonable people. All fathers, all mothers, are not reasonable. [*Crosstalk*] All politicians—you are talking from experience, okay, right—are not all that reasonable. So we need to look at that and that is indeed a very important area which we need to look at.

Mr. Deputy Speaker, in Part III, clause 6(1) says:

“Where a person who has responsibility for a child under the age of twelve years fails to take reasonable precaution to protect the child from the risk of being burnt or scalded, and by reason thereof the child is injured or harmed, that person commits an offence and is liable on summary conviction to a fine of ten thousand dollars.”

What happens if the child was 12 years, six months? What happens if the child was 13 years or 14 years? What kind of punishment are we trying to deal with? [*Crosstalk*] You see the variety. [*Laughter*] But we are on serious business here as far as we are concerned.

Mr. Deputy Speaker, our children need protection. [*Interruption and crosstalk*] “All yuh” listen carefully, listen carefully, I am on the floor. In clause 20, item 1—[*Interruption*]

Dr. Gopeesingh: Subclause (1).

Mr. F. Jeffrey: Subclause (1), right. It says:

“A person sixteen years of age or over but under twenty-one years of age is not liable...”

A person sixteen years of age or over but under twenty-one is not liable. But I thought at 18 years, you become an adult. So, you are 18 years, you are 19 years, you are 20 years, you are not liable. Hon. Minister, I would like you to give us some clarification in that scenario as to how—

Hon. St. Rose Greaves: Read it again.

Mr. F. Jeffrey: I will read it.

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“A person sixteen years of age or over but under twenty-one years is not liable...”.

I am saying here now, what we are looking at here, what happens to 18 years, 19 years and 20 years, at that period in time?

Dr. Khan: They are not liable.

Mr. F. Jeffrey: All right. Okay. Mr. Deputy Speaker, Part IV, clause 9(2)(b) says:

“the surgical operation is performed on a child who is at any stage of labour, or who has just given birth, for purposes connected with the labour or birth, and the operation performed by a medical practitioner, a registered midwife or a person undergoing a course of training with a view to becoming such a practitioner or midwife.”

I find it a little bit risky. The person is not qualified yet; the person is still training but that person has the okay. So, I think these clauses need a little pruning. You see, Mr. Deputy Speaker, if, in fact, we hope to rescue our country then there are certain things that we need to do.

Mr. Deputy Speaker, I mentioned that in our system, we are talking about those children who are prone to sexual abuse in our society, they tend to have low self-esteem and they tend to be low achievers. I want to make an intervention to the hon. Minister of Education that there are critical areas that we need some attention. I understand that we have about 478 primary schools or thereabout? *[Interruption]*

Dr. Gopeesingh: Four hundred and seventy-eight plus 76 primary schools. *[Laughter]*

Mr. F. Jeffrey: Good. But, how many social workers do we have in those schools?

Dr. Gopeesingh: We have 110 guidance officers.

Mr. F. Jeffrey: That is for 400 and something—

Dr. Gopeesingh: Yes. We are short-staffed. We are going to Cabinet for an additional 100.

Mr. F. Jeffrey: All right. Then we also have 134 secondary schools or thereabout?

Dr. Gopeesingh: One hundred and thirty-four plus 18. *[Laughter]*

Mr. F. Jeffrey: Okay. Now, the whole question of—we need to ensure that we have adequate social workers and adequate guidance officers. [*Interruption*]

Mr. Sharma: And what the PNM did?

Mr. F. Jeffrey: Listen, when you see big people talking, “hush yuh mouth nah man.” [*Interruption and crosstalk*]

Mr. Deputy Speaker: Hon. Member for La Brea—[*Dr. T Gopeesingh stands*]

Dr. Gopeesingh: Thank you, hon. Member for giving way.

Mr. Deputy Speaker: Hon. Member, I am on my feet. Hon. Member for La Brea, let us keep the conversation between yourself and the Speaker so that at least we would avoid the crosstalk. You have been going so nicely for the entire day. It is a very good debate and the children are looking; it is the Children Bill. So let us show them that respect that they deserve. Thank you.

Dr. Gopeesingh: Mr. Deputy Speaker, I thank the hon. Member for La Brea for giving way to just clarify some of the things that he has been asking. We have about 110 guidance officers in the schools. Cabinet will be considering the addition of another 100 pretty shortly which will also include—we have one clinical psychologist in the schools.

Miss Hospedales: How many social workers do you have?

Dr. Gopeesingh: That includes the social workers. So we will have behavioural psychologists and clinical psychologists, in addition to psychiatrists within the population as well. So we are improving it.

Mr. F. Jeffrey: Thank you very much for that clarification. We also have other areas. [*Interruption and crosstalk*] I could almost put my head on a block that those—Mr. Deputy Speaker, I need some protection please.

Mr. Deputy Speaker: Hon. Members, you know the Standing Orders. Please, it is late. Do allow the Member for La Brea to speak in silence.

Mr. F. Jeffrey: Thank you very much for that protection. I could put my head on a block that the number of children who are subjected to sexual abuse is higher in, what you might call, the old junior secondary school system as opposed to the prestige schools, et cetera. It has to do with that whole question of self-esteem, et cetera, and the whole question of achievement, hence the importance that in the secondary schools where we have that low self-esteem, where we have that low achievement, that is where remedial teachers are, indeed, very critical. When we stop this use of remedial teachers in our schools, we are only aggravating the situation.

Dr. Moonilal: Mr. Deputy Speaker, I beg to move that the debate on this Bill before us, the Children Bill, 2012, be adjourned at this stage until another occasion.

ADJOURNMENT

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Deputy Speaker, I beg to move that this House do now adjourn to Friday, March 16, 2012 at 1.30 p.m. On that day, it is the intention of the Government to begin the debate on Bill No. 10, “An Act to amend to the Maternity Protection Act, Chap. 45:57 and to repeal the Masters and Servants Ordinance, Ch. 22 No. 5” by the Minister of Labour and Small and Micro Enterprise Development; and, Mr. Deputy Speaker, time permitting, to begin the debate on Bill No. 4, “An Act to amend the Regional Health Authorities Act, Chap. 29:05” by the Minister of Health.

Mr. Deputy Speaker, it is also our pleasure at this stage to welcome the hon. Prime Minister back to the Chamber and to the Republic of Trinidad and Tobago [*Desk thumping*] after attending the Caricom Heads of Government meeting in Suriname where history was created when the region, I think, had for the first time, two female Heads of Government at the Caricom Summit. [*Desk thumping*] I beg to move that this House do now adjourn.

Mr. Deputy Speaker: Hon. Members, before putting the question for the adjournment, there are two matters by the Member for Diego Martin North/East that qualify to be raised on the Motion for Adjournment of the House.

Findings of the Solicitor General (Lease of Light Aircraft)

Mr. Colm Imbert (Diego Martin North/East): Mr. Deputy Speaker, this matter on the adjournment was prompted by certain statements published by the Trinidad and Tobago Police Service, Public Affairs Unit, on behalf of the Commissioner of Police, with respect to the finding of the Solicitor General with regard to the authority of the commissioner in entering into a contract for the lease of a light aircraft.

Now, before we go into exactly what the Commissioner of Police, through the Public Affairs Unit, said, it is necessary to go back into the records so we can be very certain, crystal clear, on exactly what statements were made by parliamentarians, including the hon. Prime Minister. I must say, even though, I hold no brief for the Prime Minister—and the Prime Minister did make a statement

in a previous Motion that she knows we have no confidence in her—I could not stand idly by—[*Interruption*] Yeah, well, you said that—the Prime Minister said that she knows that we have no confidence in her.

Mrs. Persad-Bissessar SC: Never did!

Mr. C. Imbert: Be that as it may, the Member for Siparia is the Prime Minister of Trinidad and Tobago, and if no Member on that side understands that—[*Interruption*]

Dr. Rowley: We understand that.

Mr. C. Imbert:—and is willing to defend the Prime Minister with regard to the insulting remarks made by the Commissioner of Police, I will. [*Interruption*]

Dr. Moonilal: And you are willing?

Mr. C. Imbert: I am. I will do it.

Dr. Rowley: Insubordination!

Mr. C. Imbert: Now, let us deal with the facts. The Member of Parliament for Laventille East/Morvant, on or around January 26, 2012, first raised the matter of a \$900,000 contract between the police service and a local company for air support services three months after some email exchanges between the Deputy Commissioner of Police, Jack Ewatski, and the company's directors.

10.25 p.m.

The Member for Laventille East/Morvant was very careful in what she said. She made it clear that she was speaking about a 12-week pilot project proposal and a contract for 720 hours use of the Zenith CH 750 Air Scout aircraft for a three-month evaluation period at a cost of \$902,772 or \$140,400. So, this whole thing started when the Member for Laventille East/Morvant exposed the fact that the Commissioner of Police had entered into a lease of an aircraft for a three-month period. There was absolutely no mention, at that time, or since then, about the purchase of an aircraft.

Now, let us fast-forward to the recent no confidence Motion, during which the Prime Minister reported on the advice of the Solicitor General. I happen to have in my possession—at the time the Prime Minister did not read out the entire advice of the Solicitor General—the entire thing. What is striking, and which was not disclosed, is that when the Commissioner of Police was first employed, he was

given documentation—this is what the Solicitor General has advised—and let me read specifically from the Solicitor General’s advice:

“Commissioner Gibbs was asked by the Minister”—this would be the Minister of National Security—“to give a specific explanation for his failure to adhere to the legal framework for procurement outlined in hand over documentation given to him by the Permanent Secretary with particular emphasis on the reference therein to the Special Tenders Committee established by virtue of the Central Tenders Board (Defence Force and Protective Services)...Order 1992.”

We need to understand this. When the Commissioner was employed—because there is a lot of old talk in the public domain. All sorts of people are saying all sorts of things, but they are uninformed. People are questioning what were the rules that the commissioner was told were applicable. Here we have the Solicitor General confirming that the Commissioner of Police was given documentation by the Permanent Secretary in the Ministry of National Security, which gave him the specific procurement framework, the legal framework, with respect to his acquisition of goods and services.

The advice goes on to say that the Commissioner of Police could only act in his own regard if the value of the proposed expenditure was \$100,000 or less. It is clearly stated in the documentation given to the Commissioner of Police.

In this advice, amazingly, you see that the response of the Commissioner of Police is that the Constitution supercedes the documentation that he was given and that under the Constitution he is, more or less, authorized to do whatever he pleases. This was the response of the Commissioner of Police, that he is covered by section 123, I believe, of the Constitution and he does not have to adhere to the rules and regulations outlined in the documentation, as they relate to an accounting officer, which he is. In other words, what the commissioner was saying is that by virtue of the wording of section 123A of the Constitution, he is entitled to engage in procurement by whatever means he sees fit. The Solicitor General was very careful to go through the Central Tenders Board Ordinance to explain that the Commissioner of Police was completely misguided, completely mistaken, and that he had to comply with the procurement framework given to him and since he had not, since he had engaged in a sole selective award of contract, he was in breach of the Central Tenders Board Ordinance and in breach of his authority.

The Solicitor General established:

He may therefore be found to have failed to carry out his duties as a public official in the transaction.

That is the advice of the Solicitor General and the Prime Minister summarized it.

Imagine I had to read in the newspapers, this is the *Guardian*:

“Hours after Prime Minister Kamla Persad-Bissessar said she would refer a legal opinion from the Solicitor General about the Zenith Air Scout Surveillance Aircraft contract to the Police Service Commission, the Public Affairs Unit of the T&T Police Service defended the initiative”—saying, this is under the hand of the head of the Public Affairs Unit, some person called Sharon Lee Assang, which I assume is that lady who is always grinning, apparently not from Trinidad and Tobago, if you listen to her accent—“said there were ‘a number of inaccurate statements made in Parliament and subsequently reported in the media regarding’”—the leadership of the police.

They could only be speaking about the Prime Minister. Who told the Commissioner of Police that he could be so disrespectful, so insulting of parliamentarians, especially the Prime Minister of Trinidad and Tobago?

The Police Public Affairs Unit went on to say:

“the inaccurate statements”—obviously referring to the Prime Minister—“might have been damaging.”

And then this nonsensical comment:

“The Trinidad and Tobago Police Service...did not purchase any such aircraft but has leased the aircraft for testing and evaluation.”

Well, the Attorney General came out the next day and said the procurement rules applied both to the leasing and purchasing of items. Obvious, any schoolchild will know that. Now we see that the Commissioner of Police is facing legal action from the other person who said that they could have provided the service and had offered it.

How much more time do I have? Five minutes more? Thank you.

Mr. Deputy Speaker, I have tried to understand what possible explanation the Commissioner of Police and the Public Affairs Unit of the police could have for insulting the Prime Minister and insulting the Parliament. This is tantamount to molestation of parliamentarians. The Member for Caroni East will remember, because he used the device. I remember the Member for Caroni East, in a former Parliament, actually brought up a private citizen for molestation of a parliamentarian, attempting to intimidate parliamentarians in the conduct of their duties. It is a very serious offence. As far as I am concerned, the behaviour of the Commissioner of Police and the Public Affairs Unit is getting very close to

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molestation of parliamentarians in their duties. All the Prime Minister did was read out an advice from the Solicitor General, very sound advice I might say, completely on point, totally accurate, completely valid advice, and we have this reaction from them: “You parliamentarians do not know what you all are talking about. You all are stupid. The Prime Minister is foolish, she does not understand the difference between leasing and purchasing.”

Well, assuming that this is a cultural problem, I decided to go and look at what is done in Canada, because the Commissioner of Police is from Canada. I have a definition of “procurement” in Canada. It goes as follows, this is procurement by the Federal Government of Canada:

“Federal procurement is the process used by national governments to purchase or lease goods and services.”

That is the definition of “procurement” in Canada. They do not fool around. Whether you buy or you lease, it is procurement.

When you go through the procurement rules in Canada—I pulled down the Government website in Canada—they go on to say:

“The objective of the government”—of Canada—“contracting is to acquire goods, services and construction in a manner that:

Encourages competition;

Treats suppliers fairly; and

Results in the best value to Canada.”

Can:

“stand the test of public scrutiny and reflect fairness in the spending of public funds;”

Every aspect of this matter is in breach of the procurement rules and processes of the Government of Canada. It did not treat suppliers fairly. There were at least two because they did not engage in competitive bidding. One was completely disregarded. It was not best value for money, because the first person who offered the service offered it at a much lower price than the person who actually got it. It cannot stand the test of public scrutiny and it is not fairness in the spending of public funds. I would have thought that once the Prime Minister came out and read out the opinion of the Solicitor General, the Commissioner of Police would have just kept quiet and respect the things that are said in this Parliament and especially respect statements made by the Prime Minister in her capacity as the leader of the Cabinet and also as the head of the National Security Council.

I would like the Minister to tell us what he is doing about this disrespectful response coming from the police, and insubordinate, impertinent, rude and insulting response coming from the Commissioner of Police and the Police Public Affairs Unit.

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Thank you, Mr. Deputy Speaker. This matter has been referred to the Police Service Commission and as such, it will be inappropriate and certainly not prudent for me to respond to this Motion at this time. I thank you.

**Oil Production
(Details of)**

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Mr. Deputy Speaker. The next Motion—I am glad the Minister of Energy and Energy Affairs has seen it fit to come here. I would ask the Minister not to engage in any semantics. *[Interruption]*

Mr. Sharma: Stop wasting time.

Mr. Deputy Speaker: Hon. Member.

Mr. C. Imbert: How low can he go? The Motion deals with oil production. Now, let me put some information into the Parliament. In January 2004—*[Interruption]*

Mr. Sharma: That is not the Motion.

Mr. C. Imbert: Mr. Deputy Speaker, I would have to ask for injury time.

Mr. Deputy Speaker: Hon. Members, it is late.

Mr. C. Imbert: No plural, singular.

Dr. Rowley: Member for Fyzabad.

Mr. Deputy Speaker: Member. Let us allow the Member to speak in silence, please.

Mr. C. Imbert: I am quite unhappy. Twenty to twenty-five years ago there were many experts in the field of energy who were engaged in a public discourse on our energy situation and our energy future. That culture seems to have died in Trinidad and Tobago and it is something we need to revive, all in the interest of the country.

In January 2004, the total oil production in Trinidad and Tobago was of the order of approximately 132,000 barrels per day, total from all sources. What is

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interesting, when you look at the data, when you dissect the data, BP's production in 2004, was 66,895 barrels per day. If you look at Petrotrin, it was 25,117. I am talking about from marine sources. If you go now to, what I consider to be the worst period within the last couple of years, December 2010, the production at BP marine, they had no land production at all, was 18,000 barrels per day. I think that may have gone down at this point, or if it has not gone down it is not much different. Petrotrin's production was 24,671 barrels. Petrotrin's production was more or less the same as it was in 2004.

If you go back into the data, you will see May 2009, drilling and production activity—I am using the figures published by the geological society, because there is another issue I want to bring to the attention of the hon. Minister, and I hope you can correct it. I would explain what I mean in a short while. May 2009, BP was 22,000 barrels per day, Petrotrin, 25,000 barrels per day. Petrotrin, from 2004 coming up, has averaged between 24,000 and 25,000. I am talking about marine production; whereas BP has dropped from 66,000, almost 67,000 barrels a day in January 2004, down to 18,000 in December 2010; 12,000 barrels in May 2010; 14,000 barrels in September 2009, and 13,642 barrels in January 2011. Those are the figures for BP.

10.40 p.m.

So the main causative factor for the reduction in our national oil production has been the drastic reduction in the output of the BP fields; there are many reasons for that. BP took a decision, I recall, some years ago to become more oriented towards the production of natural gas and less oriented towards the recovery of oil. They took a decision to sell or lease their oilfields, I remember that. I do not know if that was ever consummated, but the fact is BP stopped concentrating on the production of oil; that is my layman's interpretation of what has happened in Trinidad and Tobago.

Now, if we look at the petroleum sector over the years, and I use as my source reference, the *Review of the Economy*. I have two documents produced by this administration, by the People's Partnership Government's administration. If you look at the *Review of the Economy* in 2011 and in 2010, you will see reference to a consistent decline in oil production. There may be little jumps, little bursts now and then, but consistent declines in oil production. In fact, our worst year was 2009 when there was a really drastic reduction in drilling. I will just read from the *Review of the Economy* 2010, this is the section on drilling:

“Petroleum companies drilled a total depth of 12.9 thousand metres over the period October 2009 to April 2010, a 64.8 percent contraction from the 36.6

thousand metres drilled in the October 2008...The total number of wells drilled fell by 23.8 percent from 21 wells in 2009 to 16 wells in 2010.”

When you look at exploration wells over that period, it is almost down to zero. In fact, there is a particular year between 2009 and 2012 where you will see the number of exploration wells as reported by the Ministry of Finance, *Review of the Economy 2011*, actually, appendix 7: Number of wells drilled for exploratory wells, 11 in 2006; 14 in 2007; 12 in 2008; by the time we hit June 2011; zero.

I know there has been some activity recently but the reason I have raised this matter, Mr. Deputy Speaker, is that our oil production has been consistently falling. In that December 2010 report our oil production fell to a level below 90,000 barrels. In fact, I am advised that the level of oil production in December 2010 was the lowest since 1958. So it is the lowest level of oil production in this country for over 50 years.

Despite what is being said, I have been able to download a speech from the Minister which is published on the Energy Chamber’s website, and he speaks about drilling and so on. But what I am seeing as a layman, I am hearing many things, but our oil production is flat, in fact, it went down to below 90 and has been struggling around the 90,000 barrel-a-day mark ever since.

So I would like the Minister to tell us, because the excuses given—I have to call them excuses—are that maintenance work is in progress—well, for how long can you be maintaining oilfields? I have seen that comment in 2008, 2009, 2010, 2011 and 2012, that one of the reasons we have a reduction in oil production, is that they are doing maintenance work on the oilfields. They seem to be doing maintenance work every day.

The other point which is far more important is because of the maturation, the age of the oilfields, it is becoming more and more difficult to extract oil from these fields and with no new discoveries of significance, unless the Ministry of Energy and Energy Affairs and the Government does something drastic, our oil production will either continue to struggle around the 90,000 barrel mark, or will continue to decline which will have severe, adverse economic consequences for this country. [Mr. Deputy Speaker signals Member to wind up] I am almost ready to conclude.

Hon. Member: Now!

Mr. C. Imbert: The prices, Mr. Deputy Speaker, over the last two years have been excellent in the \$100 mark, I think oil hit a \$115—actually it is \$125, Brent hit \$125 and West Texas Intermediate, \$106; so the prices are excellent, at these prices

we can make money. Petrotrin is not a very profitable oil production facility. I am told that to make money at Petrotrin, the price of oil has to be in excess of \$70; \$60, \$65 so it is a high number, whereas some of the other oilfields, BHP Billiton and so on, they can make money at lower prices of oil. But we have excellent oil prices at this time; it appears that these oil prices will continue at that level around the \$100 mark for the foreseeable future, Mr. Deputy Speaker. The geologist on the side of me says for the immediate short term, well as a layman it is my foreseeable future.

So I will say over the next two to three years, or five years, one expects that oil prices may maintain around \$90 to \$100; this is the time to encourage exploration. I am not blaming anybody. I am just saying this is the situation the country has found itself in. We have had a drastic reduction in oil production from 140,000 barrels a day, about eight years ago, now to 90,000 barrels a day and going down. I would like the Minister to tell us exactly what is being done to arrest the decline in oil production—and tangible alternates, not talk. I do not want to hear any talk. I would like to hear what the projections are and what is the Minister doing about this very, very serious matter.

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

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you very much, Mr. Deputy Speaker. Fifteen minutes is really not enough time to do justice to what I am about to discuss. The Member for Diego Martin North/East raised some very important points and, of course, given the importance of oil to the economy of Trinidad and Tobago, it is something which calls for a very serious debate. Oil production in Trinidad and Tobago, the Motion before us reads:

“The adverse economic consequences of the Government’s inability to arrest decline in national oil production over the last 20 months.”

Well, first of all, oil production did not start to fall 20 months ago. The peak oil production of the last 10 years happened in the year 2006, and since then production has been declining constantly. My analysis of the data shows that that decline really started as far back as 2002, and was masked by the coming on stream of production from the Angostura field in the year 2005. That field did not perform as well as we all thought it would have performed, and declined very quickly.

Mr. Deputy Speaker, any discussion on oil production in Trinidad and Tobago must refer to the fortunes, or the lack thereof, of the State oil company Petrotrin

which accounts for almost half of our national oil production. Anybody who is remotely knowledgeable about the oil industry would tell you that our declining oil production in Trinidad and Tobago is not as a consequence of a lack of reserves. Our colleague, the Minister of Labour and Small and Micro Enterprise Development, is very familiar with the oil industry. It is not as a result of a lack of reserves, but there are several issues, and those issues have to do with the fact that there was an uncompetitive fiscal regime, especially for land-based oil production in Trinidad and Tobago, aging infrastructure and a lack of investment in exploration and production at Petrotrin during the period 2002—2010.

As the Member pointed out, we are not here to blame anybody for what has happened, but to point to the solutions, and I will come to that. The Member quite rightly said that we must also juxtapose everything I have just said about aging infrastructure, fiscal regime and lack of investment against the fact that we are operating one of the most mature petroleum provinces in the world. We have been producing oil now for 104 years and many of our producing reservoirs are at the back end of their decline curves, and as such experience a natural 8—10 per cent decline per annum, assuming no new investment.

Mr. Deputy Speaker, if we were to look at Petrotrin's investment profile for that period 2002—2010, in that period the company spent some TT \$4.7 billion on investments, capital expenditure in exploration and production. For the same period, however, the company invested \$15.1 billion in refinery projects. The strategic focus of the then Board of Petrotrin was the refinery and not necessarily the upstream assets of the company. The reason proffered for that was that they were preparing the refinery for the onslaught of PetroCaribe so that we could find new markets where our products could penetrate into the First World markets, and so on.

Mr. Roberts: "Where Malcolm Jones?"

Sen. The Hon. K. Ramnarine: Of that \$15.1 billion figure, Mr. Deputy Speaker, \$2.7 billion is attributed to the gas-to-liquids plant which as I discussed last week Saturday, has realized very little or nothing for Petrotrin, in fact, nothing would be the better adjective. So there was insufficient investment in that period in Petrotrin, both on land and in Trinmar, which contributed in a very large way to the decline which we see in national oil production.

The lack of investment in Trinmar was felt directly in terms of oil production, which collapsed from a high of 35,125 barrels of oil per day in 2004 to 22,389 barrels of oil per day in 2010; a 37 per cent decline. If one were to do the mathematics, very simply, one would probably arrive at a figure in excess of

billions of Trinidad and Tobago dollars in terms of revenue lost. This, as the Member pointed out, was during a period of extremely buoyant oil prices, in fact, oil prices are high today, but it is nothing compared to what they were in the year 2008 when oil prices hit \$148 per barrel.

When we look at the situation with respect to the multinational companies, because Petrotrin as I said produces half of the country's oil, but we also have production coming from BHP Billiton and Repsol. The Member pointed to the fact that BP had suffered a dramatic decrease in oil production from some 66,000 barrels to where it is now. What I want to add to that, Member, is that you have to consider that BP divested itself of its Teak, Samaan and Poui assets in 2005, so you would have to add Repsol's production back to BP. If one were to add those two figures together it will still constitute a decline.

The situation with multinationals BHP Billiton, Repsol, and to a lesser extent, Bayfield Energy, is somewhat different. While production levels have been largely maintained, they have been beset by operational issues; for example, there was a fire on one of Repsol's platforms in 2011 and a major shutdown in BHP Billiton in late 2010. In the other place this was raised by Sen. Basharat Ali. So there was a major shutdown in BHP Billiton in late 2010 which ran into early 2011. The purpose of that shutdown was to facilitate the company's installation of a gas exporting platform, which contributed to lowering the oil production from BHP Billiton. In addition to which, BHP Billiton's output has also suffered although temporarily as there was drilling taking place in the BHP Billiton fields, and the company's policy is that once drilling is taking place they shut production in. For example, in the month of February 2012, we observed some 2,000 barrels of oil per day missing from BHP Billiton's production because they were drilling.

The major drop in 2011, however, had come from BP which lost some 8,000 barrels of condensate per day and that is as a result—our enquiries to the company have turned up that it is as a result of the company producing more and more dry gas as opposed to wet gas, which is natural gas, which is produced with associated liquids which is condensate.

10.55 p.m.

It is also a function of the maintenance programme which I spoke about last Saturday, which BP has embarked on since late 2010 as a consequence of the Macondo disaster in April 2010. With respect to Trinmar, there is currently, approximately 3,450 barrels of oil, Mr. Deputy Speaker, which is offline at Trinmar. Trinmar's production, right now, is in the region of 1,900 barrels of oil per day, and as I said 3,450 barrels of oil production which have been offline since December of 2011.

And I will talk a bit about what we are doing to bring that production back up as quickly as possible. The loss of that production in December 2011 had to do with several infrastructural issues. As you know Trinmar is not the youngest asset in the world, it has been out there for almost 50 years. So there are several issues around maintenance and infrastructure.

I will now give an idea of how we plan to recover some of this lost production at Trinmar. In the south-west Soldado field, one of the main issues centres and the shut-in of the Eagle 2 barge. This barge had to be shut in on late 2011 for health, safety and environmental concerns. The Minister of Labour and Small and Micro Enterprise Development had to get his OSHA agency directly involved in that. As a consequence, restoration of lost production from south-west Soldado is dependent on the receipt of a certificate of environmental clearance from the EMA that will allow for the installation of a test barge. It is estimated that that CEC will be received soon and the lost production from south-west will be returned online by April 2012 with respect to Trinmar again. [*Crosstalk*]

Mr. Sharma: Kevin, you have three more minutes.

Sen. The Hon. K. Ramnarine: With respect to Trinmar again—Mr. Deputy Speaker, how much time do I have?

Mr. Deputy Speaker: Six minutes.

Mr. Roberts: Five minutes! “Yuh going good.”

Dr. Rowley: Do not listen to Sharma, you have five minutes.

Sen. The Hon. K. Ramnarine: With respect, again, to Trinmar, in the north field five large producing wells are offline and have been scheduled for workovers. The production from the north field is expected to be restored by May 2012. As we again look at Trinmar, there are several wells that are again offline for various infrastructure reasons. A team has been put together to restore production as soon as possible, by the end of May 2012. So we expect that by the end of May 2012 those 3,450 barrels of oil per day which were knocked off around December 2011 will be returned. That, of course, will be a great win for Petrotrin and for the country because prices are very good right now.

With respect to some of the plans that the Ministry, Petrotrin, and other players have for increasing oil production, I will divide that into short-term initiatives and into medium-term initiatives because with the prices, the way they are, you really cannot think in the long term; we have to turn things around very quickly. This year

Petrotrin on land plans to drill 66 wells, and there are 92 wells that are targeted for workover operations. Again on land, the company has identified 1,726 inactive wells which have been identified as candidates for reactivation. [*Crosstalk*]

Hon. Member: [*Inaudible*]

Sen. The Hon. K. Ramnarine: Well, that is a decision for the company. But the farmout programme, as you know, has been very successful. And the Leader of the Opposition took a strong stand on his position with regard to Trinmar in winding up.

With regard to Trinmar in 2012, a total of 18 wells will be drilled in Trinmar inclusive of two exploration wells. Most importantly, in terms of turning around national oil production, the really big fruit to be picked is the resuscitation of the south-west Soldado oilfield which we are of the view can bring back approximately 8,000 barrels of oil per day. The oil is simply there, there are wells that have to be reactivated, but the issue is not oil reserves or oil production, the issue is that once the oil reaches the surface it has to pass through infrastructure and it has to come on land and meet storage facilities and so on. So all of those things have to be put in place. Work on the south-west Soldado field is expected to start in the third quarter of 2012. Petrotrin is currently procuring long lead items.

As I wrap up very quickly, the Government is in discussions with Bayfield Energy. Some of you would have seen that I visited the Bayfield rig last week. We expect by the end of this year Bayfield's production will hit 5,000 barrels of oil per day. Right now they are producing 1,100 barrels of oil per day. So that too is a significant win.

In the medium term, Petrotrin completed the largest 3D seismic survey in Trinidad and Tobago on land. In March 2011, over 287 square kilometres of land stretching from La Romaine in the north to Erin in the south was surveyed criss-crossing many of the constituencies represented here: Fyzabad, La Brea, Oropouche West and so on. That data is currently being processed and interpreted, and will inform a forward drilling campaign in the year 2013. But what is more important with respect to that data, it gives a view of the sub-surface below 6,000 feet; a quality of view that we have never had before because 3D is a much more superior technology.

There is also a 3D seismic programme currently taking place in Guayaguayare. That is expected to be completed later this year. That too will inform a forward drilling programme to be conducted by Niko Resources.

Finally the Ministry of Energy has entered into—I would say accelerated—discussions with Parex Resources to accelerate production from the recently discovered field in what is called Quarry Moruga. And this requires the drilling of production wells and the establishment again of infrastructure, and those were the medium-term plans.

So, in conclusion, Mr. Deputy Speaker, the Ministry of Energy and Energy Affairs is making every effort to arrest declining oil production. In my very first speech, as Minister of Energy and Energy Affairs, I identified that the number one priority of the Ministry of Energy and Energy Affairs would be to arrest the decline in national oil production and to have it increased. That is reflected both in the strategic plan of the Ministry and in the *Medium Term Policy Framework*.

It is therefore the intention of the Government to arrest the decline in oil production, and to turn it around to a positive state so that the country could benefit from the high price environment that we expect to experience in the world for at least the short to medium term. Thank you very much. [*Desk thumping*]

Mr. Roberts: Brilliant!

Mr. Deputy Speaker: Hon. Members, as we are all aware, yesterday March 8, 2012 was International Women's Day. I will now call upon the hon. Prime Minister to bring greetings. [*Desk thumping*]

International Women's Day (Greetings)

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you very much, Mr. Deputy Speaker. As you may know we have just returned from a very successful two-day Caricom summit. As we celebrated International Women's Day, yesterday, and festivities are still continuing in that regard, I really want to take this opportunity to say for the first time a very historic occasion occurred yesterday. For the first time in the Caricom, there were two women leaders sitting at the table together: the hon. Portia Simpson-Miller the Prime Minister of Jamaica, and of course, the Prime Minister of Trinidad and Tobago. So I think that, in itself, created some waves in the region outside.

In fact some of the media came to me and they said for the first time you have two women leaders sitting at the same table shaking hands and sharing thoughts and ideas. So, Members, I think that was very historic for us. As we celebrated women's day yesterday, and the theme of that 101st Anniversary of International

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Women's Day under the United Nations theme of "Empowering Rural Women—End Poverty and Hunger", we have to ask: against what backdrop do we celebrate IWD 2012?

Worldwide, we continue to valiantly stave off the effects of global financial crises, climate change, civilian uprisings against oppressive regimes as well as treat with the ongoing issues of gender wage gaps, gender-biased access to essential services, domestic violence and other very significant inconsistencies in opportunities available to urban and rural women. Indeed, the Minister of Labour and Small and Micro Enterprise Development is well aware, as we may well be, of the report issued by the International Trade Union Centre talking about, here in Trinidad and Tobago, of some of the difficulties with respect to children and women.

Indeed, the Minister of Labour and Small and Micro Enterprise Development will address those issues further at a later date.

But today I think is very appropriate; we were debating a Bill and will continue debate on a Bill that is important to all of us, the Children Bill. I congratulate my colleague and my sister, the hon. Minister of Gender, Youth and Child Development—[*Desk thumping*—]in piloting that very important Bill in our Parliament. I think all of us, have long awaited this and Minister we thank you very much.

And so as we look to the future of women and children, as we celebrate International Women's Day yesterday, and as I say it continues for some time—week before, week after—let us pay tribute here today in this Parliament to the women and the girls of Trinidad and Tobago. I ask you to join me. [*Desk thumping*]

I do that in a context and against a backdrop having just come out of those Caricom meetings that were very, very successful. Indeed, I have been going to the Caricom meetings two years now as Prime Minister, and today and yesterday have represented some of the most significant achievements. I am sure the Member for Point Fortin will be very pleased to hear of some of the results which have come out of that meeting. And I say it in a context where we are talking about Women's Day and we are dealing with the Bill on children. Because whatever we do, wherever we do and however we do, we do it for the best interest of the children of our country and of the region.

And so today [*Interruption*] well, I am being advised that next week we will not anticipate—but next week we will be dealing with maternity benefits as well.

Again, dealing with our women. So our Government has an agenda that is very carefully crafted to ensure that we take care of our women and children. And why do we do it, Minister, Member for Point Fortin? The Chinese say: "Women hold up half the sky". You cannot go forward with the human resource of half the population, you go forward with the whole population.

And so as we come to other pieces of legislation our Government has piloted and will continue to pilot in the best interest of women and children and at the same time of the whole society, I think, Mr. Deputy Speaker, if you will permit me just a little leeway to announce some of the very great benefits we received, for the first time, I think, in the two years I have been Prime Minister out of the Caricom. One of those has been the offer by Brazil to us, in the Caricom, for a model farm that they will establish. And today, Trinidad and Tobago received the support of the Caricom for the establishment of the model farm in Trinidad and Tobago. [*Desk thumping*] In addition, we received the support of our Caricom brothers and sister—there is only one but brothers and sisters—we have been dealing for years with the fact that our students who graduate with an LLB, externally, cannot get access to the Hugh Wooding Law School or the Norman Manley Law School.

I have taken this issue to the forefront from the day I became Prime Minister and went to Caricom heads because what happens, is the capacity of law schools is limited—you could only take in so many students—and therefore those who do the degree externally have to go for an LPC in London or just remain with LLB. They cannot practice. So firstly, the country loses the benefit of the expertise of more lawyers, which we need, and secondly, those who go they pay a cost of over 60 per cent more to study and get an LPC.

My Minister here is saying yes. But I know my Minister of Foreign Affairs and Communications' daughter was one of those persons and there are many others. [*Crosstalk*]

Dr. Moonilal: My wife was one.

Hon. K. Persad-Bissessar SC: His wife was also one of those, the Minister of Housing and the Environment is saying. So that you can gain the LPC and then spend six months to become a lawyer in our country, but it is a tremendous cost, whilst at the same time, our country suffers the loss of expertise in that area of the legal field.

So today, we were able to gain the support of Barbados, we had the support of others; but needed the support of Barbados. In a bilateral we held with Barbados, they have agreed to support us so that we can amend the treaty for the Council of

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Legal Education to allow foreign universities—and not just foreign, but the British Universities, Staffordshire University is one of them—I am told here are about three who are coming in and want to establish the training for the LPC in Trinidad and Tobago. What does it mean? It means our own students, young, and not so young can now go in and get their practising certificate as a lawyer, that is for Trinidad and Tobago. But it also means, a second point, that those from the Caribbean can also come in here bringing—I told you one of the planks of our vision is to make us an educational centre. So they can come into Trinidad and Tobago and also study for that, and then do their six months and become practising lawyers, here or in the rest of the Caribbean. We got that support today, so that is in two regards. [*Desk thumping*]

11.10 p.m.

With respect to the fast ferry, we also received the support of other governments who would be willing to facilitate the establishment of that fast ferry, and the Minister of Transport has already indicated to the national community what we are doing with that. That is vitally important because they say there is a crisis in the Caricom, but for us the crisis means there must be more integration rather than less integration. So what am I speaking about? International Women's Day—yes, but as women, as mothers, and for our children the development of our nation and that of the Caricom neighbours is vital to take our children forward. [*Desk thumping*]

I share the view that if our Caricom neighbours fall, we all fall. Our markets are similar and, therefore, if it is that one falls, we all fall, but if it is that one rises, we will all rise together. [*Desk thumping*] And that is the view I espoused when I went to the Caricom Heads of Government on this occasion. As I said, at this meeting we dealt with the legal education matters, we dealt with the fast ferry, and I had a bilateral with Barbados and we talked about the gas line from Trinidad and Tobago to Barbados.

There were some who thought that we would be discriminating in some way against other Caricom countries if we gave Barbados this advantage, but this is phase one, and so the intention is that we could take it to the other Caricom nations. That is what we discussed with Barbados, that the size of the line should be such to accommodate expansion into the rest of the eastern Caribbean. The people and Heads were very happy to hear us speak of that. The gas line, fast ferry, legal education, the model farm, a major achievement for us here now because we have a competitive advantage because of the university here and our faculty in agriculture. [*Interruption*]

Mr. Roberts: And women's cricket.

Hon. K. Persad-Bissessar SC: Cricket! Yes! The Minister of Sport reminded me about cricket. We shared and endorsed the view of the hon. Leader and Prime Minister of the Parliament in Jamaica, Hon. Portia Simpson-Miller, with whom we established a great rapport, and we will work together. We endorsed her views on the cricket and, of course, we had our own statement to make on that so we would go forward.

We dealt with national security issues—and why am I saying this? We celebrate International Women's Day—my statement is on that—we cannot take women forward, we cannot take our children forward if we do not take our nations forward and take the region forward. [*Desk thumping*] That is why I make these statements today. [*Interruption*]

Hon. Member: Women must be allowed to play cricket.

Hon. K. Persad-Bissessar SC: Yes, and, of course, my Minister of Sport says, woman will also be playing cricket. [*Desk thumping*]

Mr. Deputy Speaker, the theme for International Women's Day is "Empowering Rural Women—End Hunger and Poverty". I have come from a background as being a rural woman. Hon. Portia Simpson-Miller reminded me that she also came from being rural—I think the hon. Member for Point Fortin was also a rural woman. [*Laughter*] [*Interruption*]

Mr. Roberts: From Westmoorings to Port of Spain.

Hon. K. Persad-Bissessar SC: "Methinks she would not protest too much" also as rural. As I said, worldwide, we staved off the effects of the crisis that we have had, yet do we as women passively sit back? Do we cower in the face of continued violence, inequality, discriminatory laws and cultural practices? Indeed, the report coming out of the International Trade Union Confederation (ITCU) talked about discriminatory practices against women. They still say that women receive less pay for the same job. The hon. Minister of Labour and Small and Micro Enterprise Development has been working actively to amend laws and to amend issues dealing with that. I would tell you something, Mr. Deputy Speaker, when I practised as a lawyer they would give me the briefs—I got really good briefs as a lawyer—but you know what? They would pay me less.

As women then, the issue of equal pay for equal work is a very vital issue. Sen. The Hon. Verna St. Rose Greaves would agree with me, the Hon. Vernella

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Alleyne-Toppin would agree with me, and I think all the persons on our Bench would agree with that. As a Government we stand for equal pay, equal work. [*Desk thumping*]

Mr. Roberts: They will not do [*Inaudible*]

Hon. K. Persad-Bissessar SC.: There are issues and the report coming out of that ITCU, whilst it is very negative of certain issues, it talks about women and children as well as other issues. The hon. Minister of Labour and Small and Micro Enterprise Development is addressing those issues—discriminatory practices under the Industrial Relations Act, discriminatory practice that relates to women and children, of child labour. Those are matters we inherited, and those are matters that we are, as a Government, dealing with. So we will not sit back, we will not stay back in the face of violence, inequality and discriminatory practices as they relate to women and children.

After a century of strife and struggle, women we recognize, have taken very positive steps, legal rights, education achievements, participation in public life, and more women are surviving childbirth. That is a very important issue for us in Trinidad and Tobago, and indeed we have a committee within the health sector looking at that. Why is it that so many of our women do not survive childbirth? Maternity mortality, infant mortality; our rates are very low, or very high, depending on how you compare them with a place like Barbados, for example, and yet we boast that we have the highest per capita income compared to GDP. Why? Those are matters we have under investigation that we can lift our children.

Indeed, let me remind this honourable House that last year the Royal Commonwealth Society commissioned a study and they said, the third best place to be born a girl is Trinidad and Tobago. [*Desk thumping*] And why did they do it? Why did we score so high? It is because of our educational policy, and so we would continue that educational policy, continue to lift our children out of the poverty—as their passport, it is education.

As I close, this commemoration of International Women's Day asks us to close ranks as sisters and brothers. The Member for Point Fortin, indeed, for all our sisters on the other side, the Member for Laventille East/Morvant and I missed my friend here, Chief Whip—for all of us here, women, you hold up half the sky and the other half is held up by the men.

Mr. Roberts: Not you, you too short. [*Laughter*]

Hon. K. Persad-Bissessar SC: So side by side, men and women, we go together to hold up the whole sky—that is what we have to do. In several instances

our rural women and girls work long hours and they do so with little or no pay and still they produce a very large proportion of the food grown, especially in subsistence agriculture.

As a woman, as I said, who grew up in rural precincts, I planted rice myself. I will tell you, I planted vegetables; many of us may be able to say the same. I went into the lagoon and planted rice. I remember a former Member of the opposite party saying, "You know, doh worry with them. Doh worry with Kamla, she putting schools in cane fields. You are putting schools in cane fields and the rice lagoons" I say that I am proud that I grew up where the cane fields and where the rice lands were, because that is how I keep my feet firmly on the ground. [*Desk thumping*]

We recognize the importance and the contribution of rural women to the development of our communities and our country. We will continue to improve women's access to financial and productive resources and services. We will continue to expand their opportunities, diversify their production. We will continue to increase their productivity through labour-saving technologies, and we will continue to facilitate the in access to high-value productive markets.

In this regard may I, again say, many of our Ministries, including the Ministry of Gender, Youth and Child Development, Ministry of Community Development, Ministry of Labour and Small and Micro Enterprise Development, Ministry of the People and Social Development, Ministry of Food Production, these all offer programmes and services which may be accessed by our rural women to assist with and promote their initiatives to improve the quality of life for themselves and, of course, for their families.

At this commemoration this year of International Women's Day, I want to especially applaud the work of the Network of Rural Producers of Trinidad and Tobago. They have become instrumental in opening up economic opportunities for women, particularly rural women. As I said, the theme for this year has been with respect to rural women. The Mango Festival, an initiative of the network which was first introduced in 2009, continues to open the eyes of the public to the potential and creativity of rural women. And so we look forward to hearing of many more initiatives from rural women which will promote sustainable agriculture, which will promote biodiversity, and I challenge my Ministers of these Ministries to put in place or expand on their programmes targeted to our rural women.

The success of such grassroots-based initiatives is key to stimulating increased economic activity within our communities and reducing poverty. I trust that it would also change the perception of an uneducated, unpolished, underachieving rural woman that some may hold of our rural sisters for nothing is further from the truth of these very courageous women.

At the national level, we are steadily moving towards a more gender-responsive budgeting and, again, Sen. The Hon. Verna St. Rose Greaves is very instrumental in that regard. This requires an understanding of the different needs of women and men as strategic plans are drawn for national policies and programmes. For myself being a woman and as a leader, I also believe it is of extreme importance to continue to mentor our young girls and women to play a more significant role in political leadership. I will continue to be a vocal proponent of woman leaders as agents of change.

In this regard, I would like to congratulate the Hon. Ramona Ramdial, who has been at the forefront of elevating and uplifting women [*Desk thumping*] in our communities. From the ground up, in communities, in local government, at national and regional fora, our voices must be heard in decision-making at all levels. In rural communities, in urban centres across our nation, our region and the world, women must be recognized as being central to national development.

As we near a deadline—we have a deadline for the achievement of the Millennium Development Goals (MDG), which encourages a focus on women and girls—let us, as a global community and indeed as a nation, seek to lessen, not worsen, the inequalities faced by half of the world's population. Let us, collectively, determine to narrow the separation between policy decisions and practices which so often characterize issues related to woman.

As I close, I say to our sisters in Trinidad and Tobago, to our sisters in the region and, of course, internationally, let us stand together united on this International Women's Day, confident that we are treading the path of progress, that we are trusting our brothers, and that they would one day understand that we do not seek to gain power over them, but rather we seek to be accepted and respected by them as equal partners in a shared destiny of prosperity, security, and peace, after all, women hold up half the world, our brothers hold up the other half of the world. Together we can forge and charge a greater peace and world prosperity for our nation, regionally and globally.

Mr. Deputy Speaker, I commemorate this day with these comments, and I thank you very much for allowing me this opportunity. [*Desk thumping*]

11.25 p.m.

Dr. Keith Rowley (*Diego Martin West*): Mr. Deputy Speaker, I would like to join the hon. Prime Minister in acknowledging and recognizing International Women's Day. But I must say that much of what has transpired in the last few

minutes in reportage really would have been done best service if we had been afforded the opportunity of a debate, because basically the Prime Minister reported on her visit to Suriname.

A lot of what she said is worthy of full-fledged debate, but tonight we would let that pass at 11.25, and focus on the parts of her presentation which identified the acknowledgment of the role of women, and also the importance of women in ensuring that our country develops to its fullest potential.

Mr. Deputy Speaker, as a father of two young women, I understand fully the aspirations of women, and I hope that my children would grow into a world, in a country, where women are not second class or being treated unfairly. One must take cognizance of our own circumstance, in the correct context of International Women's Day, which speaks to the world's condition. Very often these celebrations or these agendas have their targets set by the world to reach certain acceptable standards. When applied to Trinidad and Tobago, very frequently we find that in many or most areas we are in advance of what is being advocated as the targets for the years ahead.

In Trinidad and Tobago, as a result of policies pursued in this country by a variety of administrations, women have always been acknowledged as a major part of national development. That is why today we take for granted the fact that we are not like many countries where we are fighting for equal work for equal pay. There are areas of abuse, but in the public sector I am not aware, and I could be informed, we could be proud, if not from the beginning, but for many, many years, that we have acknowledged the need to have equal work for equal pay. If you look at the education system, I would say that there is equal opportunity. But one has to understand that while policies are for equal work for equal pay, equal opportunities, equal participation, we have to be careful that we operationalize this state, so that while the opportunity is afforded, it can be operationalized and it is not just on paper.

We are very proud to be able to show the composition of our development. The composition of the labour force in Trinidad and Tobago has a serious input from the female component of the national population, largely because of policies that allowed our women to develop the skills to be available to participate in the economy.

One of the things we have to acknowledge is that while we have made significant progress, more than many others, and that is why we could be third in the world to be born a girl, it did not happen by accident. It happened by a series of

public policies and non-public developments which allowed us to reach that situation. But there is still a lot more to be done to reach to that stage where we could say that we are No. 1, because we are always striving to be better.

As we acknowledge International Women's Day, we have to also bear in mind that it is not an either/or situation. It is not that we are developing women because they are in competition with men; nothing is further from the truth. As we acknowledge that, if this country has a problem with respect to identification of gender preparation and composition and participation, as we develop our women, as we acknowledge the place of our women, we have not to lose sight of the fact that we have a very serious problem with the underperformance of a significant proportion of our young men in Trinidad and Tobago. So we have to bear that in mind; it is not a competition.

National development is for all of us to develop, rising on the same tide. We are failing significantly with respect to the non-preparation and non-participation of too many of our young men.

Mr. Deputy Speaker, we were proud, and I distinctly recall that picture in the newspaper, when the first female pilot graduated here in Trinidad and Tobago. It always strikes me, maybe I am a little backward in this, but whenever I see a female bus driver I am impressed, especially recently when I saw one driving an articulated bus. We have come from a place where certain preserves were held for the male input, but nowadays I think we can safely say that no area in national life, no area in national development, is the preserve of one gender or the other. When we can say that, we have made some significant progress.

I am not aware, I am sure there are, but I cannot think of it immediately, where this area is the preserve of one or the other. We have all kinds of skills available to all our citizens. When one considers that there are countries today where to drive a car, if you are a female, that is not acceptable, and to get equal pay for equal work requires a significant amount of hurdling to be done, we have done reasonably well, we have done quite well, and we ought to acknowledge the input of those who brought us to where we are.

Today, we have a female Prime Minister who is advocating continued support for these directions. I do not think that it is largely because they—[*Laughter*] we have no confidence in her in the conduct—[*Laughter*] [*Interruption*]

Mr. Roberts: [*Inaudible*]

Dr. K. Rowley: If he wants to debate another no confidence motion, we can. We have no question about the confidence about her gender, but I do not know that

is up for debate. I make no statement which could be so interpreted, so I do know why the Member for Oropouche wants that debated. I am in no position to debate that.

We join the rest of the world in acknowledging that no country can develop to its fullest potential, without acknowledging and allowing its female population to play its fullest role. I think Trinidad and Tobago has been on this course for a very long time. We will stay this course and continue to let Trinidad and Tobago be a great place for women and children to grow and develop.

I thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: Hon. Members, please permit me to join in bringing greetings. International Women's Day has been observed since the early 1900s. This special day is an official holiday in several countries, and it serves as a reminder to all men to honour their mothers, wives, girlfriends and female colleagues.

The new millennium has witnessed a significant change and shift in the attitudes about women's equality and emancipation. With more women in the boardroom and in the Parliament, at the highest level, and in the Caribbean, both Trinidad and Tobago and Jamaica have women at the helm of the Government, women today should rightly feel proud, especially around this time, as they continue to be impressive role models in every aspect of life. Annually, on March 08, thousands of events are held throughout the world to inspire women and celebrate achievements.

Hon. Members, permit me to take this opportunity to join this distinguished House in the worldwide celebration of International Women's Day 2012, and say to all women that we acknowledge their vital role and we truly appreciate their contribution.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.35 p.m.