

HOUSE OF REPRESENTATIVES*Friday, September 13, 2019*

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, one, Mrs. Glenda Jennings-Smith MP, Member for Toco/Sangre Grande, who has requested leave of absence for the period September 12 to September 16, 2019, and from the hon. Kamla Persad-Bissessar SC, MP, Member for Siparia, who has requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

JOINT SELECT COMMITTEE**(CHANGE OF MEMBERSHIP)**

Mr. Deputy Speaker: Hon. Members, correspondence has been received from the President of the Senate dated September 12, 2019, which states as follows:

“Dear Deputy Speaker,

Change in Membership of Joint Select Committee

At sitting held on Wednesday September 11, 2019, the Senate agreed to the following resolution:”

And I quote:

“*Be it resolved* that the Senate agree to appoint Mr. Daniel Dookie in lieu of Mr. Garvin Simonette on the Joint Select Committee appointed to consider and report on the Miscellaneous Provisions (Local Government Reform) Bill, 2019.’

Accordingly, I respectfully request that the House of Representatives

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be informed of this decision at the earliest convenience please. Yours respectfully,

Sen. the Hon. Christine Kangeloo
President of the Senate”

CONDOLENCES

(DR. LINDA BABOOLAL)

Mr. Deputy Speaker: Third announcement, Condolences on the Passing of Dr. Linda Baboolal, former Member of Parliament for Barataria/San Juan and President of the Senate.

Hon. Members, as you may be aware, Dr. Linda Baboolal, former Member of Parliament passed away on Thursday, September 12, 2019. Dr. Baboolal served as the Member of Parliament for Barataria/San Juan in the Fourth Republican Parliament from 1992 to 1995, and as the President of the Senate in the Seventh and Eighth Republican Parliaments from 2002 to 2007.

I now invite hon. Members to pay their respective tributes to Dr. Baboolal, and I will call on the Leader of the House, Member for Arouca/Maloney.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, today I rise to speak in tribute to a friend, a confidante, an exemplar, an icon in the local politics, so much so that when the history of Trinidad and Tobago is written, several pages would have to be devoted to the contribution made by Dr. Linda Baboolal.

She was a person who touched others with her compassion and her concern. Many would attest that when you left her you left a different person, a little better person than when you first came. But that is what happens when you encounter true love and concern. It was her concern for country and her party that led her to accept the position of President of the Senate from 2002 to 2007, and by virtue of

Condolences (Dr. Linda Baboolal) (cont'd)
Hon. C. Robinson-Regis (cont'd)

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that position, would have also been the first female to have acted as President of this illustrious Republic, paving the way for the incumbent, as she had paved the way for so many of us.

Linda Baboolal defied the ethno-political construct that is Trinidad and Tobago by becoming a full member of the People's National Movement, eventually ascending to the position of Chairman of the party. She effectively stamped her own style on the party and today is remembered by young and old alike, with almost revered status, as can be seen by the outpouring on social media as one example.

When we honestly ask ourselves, which person in our lives means the most to us, we often find that it is those who, instead of giving advice, solutions or cures, have chosen rather to share our pain and touch our wounds with a warmth and with a tender hand. The friend who can be silent with us in a moment of despair or confusion, who can stay with us in an hour of grief and bereavement, who can tolerate not knowing, not curing, not healing and face with us the reality of our powerlessness, that is a friend who cares. For me, for us in the party, that is, the People's National Movement, Linda Baboolal was one of those persons.

I believe that every time we make the decision to love someone or something as much as Linda loved us and we loved her, we open ourselves to great suffering because those we most love cause us not only great joy but also great pain. The greatest pain, Mr. Deputy Speaker, comes from leaving. When the child leaves home, when the husband or wife leaves for a long period of time or for good, when the beloved friend departs to another country, or when, sadly, that person dies, the pain of the leaving can tear us apart. And yet, if we want to avoid the suffering of leaving, we will never experience the joy of loving, because love is

Condolences (Dr. Linda Baboolal) (cont'd)
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stronger than fear, life stronger than death, hope stronger than despair. We have to trust that the risk of loving is always worth taking, and we believe Linda took the risk of loving her country and her party. Through it all, she kept us in check. Her wise counsel as Senate President was often enough to soothe the frayed nerves of the Government and the rampaging onslaughts of the Opposition.

Even prior to her holding that position, she demonstrated an immense capacity to reach those particularly at the lower strata of society, both as Member of Parliament for Barataria/San Juan and in the Ministerial portfolios of health and social development.

Today, as we gather in this place to pay tribute to one who once sat amongst us, we say rest well dear friend, for you have fought a good fight. You have finished your course and you have kept the faith. You may be fallen but you will never be forgotten. Your watch has ended, but your life has just begun.

Mr. Deputy Speaker, there is a song which may be familiar to some of us, with lyrics that say:

“Persons come into the fiber of our lives,
and then their shadow fades and disappears.”—but—

“All I ask of you is...to remember me as loving you.”

We in the PNM and in the Government of Trinidad and Tobago, give the assurance that we will not allow Linda's shadow to fade and disappear. We will remember how she loved her country and her party and her family, and we will recall always with humility how much she loved us.

On behalf of a grateful party, on behalf of a grateful country, on behalf of a grateful Government, and on behalf of a grieving party, I offer sincerest condolences to her husband and her children and her wider family and pray that the

Condolences (Dr. Linda Baboolal) (cont'd)
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God of consolation will provide them with the strength needed at this time.

Mr. Deputy Speaker, eternal rest grant unto her O Lord, and may she rest eternally in peace. Thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: I will now call on Opposition Member for Caroni East.

Dr. Tim Gopeesingh (*Caroni East*): Thank you, Mr. Deputy Speaker. I rise today on behalf of the Opposition, United National Congress, to pay our deepest respect to the late Dr. Linda Baboolal, an esteemed former Member of both the Lower and Upper Houses of our great Parliament, Linda, who sadly passed away on Thursday, September 12, 2019, after a period of illness.

Mr. Deputy Speaker, it was famed world leader and freedom fighter, the late, great, Nelson Mandela who once said, and I quote:

“What counts in life is not the mere fact that we have lived, it is what difference we have made to the lives of others that will determine the significance of the life we lead.”

This undoubtedly could be said of Dr. Linda Baboolal who truly made a tremendous difference to the lives of the citizens she interacted with over the course of her long careers as first a medical doctor and later a politician.

Dr. Baboolal was first a medical doctor who worked in both the private and public sectors of Trinidad and Tobago. After she entered politics, as we all know she served as the PNM's Member of Parliament for the Barataria/San Juan constituency from 1992 to 1995. During that time, she also served in the Cabinet of the late Prime Minister, Patrick Manning, as a Minister of Health and then Social Development.

She then went on to be the first female Chairperson of the People's National Movement and then the first woman in our nation's history to hold the post of

Condolences (Dr. Linda Baboolal) (cont'd)
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President of the Senate of both the Seventh and Eighth Republican Parliaments from 2002 to 2007. During that period she had the further distinction of being the first female to act in the post of President of the Republic of Trinidad and Tobago. She was also known for her significant volunteer work in the areas of national health and women's development.

Dr. Baboolal attended Manitoba University, then the Royal College of Surgeons and Physicians in Dublin, Ireland, with her husband, Michael. And after graduating, returned to Trinidad and Tobago to do her medical internship.

I had the distinct pleasure of first meeting Dr. Linda Baboolal in 1975, at the Paediatric Ward of Port of Spain General Hospital when we both worked as young doctors in different specialities. And thereafter we shared a very warm and enduring cordial, professional relationship. I was always impressed by her dedication and her compassion to her patients, her tremendous work ethic, and especially her grace and dignity.

When she was President of the Senate, both Sen. Mark and myself, as well as other Senators—we served as Opposition Senators—we were completely impressed by her determination to execute her duties with her trademark dignity, humility, grace, fairness and judiciousness. And to this day she stands out as exemplary and unparalleled in that crucial role as a guardian and overseer of our sacred Chamber of democracy.

The great British Prime Minister, Sir Winston Churchill once said:

“We make a living by what we get. We make a life by what we give.”

These are fitting words to describe the legacy of Dr. Linda Baboolal, to this august Chamber and indeed, our nation as a whole, for she will best be remembered by her commitment to freely giving of her great skills, wisdom and talent to our

Condolences (Dr. Linda Baboolal) (cont'd)
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country and our national development through her dedicated, virtuous public service. It is truly something we can all seek to emulate and indeed be inspired by, especially in these current times when our nation continues to seek exemplars in its truest form.

On behalf of the Opposition, the United National Congress, and our Opposition Leader, I therefore wish to extend our deepest condolences to Dr. Linda Baboolal's husband, Dr. Michael Baboolal, her children, grandchildren and other family members, as well as her loved ones, friends and colleagues on both sides in both politics and medicine. May the good Lord comfort her family and us all at this time of grief. May the great life she lived always inspire us for generations to come and may her beautiful soul rest in eternal peace. [*Desk thumping*]

Mr. Deputy Speaker: Thank you, Members. Hon. Members, I too would like to pay tribute to Dr. Linda Baboolal. During her tenure in the House of Representatives, she served on the Committee of Privileges and several Special Select Committees. Whilst in the Senate, she served on the Statutory Instruments Committee and the Committee of Privileges.

Dr. Baboolal was the first female President of the Senate and the first female to act as the President of the Republic of Trinidad and Tobago. The foregoing accomplishments are indeed a testimony of the fact that she, like many other women in our country, succeeded in breaking the glass ceiling. During the time she served as an elected Member, Dr. Baboolal demonstrated an unwavering passion towards humanitarianism. Examples of this are evident in her contribution to the House of Representatives on the Corporal Punishment (Amdt.) Bill, 1994; the Young Offenders Detention (Amdt.) Bill, 1993; and the Motion on Old Age

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Pensions of 1994, among others.

Dr. Baboolal was also passionate about philanthropy and engaged in charitable work with a number of charitable organizations. In addition, she also assisted persons who suffered with the illness of addiction and was actively involved in the New Life Ministries Drug Rehabilitation Centre of Mount St. Benedict. She also gave a voice to women's issues, particularly in the realm of decision-making through her membership in the St. Ann's Business and Professional Women's Association and during her participation on many radio programmes and other forums.

I therefore take this opportunity to express my deepest condolences to her husband, Dr. Michael Baboolal, her five children and the rest of the Baboolal family during this time of mourning. I pray that Almighty God grants them the solace, comfort and strength during this time of bereavement. We will forever be grateful for Dr. Baboolal's contributions and to the Parliament of the Republic of Trinidad and Tobago. I now ask that we stand and observe a minute's silence in a mark of respect.

The House of Representatives stood.

Mr. Deputy Speaker: May her soul rest in eternal peace. Hon. Members, the Clerk is directed to send an appropriate letter to the family of the late Dr. Baboolal.

PAPERS LAID

1. Report of the Central Bank of Trinidad and Tobago with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended June 30, 2019. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]

2. Ministerial Response of the Ministry of Community Development, Culture and the Arts on the Seventeenth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Accounts, Balance Sheet and Other Financial Statements of the Export Centres Company Limited for the financial years 2008 to 2011. [*The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly)*]

PRIME MINISTER'S QUESTIONS

China Gezhouba Group International Engineering and HDC

(Contract Penalties)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Mr. Deputy Speaker. In light of the decision of the Government to cancel the US \$71.7 million contract between China Gezhouba Group International Engineering Company and the Housing Development Corporation (HDC), can the Acting Prime Minister inform this House of all penalties accruing to the Government and/or HDC arising out of the said cancellation?

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Thank you, Mr. Deputy Speaker. I am advised that the HDC and the China Gezhouba Group International Engineering Company are currently in discussions in an effort to arrive at a mutually satisfactory resolution to the contract. As a result, there are no penalties accruing at this time.

Mr. Indarsingh: Thank you, Mr. Deputy Speaker. Can the Acting Prime Minister inform this House whether an advance payment or sum was issued on this contract over half a billion dollars to the taxpayers of Trinidad and Tobago?

Hon. C. Imbert: Mr. Deputy Speaker, I am advised by the Minister of Housing that no advance payment was paid.

Mr. Indarsingh: Can the Acting Prime Minister confirm that the framework

agreement for this half a billion dollars contract was signed in July of 2018, by the then Minister of Housing who at the time was the Prime Minister of Trinidad and Tobago, Dr. Keith Rowley?

Hon. C. Imbert: Mr. Deputy Speaker, I am not privy to those details.

Hon. Members: What?

Hon. C. Imbert: That is a supplementary question.

Mr. Indarsingh: Thank you, Mr. Deputy Speaker. Can the Acting Prime Minister state whether this contract for over half a billion dollars was vetted by the Attorney General of Trinidad and Tobago?

Mr. Deputy Speaker: I will not entertain that question at this time, Member.

Mr. Lee: Thank you, Mr. Deputy Speaker. To the Acting Prime Minister, based on his first response of the penalties at this point not being accruing, could the Acting Prime Minister state in the contract what would that penalty be if no positive negotiations have been concluded?

Hon. C. Imbert: Mr. Deputy Speaker, I am not privy to those details at this time.

Mr. Deputy Speaker: Member for Couva South, final supplemental.

Mr. Indarsingh: Can the Acting Prime Minister inform this House whether this contract for over half a billion dollars was approved by the Cabinet of Trinidad and Tobago?

Hon. C. Imbert: Mr. Deputy Speaker, the framework agreement was approved by the Cabinet.

Registered Venezuelans

(Work Cards)

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Mr. Deputy Speaker. Given that 16,523 Venezuelan nationals were registered through the Government's registration and migration process, can the Acting Prime Minister inform this

House as to the number of persons who have formally received their registration cards to legally work in this country for one (1) year?

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Mr. Deputy Speaker, I am advised that cards are processed upon verification of identity and background checks from Interpol. I am told that 5,148 applications in total have been verified by the Venezuelan authorities, and Interpol, and local authorities, and have been recommended for Ministerial approval. So far, I am advised that 3,091 cards have been processed and printed and the relevant applicants have been contacted to collect them.

Mr. Indarsingh: Thank you, Mr. Deputy Speaker. Given the data which has been provided by the Acting Prime Minister, could the Acting Prime Minister inform this House whether the figure that he has given, if any of these individuals have found to be afoul of the law by Interpol and other law enforcement agencies?

Hon. C. Imbert: Mr. Deputy Speaker, I have been advised that out of the total number that was registered, so far 112 have been found to have criminal records ranging from robbery, larceny, drug trafficking and homicide.

Dr. Gopeesingh: Could the hon. Acting Prime Minister indicate whether he or in conjunction with the Minister of Health, adopted any procedures, with regard to the early detection of communicable diseases arising from the presence of these Venezuelans in Trinidad and Tobago?

Mr. Deputy Speaker: Member, I would not entertain that question at this time.

Mr. Indarsingh: Thank you very much, Mr. Deputy Speaker. To the Acting Prime Minister: given the 112 individuals who you have informed this House were found to be afoul of the law, could you provide this House with the information as to their current status, whether they are in Trinidad and Tobago, or have they been repatriated to Venezuela?

Hon. C. Imbert: Thank you, Mr. Deputy Speaker. As you know, Prime Minister's questions come at a very short time before the Sitting. This is the information given to me by the Ministry of National Security, and I would advise the Member to pose that as a direct question to the Minister of National Security who, I am sure would be able to provide the detailed particulars that are being asked now as a supplemental question.

CEO of Heritage Petroleum Limited

(Employment Details)

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Mr. Deputy Speaker. Can the Acting Prime Minister state the specific terms and conditions of employment of Ms. Arlene Chow as interim CEO of Heritage Petroleum Limited, inclusive of all pre-requisites and allowances?

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Thank you. I am not sure what a pre-requisite has to do with a compensation package, but I am advised by the Ministry of Energy and Energy Industries that the base salary for Ms. Chow in her interim appointment as the Chief Executive Officer of Heritage Petroleum Limited, the base salary is TT \$150,000 per month. The interim CEO is provided with a company vehicle and a driver and has a cell phone monthly limit of TT \$1,000 per month. The term of employment commenced on the 1st of September and these terms will remain in effect for a period no less than six months.

2.00 p.m.

Mr. Lee: Thank you, Mr. Deputy Speaker. To the Acting Prime Minister: Based on your response, could you also state if Mr. Wiley who is the substantive CEO of Heritage Petroleum Limited, is still being compensated by Heritage Petroleum Limited as we speak?

Mr. Deputy Speaker: I will not entertain that question at this time. Supplemental, Member for Cumuto/Manzanilla.

Mrs. Newallo-Hosein: Can the hon. Minister indicate what process was used for the hiring of Ms. Chow on short-term contract?

Hon. C. Imbert: Thank you very much, Mr. Deputy Speaker. I also would like to inform that I am advised that the terms of engagement can be terminated by either party with one month's notice in writing. Ms. Chow who from her curriculum vitae—Mr. Deputy Speaker, I am being disturbed by Members to the right of me—Ms. Chow, from the curriculum vitae, her CV that was published in the newspapers, has 40 years' experience in the energy industry and has served in many senior positions. Mr. Deputy Speaker, I am still being disturbed by Members to my right—has served in many positions in the energy sector including Chief Operating Officer of Atlantic LNG which at one time was the largest LNG processing facility in the world; has also served in senior positions in bp Alaska and also in Petrotrin. Ms. Chow has come forward at a time when someone with that sort of experience, record and academic training was required and has agreed to serve and as a result, Ms. Chow was selected by the Ministry of Energy and Energy Industries and by Heritage Petroleum because of her qualifications and tremendous experience and track record. And I wish to thank Ms. Chow coming forward in a situation where an unforeseen event could have resulted in severe trauma to the national oil company of Trinidad and Tobago in an emergency. I want to thank Ms. Chow for her patriotism, for coming forward to assist the country. [*Desk thumping*]

Mr. Lee: Thank you, Deputy Speaker, to the Acting Prime Minister, based on what you just described about Ms. Chow, are there plans to confirm her as the CEO of Heritage Petroleum Limited?

Hon. C. Imbert: Mr. Deputy Speaker, I am advised that Ms. Chow has agreed to serve for a period of six months, and it is the intention of Heritage Petroleum—I am being advised by the board and chairman that it is the intention of the Heritage Petroleum Company to do an active worldwide search for a permanent CEO who would serve in due course.

Mr. Indarsingh: Thank you. Prime Minister, could you inform this House whether at the end of Ms. Chow's tenure she will be paid a gratuity payment?

Mr. Deputy Speaker: I will not entertain that question.

Guaracara Refinery Sale/Lease

(Details of Committee Decision)

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Mr. Deputy Speaker. Given the appointment of a ten member Committee by the Government to evaluate bids for the sale of the Guaracara refinery, which was to be completed by August 31, 2019, can the Acting Prime Minister state if this Committee has determined a buyer for the sale and/or lease of Guaracara refinery and what are some of the key terms and conditions governing the arrangement with the new buyer?

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): The committee has not yet determined the buyer.

Mr. Lee: Could the Acting Prime Minister state how much longer would the committee be reaching a decision and reporting back to Cabinet?

Hon. C. Imbert: Mr. Deputy Speaker, the committee's mandate is to make recommendations to Cabinet and barring unforeseen circumstances, the Government expects to receive these recommendations within the next week.

Signing of Framework Agreement

(Role of AG's Office)

Mr. Rodney Charles (*Naparima*): Thank you, Mr. Deputy Speaker. Can the Acting Prime Minister state whether any due diligence by the Office of the Attorney General was undertaken prior to the signing of the Framework Agreement between the China Gezhouba Group International Engineering Company and the Housing Development Corporation on July 13, 2018?

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Mr. Deputy Speaker, I am advised that the framework agreement did not require the Attorney General to give an opinion on the contract.

Mr. Charles: Thank you, Mr. Deputy Speaker. Is it the norm for state enterprises to enter into contracts in the order of this magnitude without reference to oversight by either Cabinet or the Attorney General?

Hon. C. Imbert: Thank you very much—

Mr. Deputy Speaker: Members, hold on please.

Hon. C. Imbert: Mr. Deputy Speaker, firstly, the Housing Development Corporation is a statutory authority, it is not a state enterprise. It has its own rules according to statute, and the Housing Development Corporation does have the authority to determine its own contractual affairs.

Mr. Charles: Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: One second, one second. Member for Oropouche East, right, I did not say anything earlier, but please. Thank you.

Mr. Charles: Thank you, Mr. Deputy Speaker. To the Acting Prime Minister: Is it the intention of your Government to change this policy so that the requisite oversight will be maintained over contracts of this magnitude, and that the shareholder as final resort will not be—will not incur significant sovereign debt?

Mr. Deputy Speaker: I will not entertain this question.

Dr. Khan: Hon. Prime Minister, based on your last response could you indicate to

me whether the regional health authorities will be afforded the same type of authority that the HDC has since they are both the same statutory body?

Mr. Deputy Speaker: I will not entertain that question.

Mr. Charles: Could the Acting Prime Minister state what evidence at all subsequent to the decision of the board of the Housing Development Corporation, to explain the recent termination of the contract?

Hon. C. Imbert: As far as I am aware that matter was already dealt with by the substantive Prime Minister at a press conference.

Mr. Singh: Thank you, Mr. Deputy Speaker. Hon. Acting Prime Minister, could you explain having regard to your statement earlier, that the HDC is a statutory corporation, how do you reconcile that statement—and therefore it is entitled to its own legal approach—with the framework agreement coming before Cabinet for its approval? [*Desk thumping*]

Hon. C. Imbert: I think the answer to that, Mr. Deputy Speaker, is self-evident. The framework agreement came before the Cabinet, that is a fact and the question of the detailed contract is a matter for the Housing Development Corporation in accordance with the framework agreement.

74th UN General Assembly Meeting

(Prime Minister's Attendance)

Mr. Rodney Charles (*Naparima*): Thank you, Mr. Deputy Speaker. Given that the Prime Minister is currently in Washington DC for a meeting with members of the US Congress, can the Acting Prime Minister indicate whether the Prime Minister will be attending the 74th UN General Assembly meeting that commences on September 17, 2019?

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Yes.

Mr. Charles: Thank you. Given that the substantive Prime Minister has missed

four UNGAs during his tenure as Prime Minister, what new considerations informed his decision to attend this year's meeting?

Hon. C. Imbert: It was considered appropriate.

Mr. Charles: Could the Acting Prime Minister indicate why it was considered appropriate? [*Crosstalk*]

Mr. Deputy Speaker: Please, Members. Please. Go ahead, Acting Prime Minister.

Hon. C. Imbert: Thank you, Mr. Deputy Speaker. Because of matters of national importance.

Mr. Charles: As far as you are aware, will the substantive Prime Minister be holding bilateral meetings with other Heads of Government; with whom, and what issues will be discussed?

Hon. C. Imbert: Mr. Deputy Speaker, I am not privy to those details but it is quite normal and natural when Heads of State, and Heads of Government go to these international meetings and meet in these international forums, that there would be discussions of a mutually beneficial nature.

Mr. Deputy Speaker: That is the end.

URGENT QUESTIONS

San Fernando General Hospital Rat Infestation

(Disciplinary Action)

Dr. Fuad Khan (*Barataria/San Juan*): Thank you, Mr. Deputy Speaker. To the Minister of Health: Having regard to reports of a rat infestation at the San Fernando General Hospital (SFGH), can the Minister indicate whether disciplinary action will be taken against the person or persons with responsibility for taking preventive measures?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. Deputy Speaker. If responsibility can be traced to an individual, or group of

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individuals that are responsible for this, the answer is definitely, yes. Action will be taken by the board following proper HR and IR policies and procedures. Thank you very much, Mr. Deputy Speaker.

Dr. Khan: Minister, could you indicate whether there is a performance appraisal system for employees and what was the performance appraisal, if you do have it?

Hon. T. Deyalsingh: Thank you. Yes, as you know, there are performance appraisal systems. And I will tell the country this now and I say it with no pride. I visited one of our departments recently, Central Sterilizing Department, and found out that a piece of equipment that was needed since 2012, three years under your administration and four years under mine, that people could not get a simple piece of equipment, because people along the line under two administrations for nine years did not do their jobs. Do I hold a Minister responsible, like yourself? The answer is no. Do I hold myself? But we are the ones who get blamed in the public domain.

So you have appraisal systems but the question is, is there the fortitude and will of supervisors to use these systems. You know, for example, one doctor at Eric Williams gave all his colleagues 35 out of 35. Every single doctor got 35 out of 35. And you and I know, as former Minister and current Minister and former Chairman, what goes on in the system. But who gets the blame? Are you supposed to walk around and check every CS necessities from 2012 to 2015? Am I supposed to do it? There are performance appraisal systems, but the willingness to use it is the issue that I am addressing with boards. Because it means mashing toes. It means breaking up relationships because everybody is related to somebody. Everybody is friends with somebody. So you could have the best performance appraisal systems, it is taking nine years, three years under you, four years under me to get a piece of equipment.

Hon. Member: Seven years.

Hon. T. Deyalsingh: Seven years. Seven years under two administrations to get a piece of equipment. That is not the board's fault. It is not the Minister's fault. It is not even the CEO's fault. Because when you trace the chain of command there is so much responsibility to be placed on individuals who hold positions. So when the Prime Minister speaks to this country, he is right.

Mr. Deputy Speaker: Member, your two minutes—time.

Hon. T. Deyalsingh: Thank you very much, Mr. Deputy Speaker.

Dr. Khan: I only have one question, could I—?

Mr. Deputy Speaker: Proceed.

Dr. Khan: Thank you. Minister, in view of that, what you have just indicated, would the Minister see it fit to reassess the performance appraisal system to reflect a true performance system? Would you take that responsibility?

Hon. T. Deyalsingh: Yes, I will take it. But the question is the operationalization—it is people, it is supervisors, it is chiefs of staff who have to administer the appraisal, not the Minister. But you and I are crucified, every Minister of Health is crucified. But who filled out the appraisal system that exonerated that individual filling the post that for seven years they could not get a piece of equipment into a Central Sterilizing Unit. Seven years. You could have the best appraisal system on paper but unless people are willing to be unpopular and take hard decisions for the benefit of patients and taxpayers, the best appraisal system will simply not work. And you know that and I know that. We were both faced with it. Thank you very much, Mr. Deputy Speaker.

2.15 p.m.

“Zesser Pills” in Schools

(Investigation of)

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Mr. Rudranath Indarsingh (*Couva South*): Thank you, Mr. Deputy Speaker. To the Minister of National Security: Given the recent statement by the Trinidad and Tobago Police Service which warned teachers and parents to be on the alert as “zesser pills” were being circulated in the nation’s schools, can the Minister inform this House whether he has asked for an urgent investigation into this matter?

The Acting Minister of National Security and Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, intelligence has revealed that within the school system of Trinidad and Tobago, there exist the presence of and the distribution of brownies and cookies which are infused with marijuana, molly or ecstasy, known locally as “zesser pills”, which are a breakdown of the crystals of the ecstasy and compressed in a capsule, are also in existence and circulated in the system. So far these cookies and brownies have been seized by law enforcement at teenage parties and have been sent to the Forensic Science Centre for analysis. The results are impending.

The Commissioner of Police is liaising with the Ministry of Health, and action is being taken to ensure that all substances detected in Trinidad and Tobago that are not already in the Schedule of the dangerous drugs, in the Dangerous Drugs Act, will be so put, and the Commissioner of Police, and the Government of Trinidad and Tobago is taking this opportunity to urge parents to be particularly vigilant, as these dirty and dangerous and nasty substances could quite easily be disguised and are being disguised in all forms of candies that are particularly attractive to children. We also urge children to think carefully and to do the safe and the right things.

Mr. Indarsingh: Thank you Mr. Deputy Speaker. Given what the Acting Minister of National Security has just advised the House, is the Minister willing to inform

this House how many schools and in which education districts, the drugs have been circulating or these zesser pills?

Hon. F. Hinds: I am very willing but unable, because that information is not now available to me, Mr. Deputy Speaker.

Mr. Indarsingh: I know that the Member for Laventille West is the Acting Minister, but I do not know if he is willing to share with this House whether the Ministry of National Security has been actively engaging the Ministry of Education as it relates to a sensitization policy, in the respective primary and secondary schools throughout Trinidad and Tobago?

Hon. F. Hinds: Given that this Government has taken and will continue to take a whole-of-government approach, that is elementary and most certainly that will be done. I might take the opportunity to say that we have already scheduled ecstasy and crystal meth as illegal in the Dangerous Drugs Act. Thank you, Mr. Deputy Speaker.

Rat Infestation at San Fernando General Hospital

(Treatment of)

Dr. Tim Gopeesingh (*Caroni East*): Thank you, Mr. Deputy Speaker. To the hon. Minister of Health: Having regard to reports of the same rat infestations at the San Fernando General Hospital, can the Minister state whether the lives of staff and patients at the San Fernando General have been endangered as a result of this infestation?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Mr. Deputy Speaker. Thank you very much, Caroni East and I am sure you and I share the same concerns for staff and patients. I can tell you that the area that had the problem with rats is a warehouse area far removed from clinical blocks and so on. So patients are under no direct threat. What we are doing is making sure all the—

the few number of workers who work there, they will be tested and so on. But to further ensure the safety of all concerned, even these supplies like paper towels and so on—it was no drugs, eh, no drugs were stored though. Things like paper towels, dry goods, they will be sanitized. It was always the protocol to sanitize from warehouse to wards, but that will be stepped up, in this particular case. So I can tell you there is no immediate danger to either patients or staff; it was a warehouse area for dry goods, far removed from the actual clinical areas. Thank you very much, Mr. Deputy Speaker.

Dr. Gopeesingh: Minister, thank you for that answer. But is there any other mechanism that you have used to determine whether that infestation or rats have moved across to the other buildings as a result of this.

Hon. T. Deyalsingh: Thank you. And that is a very good and reasonable question to ask. So what we have done, we have sent in Public Health to do a total examination of the entire facility now to make sure that the rats did not migrate to other parts and so create a bigger problem. So that is being actively pursued via Public Health.

Dr. Gopeesingh: I appreciate the Minister's answers. Minister, is there any procedure that you will use to establish whether any person within the hospital system has developed any of the six diseases that can arise from the rat infestation, like leptospirosis and meningitis, et cetera.

Hon. T. Deyalsingh: Yes. And again that is a very valid concern. And as I said in the body to your first supplemental, we will be looking at all those employees who have direct access for especially things like leptospirosis, meningitis, other diseases. So the answer is yes, everything. Thank you very much, Mr. Deputy Speaker.

ANSWERS TO QUESTIONS

UNREVISED

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, there are three questions for Oral Answer and we will be answering all three, Thank you. Sorry, there are no questions for Written Answer.

ORAL ANSWERS TO QUESTIONS

Prison Service Maternity Leave

(Policy on)

248. Dr. Lackram Bodoë (*Fyzabad*) asked the hon. Minister of National Security:

Could the Minister state whether there is currently a clear policy within the Trinidad and Tobago Prison Service for prison officers who proceed on maternity leave?

The Acting Minister of National Security and Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald. Hinds): Thank you very warmly, Mr. Deputy Speaker. Mr. Deputy Speaker, the Trinidad and Tobago Prison Service is guided by and adheres strictly to the Maternity Protection Act, Chap. 45:57 of the Laws of Trinidad and Tobago.

Dr. Bodoë: Thank you very much, Minister, for that response. This question actually arose from an incident where an employee was retired by the Public Service Commission and the matter is still ongoing. The question is whether the policy in place is treating or will prevent that from happening again.

Hon. F. Hinds: In accordance with the law as I have just described it and we are all deemed to know the law, but in accordance with that law, the prison service would permit an employee to proceed on maternity leave for a period of at least six weeks, before the due or confinement date, so called in the law, and another eight weeks or so thereafter. If the employee wishes to enjoy the use of her—her—

vacation leave, thereafter an application is made and it will ordinarily grant such leave in those immediate circumstances. I thank you, Mr. Deputy Speaker. I stress “her”.

Deferment of Question

Mr. Deputy Speaker: Members, question No. 252, the Member has asked for it to be deferred for when she attends the next sitting.

St. John’s Branch Road Sluice Gates

(Status Update)

255. Dr. Lackram Bodoie (*Fyzabad*) asked the hon. Minister of Works and Transport:

Further to the response to House of Representatives Question No. 78 on February 15, 2019, could the Minister provide a status update on the expected completion date for the repair works to the sluice gates at St. John’s Branch Road, St. John, Avocat, Fyzabad?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, the Drainage Division, under the programme of upgrade and existing pumps and gate inventory, embarked on the procurement process for the execution of four projects in this financial year, one of which is the upgrade of the gate structures at St. John’s. The scope of this project is for the upgrade of the seven existing gates which NIDCO is responsible for procurement. Tenders were closed on August 07, 2019 and a contract was awarded on September 06, 2019. Work is expected to commence by the end of September 2019. I thank you.

PERSONAL EXPLANATION

Privileges Matter

(Dr. Roodal Moonilal)

Personal Explanation (cont'd)

2019.09.13

Dr. Roodal Moonilal (*Oropouche East*): Thank you, thank you. Thank you so much, Mr. Deputy Speaker. Mr. Deputy Speaker, with reference to the report of the Committee of Privileges “Allegation of Threatening Words, dated June 18, 2019, and pursuant to the recommendation therein and without prejudice to my legal matter, I extend an apology to the House and the Member for Laventille West for the words deemed threatening. I thank you, Mr. Deputy Speaker, for your cooperation in this matter. [*Desk thumping*]

Mr. Hinds: He has finally grovelled. [*Laughter and crosstalk*]

Mr. Deputy Speaker: Please, please, Members. No, no, Members please, members. First of all, Couva South, you know my stand with regard to disturbance when you are not in your seat. Those disturbances are not allowed. And I definitely would not be tolerating when you are not—or any Member, as a matter of fact, who is not in their respective seats. All right, Members, let us proceed.

Mr. Deputy Speaker: The Attorney General.

SEXUAL OFFENCES (AMDT.) BILL, 2019

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Mr. Deputy Speaker, I beg to move:

That a Bill to amend the Sexual Offences Act, Chap. 11:28, be now read a second time.

Mr. Deputy Speaker, I am very pleased to be the mover of this particular Bill on this occasion. This law is intended to strike at the heart of criminality in its most devious and wicked form. The most vulnerable of people in our society find themselves the subject of this particular law, Mr. Deputy Speaker. And it is a matter of note that our Sexual Offences Act, Chap. 11:28 really became a law of first focus and clarity in 1986, by virtue of Act 27 of 1986. It was that particular

law, Mr. Deputy Speaker, that allowed Trinidad and Tobago to codify the sexual offences in a more precise form. In particular to put into context, the law as it relates to rape, grievous sexual assault, sexual intercourse with mentally subnormal persons, procuration, procuring the defilement of persons, the concept of prostitution, the concept of people who live on the proceeds of prostitution, taking us quite properly into the precursor to trafficking in persons and the abuse of persons, taking us into the realm of how we treat with our children, which of course was the precursor to the Children Act and children's legislation which we are now so proud as a country to have on the laws of Trinidad and Tobago.

This law was amended in 1994 and then again in the year 2000 and then in terms of consequential amendments in 2012. In the year 2000, Mr. Deputy Speaker, we saw some important improvements in the law. Then Attorney General Ramesh Lawrence Maharaj came to the Parliament in 1999 and offered a suite of improvements including the concept which dealt very strenuously with matrimonial rape. Including as well, the introduction of a new part to this law, which is the central focus of this Bill and that was Part III, notification requirements for sex offenders. By virtue of the proclamation of the law, that 1999/2000 exercise by Attorney General Ramesh Lawrence Maharaj, we saw Part III of the Sexual Offences Act come to life. Part III is the position in law which says how persons are to be liable for notification requirements; how they are to be calculated in terms of time frame for notification requirements; how those persons are to present themselves; what information is to be given; what notification requirements are given in certain circumstances, for instance where there is temporary detention or having left the jurisdiction; and then what the offences are for persons who fail to actually present themselves.

2.30 p.m.

What is quite interesting is that this law, in the year 2000, as it came onto the books in Trinidad and Tobago, this law required a person who was convicted of a sexual offence to find himself pursuant to the section 34A of the existing law.

“(1) A person shall be subject to the notification requirements...where—

- (a) he has been convicted of a sexual offence...and he has been sentenced to a term of imprisonment;”

Or where the term of imprisonment was commuted, that is lessened; or convicted of an offence but not dealt with for the offence, that person who was convicted was subject to the court indicating by way of an Order on the passing of sentence or dealing with the matter, the court was to specify the time which the convicted person shall be subject to notification requirements; and then they went into what the requirements were. A person would be responsible for an indefinite period of supervision for 10 years, for seven years, for five years. The law then went in the permutations and combinations for consecutive sentencing et cetera. And the law required in section 34B that:

“(1) A person who is subject to notification requirements shall...”

Listen to this:

“...within fourteen days of his sentence or the commuting of his sentence as the case may be or...being dealt with...notify...the police in the local police area the following information:

- (a) his name...
- (b) his home address;
- (c) his date of birth.”

Et cetera, Let me repeat that. The current law as it has stood on the books of the

Parliament for 19 years says that a person shall within 14 days of his sentence find himself reporting at the local police station, his name, address et cetera. Let me break this down quite simply. How on God's earth when you are sentenced to incarceration can you find yourself reporting voluntarily, under threat of law, to the police station? It just makes absolutely no sense. And bearing that in mind, one has to press pause for this moment and note that the law also had some glaring logical inconsistencies. Those logical inconsistencies included the fact that you are only required on a change of address, or name, or circumstance, to find yourself before the police. There was no other regular supervision.

Further, Mr. Deputy Speaker, there was no way to factor the nuances, the very important nuances of what sexual offences looked like in Trinidad and Tobago, meaning, what if the circumstance involved, the impact to victim, where the consequence of reporting could be even worse than the crime? Let us break that down into logical sense.

The Sexual Offences Act, section 4, deals with rape; section 5 deals with incest; section 9 treats with rape or sexual aggression towards a mentally subnormal person. The Children Act, sections 18 and 19, treat with sexual penetration of a child and sexual touching of a child. But the Sexual Offences Act as it relates to incest requires automatically that the person who is convicted of the incest, in other words then, the mother, father, brother, sister, uncle, aunt, as defined in the law, that that person is to effectively be put onto a register, and then the risk of knowledge of that to the child, the victim, becomes an exponential factor.

You see, the law was divorced from considerations of victim impact, considerations of psychological and sociological impact, considerations of the

work as it relates to the most vulnerable and in fact, persons deemed to be vulnerable and subject to abuse. That is what a conviction is: you were vulnerable, you were raped, you were the victim of a sexual aggression, you were a victim of an offence, you were a victim under the child's legislation, the Children Act, and you find yourself in double jeopardy effectively.

Bearing this in mind, Mr. Deputy Speaker, it is now a matter of record that the Office of the Attorney General takes certain projects each year which stand outside of the regular cut and thrust of the law as it relates to hard crime. This law treats with hard crime, Mr. Deputy Speaker, but every year the Parliament record would demonstrate that we have taken particular focus on children. Abolition of child marriage; how we treat with child victims and child offenders; how we treat with the evidence in relation to that. The Parliament record in the four years of this Government is punctuated with a specific focus on children. Where others have been too timid or not focused enough to focus on children, this Government has done the opposite.

This law before us, this Bill before us, now comes in square focus in terms of demonstrating the proportionality of the law, in terms of demonstrating the rational connection of prescriptive measures which the law offers to a legitimate aim, in terms of demonstrating that we have not gone too far in our legislative prescription, this law must now be considered in the context of Trinidad and Tobago. And permit me to underwrite another fact of this Government, we do not come to this Parliament, and have not come to this Parliament year on year in our tenure talking about United States of America, England, Australia, what statistics look like there. We come to the population and we come to the Parliament, talking about the realities of Trinidad and Tobago [*Desk thumping*] based upon a statistical

demonstration of the good, the bad, and the very ugly. Because if we cannot identify what is wrong in our society, measure it, and then make legislative prescription, we are effectively spinning the proverbial top in the mud. That is why our laws for many years have not had the bite that they ought to have, whereas laws passed under this particular Government have already been seen to go to work.

So, let us deal with Trinidad and Tobago. Let us underwrite the section 13(2) considerations of the Constitution, as we seek to derogate from section 4 and section 5, right?—because one can allege that the right to privacy, or the right to fair process, or the right to due process, are in fact dealt with or abrogated by the legislative prescriptions. So, what is Trinidad and Tobago? What is the law that we must prescribe which is right for a society such as ours to allow us by way of a three-fifths majority to derogate from these drives? That must be underwritten, underpinned by reference to statistics.

So let us get to the statistics. Mr. Deputy Speaker, I am able to say that certainly when we look to the publications coming from the Judiciary, at the High Court and at the Magistracy, number one, we note that our matters in arrears, and we are going to use the most current data that ends at 2018—July 31 2018. That dataset will be refreshed on Monday 16th September when the hon. Chief Justice gives his report to the county via the annual report.

But the current data demonstrates matters pending before the court, Mr. Deputy Speaker, as disaggregated by case type and length, for sexual offences we have 2,915 matters pending before the court. Of those matters we have matters which are in the period seven to eight years outstanding, 45; six to seven years outstanding, 108; five to six years outstanding, 184; 14-plus years, two. Let us put

that into context.

A victim of a rape, a victim of a sexual offence, somebody who is accused, who is in an equal jeopardy, statistical demonstration here reveals that we have people waiting for the determination of their matters for over 14 years. Year after year, month after month, making the trek to the Magistrates' Court in the preliminary enquiry or the High Court before the Assizes to be violated all over again, every single time. But, Mr. Deputy Speaker, even though the number of first hearings and the number of cases disposed of in the High Court and the Magistrates' Court has consistently gone up every year, even though the dispositions have gone up every year, Mr. Deputy Speaker, if we look at sexual offences dispositions at the Supreme Court: 52 matters in 2015; 2016, 44; but 2017 upwards to 69; and as at 2018's old figures, 65; the numbers have gone dramatically up since then. Dispositions are happening faster, but, Mr. Deputy Speaker, what has definitely demonstrated its position here is that the matters do not go fast enough. That is the first limb of statistical points, but let us go to the relevant aspects of the most vulnerable.

Mr. Deputy Speaker, when we look at the vulnerability, let us freeze frame for a moment on the issue of children. Let us go to the Children's Authority, child sexual abuse, it is a publication coming from them, May 18, 2015, to October 31, 2018, and what the data there demonstrates. Mr. Deputy Speaker, we are looking that the alleged perpetrators of abuse to children: 21.5 per cent, the father; 40.5 per cent, the mother; perpetrators not identified, 16.1 per cent. Listen to the age ranges of reported physical abuse, and then we will get to sexual abuse. Zero to 11 months, 2.1 per cent; one to three years, 13.9 per cent; four to six years, 18.9 per cent; seven to nine years, 19.6 per cent; 10 to 13 years, 24.1 per cent; reported to

the Children's Authority.

Let us get, Mr. Deputy Speaker, to the age ranges of sexual abuse: zero to 11 months, a child not even one year old, 0.4 per cent; one to three years sexual abuse, 5.4 per cent; four to six years in the innocence of a child's life, 11 per cent; seven to nine years, 12.6 per cent; ten to 13 years, pubescents finding themselves, 24.3 per cent; 14 to 15 years, the unsure years of a teenager's life, 25 per cent, Mr. Deputy Speaker.

The Children's Authority tells us, Mr. Deputy Speaker, further, that the gender of sexual abuse is skewed 84.9 per cent girls, 15 per cent boys, 2015; 84.1 per cent girls, 15.8 per cent, 2016; 81.8 per cent girls, 17.2 per cent girls, 2017/2018.

The distribution of reports across Trinidad and Tobago demonstrate that this is a phenomenon right across Trinidad and Tobago. Rural, urban, centres, call it what you will, the evidence is that abuse happens across Trinidad and Tobago.

Let us get to the Children's Authority global figure. Data presented provides a preliminary analysis of the cases of children in need of care and protection brought to the attention of the Authority, period May 18, 2015, to April 30, 2018. Listen to this: During this period there were 14,581 cases of children in need of care and protection. Let me repeat that, 14,581 cases of children in need of care and protection.

2.45 p.m.

What does this law propose? This law proposes a form of protection, a balanced and nuanced approach, looking at the modern issues of penological assessment of the principles of sentencing, retribution, deterrence, rehabilitation, looking at the statutory prescriptions alongside sentencing guidelines and this

Government says—we say in this Government that there is a gross inadequacy in the Sexual Offences Act as it has stood on the books of Trinidad and Tobago for 19 years. Why do we say that? Let us turn to one more statistic.

The Judiciary has confirmed the following: number of persons convicted in the period 2000–2019, number of persons convicted for sexual offences and who really ought to be on this register. Number of persons convicted: Magistracy, 1,461; High Court, 232—for a total of 1,693. Number of persons ordered to register in the sex offenders registry at the Magistracy, zero; at the High Court, zero; for a total of zero. We say when you unearth the very ugly of Trinidad and Tobago, the reality of what our country looks like, the assessment of the law of the Sexual Offences Act, Part III, 34A onward, when you disaggregate that information, it shows that the law just did not work and nobody was paying attention.

Fortunately, through the combined effort of the Office of the Prime Minister, the Minister with responsibility for gender affairs, the very hard-working and capable Member for Tobago East. [*Desk thumping*] Fortunately, with the Minister of National Security, previous the Member of Point Fortin and present, the Member for Port of Spain North/St. Ann's West. Fortunately, with the Member for St. Joseph, the Minister of Health. Fortunately, with the capable and aggressive assistance of the Member for Laventille West. [*Desk thumping*] And the Member for—with responsibility for Education, the Member for Arima, the combined effort of these Government Ministries have resulted in data coming forward to now give legislative prescription.

So let us go into the legislative prescription. Mr. Deputy Speaker, may I ask what time precisely I must end in full time?

Mr. Deputy Speaker: 3.11.

Hon. F. Al-Rawi: Much obliged, Sir. Not enough time to pilot a Bill like this but and let me do it as swiftly as I may. Mr. Deputy Speaker, we brought the law and we laid a Bill in the Senate. The Bill in the Senate was intended to provoke—let me use that word—was intended to provoke response. We piloted the law in the Senate, we received stakeholder commentary from the Judiciary, the DPP, the office of many entities in Trinidad and Tobago. And in the course of the Senate debate we were very fortunate to receive the loud input, commendable input of many NGOs in Trinidad and Tobago.

As a result of their communication, we took the opportunity in the Senate to establish a special select committee. That Special Select Committee referred the Bill into a very aggressive stakeholder commentary and revisionary approach. I will confess as the drafter of the law that we took liberty in the first draft of the law that went to the Senate to set some very strong poles. We wanted, like Canada does, to have sex offenders' passports stamped with the fact that they are sex offenders. We wanted to put every method and possible deterrent to use. We were asked by many a stakeholders to consider not going that far too quickly. And in the Special Select Committee, having met 12 times under the most capable Chairman of joint select, now special select committees, the hon. Clarence Rambharat, I wish to pay homage to his contribution. That hon. Member, together with Members of the Senate allowed the Attorney General to participate as a Minister and we went to work on 12 sessions.

In that session we were able to produce an amended Bill. That amended Bill is now before the House. That amended Bill allowed us to bring with unanimous support, albeit that the Opposition came, not so willingly to the table as the

evidence before the Senate demonstrates. But the Independents' support was very aggressive in supporting this Bill. And I am grateful that, notwithstanding the protestations of Sen. Mark in particular, notwithstanding his constant protestations, that we were capable to see this law brought to this House. So what does this law say? This law, Mr. Deputy Speaker, provides for a few very important positions. It is 10 clauses long. This law is the amendment in the short title to the Sexual Offences Act. It comes into operation on such a date as it may be proclaimed—*[Crosstalk]*—hon. Members.

Mr. Deputy Speaker: One second, again. Members, even in hushed tones, you all are audible once I am sitting in the Chair, please, please. You all will have the opportunity. Proceed AG.

Hon. F. Al-Rawi: Mr. Deputy Speaker, today is the one day that I ask hon. Members to be very somber and sober on the law before us. It is the one day I ask for that. This is a solemn occasion because we get a chance to improve a law that just was not working for 19 years. It was not working as the evidence has demonstrated. Very importantly, clause 4 of this Bill says that this Bill specifically says, Mr. Deputy Speaker, that this law is going to bind the State. We put that in clause 8 of the—forgive me—I will find it now. I have a marked-up copy. We have asked for the law to bind the State, I will come to that in a moment.

Dr. Bodoë: 7.

Hon. F. Al-Rawi: 7; Thank you, hon. Member for Fyzabad, thank you, clause 7. We have asked for this law to bind the State because we want to ensure that the functionaries of State can be compelled into submission and into compliance. Why? We have demonstrated, notwithstanding thousands of cases coming from the High Court, nobody went on the register. Officers of the public service need to be

held accountable for their responsibilities. And we as members of the State have now said that the State ought to be specifically bound.

Let us go to clause 5. Importantly, clause 5 introduces a suite of recommendations for amendments to the definition section where we seek to amend section 2 of the Act. Importantly, we have borrowed from other particular laws the reference to—heavy reference from the DNA legislation to samples, to the manner of persons who ought—the identity of persons who ought to take samples; qualified persons, persons who are to be representatives of people. We have dealt with what conviction looks like. We have brought in the specific reference to intimate samples and non-intimate samples. And we have defined, at least in reference part, sexually transmitted infections to include HIV as a very important position. It does not exclude all other types of sexually transmitted infections, but it certainly does include HIV.

Clause 6 is where we take the effort to harmonize the laws which we fixed. In our period we have managed to say that a child is a child is a child. Full stop. Eighteen, stone cold, is when you become an adult and the last remnant of that law that needed to be fixed was, of course, the Marriage Acts, where we said that you can no longer be married if you are under 18 years of age.

We next in clause 7, thank you, Member for Fyzabad, sought to bind the State. In clause 8, Mr. Deputy Speaker, we have sought to improve section 26 of the Act. Section 26 of the Act is where we treat with what was an inadequate reference to definition, because we were making reference to parts of laws. We were dealing with the entire Act, we were dealing with the Children Act as to certain parts. And what we said instead, thanks to stakeholder injection, thanks to the Office of the Attorney General and its technocratic work in particular, we

sought to schedule out what the offences will be.

Effectively, those are listed in Schedule 2, Mr. Deputy Speaker, and in Schedule 2, it is to be noted that we have, of course, brought forward offences for which persons under the age of 12 years old are not liable. And we have also dealt with in Schedule 2, further on, the information to be contained. We have dealt with in the registrable offences that the Schedule, the specific definition of offences. And let us go to what the offences that are caught and are registrable offences. What will you be brought on to the register for if there is a conviction? There are offences under the parent Act, the Sexual Offences Act, they include rape, grievous sexual assault, incest, sexual intercourse with a subnormal person, bestiality, indecent assault, procuration, procuring defilement of a person, detention of a person, abduction of a female, suppression of brothels, persons living on the earnings of prostitution, aiding in prostitution.

We have also lifted from the Trafficking in Persons Act, but we have selected out sections 16, 17, 18, 19 and 23 to deal with where there is an actual sexual aggression in trafficking in persons, not just for the economic migration, suppression issue, not for the abuse of employment, but we have confined it to sexuality. We have dealt with the Children Act, sections 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22—[*Crosstalk*]—colleagues—23, 24, 25, 29, 40, 41 and 42 in particular. And what we have sought to do there is to give a very specific reference to the laws that are now determined to be registrable offences.

Mr. Deputy Speaker, importantly in clause 9 we seek to broaden the category of persons where we have mandatory reporting requirements. What do we mean by that? Section 31(1) of the parent law says that there is a certain class of people identified as having a fiduciary responsibility, effectively, of reporting what

they consider to be sexual offences. The evidence coming before a doctor, a nurse, et cetera, if they fail without reasonable cause, let me repeat, if they fail without reasonable cause to refer this matter and report the matter they are guilty of the offence of failing to mandatorily report. That exculpates somebody who may be guilty and who has come before a mandatory reporter and that mandatory reporter is fearful for his life. It is not an offence which does not have a very careful description of what the mens rea is. There is an allowance for reasonable excuse or reasonable cause.

We have sought to add on the positions of a psychologist or certified mediator, a police officer, welfare, probation/social worker. The owner, manager or employee of a nursery, daycare, school, community residence, and very importantly guidance counsellors in leadership at youth, religious faith-based sports, recreational or other groups where there are children. So we have broadened this concept, we have preserved the exception of reasonable excuse, but we are broadening the network to say everybody must report, you must do so in protection in particular of children.

We then go, Mr. Deputy Speaker, further in clause 8 to amend section 9A of the Act. We have effectively in amending section 9A sought to convert it from a summary offence to an indictable offence. We have moved from \$20,000 in fines and 12 years, instead to \$100,000 and 20 years. Why? If you are going to prevent a child from giving a statement or testify, you ought not to have the liberty of the statutory prescriptive period for a summary offence being six months. You should be subjected to an indictable exposure where there is no limitation. And that is a very important tool to balance the rights and protection for children.

Clause 8 goes on to amend section 31D, we have harmonized now the

deletion of YTC, Youth Training Centre, we have moved to child rehabilitation centres or community residences which take both CRCs and children's homes. We have also cleaned up by clause 9C, section 34. Section 34, as it stands on the books, cross-references laws which were repealed in the year 2000. The reference to sections 8, 11 and 5, those laws were repealed in sections that came in the 2000 laws and in the 2012 laws. So we have cleaned that up.

Clause 10 of the Act is where we now go, Dr. Deputy Speaker, to introduce 2 new parts. We are introducing Part III and Part IV of the law as contained in the Bill. We are in Part III dealing with compensation for virtual complainants in new proposed sections 35, 36, 37, 38, 39, 40, 41, 42, and 43 to 44, and then in Part IV we introduce a National Sex Offender Register. These are sections 45, straight through till we get to section—as I get to the end of the Bill, section 68 of the law. These are new proposed sections.

So let us deal with this in its divisible parts, let us deal with the first Part III. In Part III we are effectively allowing for compensation of virtual complainants. The law as it stands right now was a nonsense. It is the current law that you would only have a person subjected to medical examination when they are convicted, not charged. We have given the statistics; 14 years you are waiting on conviction, obviously you are going to break the chain of causation from a liability point of view. Because 14 years later if you find person charged, now convicted, with HIV, how do you relate that back to an HIV infection of the virtual complainant 14 years later? There would have been events that would have obviously happened in the 14 years in between.

Second factor is that it did not contemplate the position of the immediacy of the requirement:

- (a) upon being suspected;
- (b) upon being charged; and
- (c) upon being convicted.

And what we have done in these sections is to rationalize the logistical approach to this. If you are charged, immediately upon charge, the virtual complainant may be examined if there is consent given. The suspect will be examined compulsorily and involuntarily if necessary and with the use of force, such reasonable force as is required taking intimate and non-intimate samples.

We allow for second testing in the event of a negative screening, we allow for the virtual complainant to change his or her mind because the virtual complainant is caught in a cycle where the virtual complainant may be fearful or traumatized still at the incident, but six months later, as the law prescribes, may voluntarily say "Look I will take the test". And then allow for another voluntary testing in the event of negative screening.

The fact is we have also now gone into the realms of compensation; now, the Criminal Injuries Compensation Act allows for compensation. The general law allows for compensation and what we have done here, Mr. Deputy Speaker, apart from allowing what the existing law looks like, we have said that there will be a case and it is to be found in the new proposed section 42, that where somebody is charged that if the virtual complainant is deemed on a balance of probabilities to have contracted a sexually transmitted infection that that virtual complainant can bring the matter before court, before a conviction and on the civil standard on a balance of probabilities, ask the court to award compensation.

We then allow for it in the case where there is an actual conviction. We then specifically make sure that we have introduced the preservation of further

compensation by other laws and also under the Criminal Injuries Compensation Act. So we allow for compensation prior to conviction, balance of probabilities with a safeguard of a prescriptive period of four years. We allow for further compensation. We allow for the other laws to operate in tandem with this particular law.

Of course, in these sections we prescribe the management of the samples. The manner in which intimate and non-intimate samples ought to be treated, they are borrowed very heavily from the DNA law, the regulations are preserved to be prescribed under this law; we allow for regulations to be promulgated subject to negative resolution. As you know, this Government was pleased to introduce the DNA Regulations which are, in fact, regulations done on the first occasion by affirmative resolution. We debated these laws and here we have ample precedent for it.

Let us get to Part IV, Mr. Deputy Speaker; this is the National Sex Offender Register. I am going to put this in very simple terms because the law is prescriptive and one can easily read the law to gain it. Let us break it down into its elemental pieces. Effectively we are saying that this law applies to citizens of Trinidad and Tobago, residents, persons who are deported. The law applies to territoriality and extraterritoriality. If you are convicted in a court elsewhere and you find yourself back before Trinidad and Tobago, or it happened elsewhere and it is deemed to happen and then you actually return other than by way of deportation you are caught by this law.

We say that it applies to people that can be subject to prisoner transfer, as we have laws to deal with the transfer of prisoners, persons who are deported and people who are in that first limb of territoriality and extraterritoriality. We then

deal with disaggregating the law as it relates to hard offenders, persons who are offenders who are themselves subjected to or operating under mental difficulties, “mentally subnormal” it is not quite the term used but we have had to use some of archaic terminology until the law revision goes to work to improve the language of our laws. And we have very specifically dealt with the concept of the child, child victim and child offender. We excuse child offenders from the application of this law. We do not apply to child offenders. Why? Our Family and Children Division Bill our Miscellaneous Provisions laws, our 19 amendments to law done under the FCD law in 2016, our 23 amendments done to the law under the Miscellaneous Provisions Bill in 2017, that combination of laws, that mammoth amount of work that this Government has done in harmonizing the laws has caught that. We have anonymized child matters in the Children Court. We have opened two Children Courts. We have children’s matters happening, this law is up and running.

And dare I say, I met with representatives from the United States of America, their government, they are intrigued and interested in replicating Trinidad and Tobago’s success in the rest of Caribbean. [*Desk thumping*] And they are on mission analyzing the work that this Government and this Judiciary have performed and completed to replicate the models. The Government of Barbados right now is “cutting and pasting” what we have done in Trinidad and Tobago. And we are very pleased to say that we have done an excellent job.

Mr. Deputy Speaker, we deal with the fact of the logistics; the registrar of the court must inform the Commissioner of Police. The Commissioner of Police must maintain the database. The Commissioner of Police in maintaining the database must maintain its accuracy; we provide safeguards which include the

right of any person to approach the court, have a matter expunged, have a matter reconsidered, have a matter not go onto the register in the event that there is appeal, there is a pause in that circumstance.

We say as well, Mr. Deputy Speaker, that the register even though populated at the TTPS and even though the TTPS has an obligation to create a Web interface, that does not go public unless the court says that it is to be made public. Why? That is taking care of Trinidad and Tobago, incest victims, persons who may have more damage by publicity than the publicity itself in deterring or managing the incidence of crime. We allow specifically, Mr. Deputy Speaker, for that due process to be preserved in the legislation. Section 65, et cetera, adding to the proportionality of the law, we allow for review at any point in time.

Very importantly, we have incorporated into this law the need for mental assessment as each stage of the equation. We demand in the law that the court must tell the victim, tell the family, notify the prisons of any event. We say that the prisons prior to the release of the offender must conduct at four months and two months and then weeks before, the steps of ensuring the reporting to family of the imminent release, the mental assessment by way of psychiatric and psychological assessment, the reference to the court, the right to the victim, the right to the offender, the victim impact statement. We tell the court before the court expunges or decides not to make public a register, we have set out the factors in the law which the court must consider—

Mr. Deputy Speaker: Member, you have two more minutes.

Hon. F. Al-Rawi:—in very prescriptive terms to include impact to victim, impact to family, impact to offender, psychiatric and mental health assessment, et cetera.

Mr. Deputy Speaker, what this law does effectively is in a very prescriptive

way to manage every aspect of process flow in the realm of sex offenders. What do we hope to achieve by this law? Number one, we hope to achieve through careful thought and process that sex offenders will be registered, may be subjected to public scrutiny. We look at the rights of victim, the rights of offender, we balance those processes through due process, legal requirement and we apply First World thinking to a horrible solution that is required to be produced. I say horrible solution because this solution is on a horrible problem. So it will never be a good position. The fact is that this should not happen at all but it does. And our evidence says so. Mr. Deputy Speaker, I commend this Bill to my learned colleagues, to all Members. I am confident that we can have today a unanimous approach to this law and I beg to move. [*Desk thumping*]

Question proposed.

Dr. Lackram Bodoie (*Fyzabad*): Thank you very much, Mr. Deputy Speaker, for the opportunity to contribute on this very critical piece of legislation. Sexual offenders are a menace to society, inflicting tremendous physical and psychological scars on their victims, more so when these victims are children. In fact, Mr. Deputy Speaker, looking at the news this morning on Al Jazeera, I saw there was a protest in South Africa on a rape crisis that is occurring. I just make this point to state that in some countries sexual violence can get so far that it becomes a real societal issue and therefore it is even more important that we address these issues right now.

And I just wanted to quote because there were many placards in that protest and what I thought was capturing my attention, one placard said “My body is not your crime scene”, which is really what we are speaking about here. So, Mr. Deputy Speaker, this Bill is therefore a very timely intervention as we grapple with

increasing levels of crime and hopefully it will be a useful addition to the tools already available to our law enforcement officers as they battle the criminals in our society.

Before I go further, Mr. Deputy Speaker, I want to commend the process which has brought this Bill before us today. And I speak of the improvements that would have come from the original Bill that the AG mentioned. The willing participation of so many stakeholders in the consultation process which was embarked upon by the Special Select Committee shows the eagerness of citizens to participate in making laws that affect them. And I want to say that the more we engage the expertise, the experience and the ideas of relevant stakeholders, Mr. Deputy Speaker, the better will be the laws we produce in the Parliament. And this obviously is a very good example of engaging that process.

I want to take the opportunity, as well, to thank all the members of the Special Select Committee including the Government and Independent Senators for their hard work. I noted the input of my medical colleague, Independent Senator Mrs. Dillon-Remy, who although not a sitting member of the committee, and this is in the report, took the time to examine and fine-tune some of the medical issues in the Bill.

In particular, I wish to commend our Members on this side, Sen. Haynes and also former Sen. Ramdeen. Indeed, Mr. Deputy Speaker, I want to endorse the words of the Chairman of the committee, Sen. Clarence Rambharat, who I understand did a very good job, when he spoke in the Senate on the 6th of June, 2019, and I quote:

“I want to record our gratitude to Sen. Ramdeen on his contribution to the work of this committee.” [*Desk thumping*]

I also wish to acknowledge and commend those individuals and groups, 22 stakeholders, I believe, in all, making 125 recommendations, whose time and effort ensured that the final product in front of us here today is an improvement on the Bill that was originally laid.

3.15 p.m.

Mr. Deputy Speaker, in preparation—and I just want to say this—for my own private Motion on measures to eliminate violence against women, earlier this year in this House, I and this House benefited from the willingness of many stakeholders to share their thoughts, experience and expertise. The Government could be well advised to make stakeholder consultation a habit as opposed to an exception, if the country is to benefit from our deliberations in this House. And AG, I appreciate the fact that there was tremendous stakeholder consultation and input into making what will be good law.

At this point, I just want to say at the outset, Mr. Deputy Speaker, that we believe that this Bill has some merit and is worthy of consideration. When I perused the report that formed the basis of this Bill, I noted that Sen. Rambharat, in his Senate contribution, on the Motion to adopt the Special Select Committee Report, which forms the basis of this Bill, identified seven key areas that the Committee focused on, and I believe that all of these or most of these have been addressed by the AG in his piloting of the Bill, and these were the issues of: mandatory medical examinations; publication and what should be published in the proposed registry; the issue of professional assessment of offenders to identify and qualify risk—and I note here the introduction of psychiatric and psychological assessment, which I welcome as a good addition in terms of assessing risk for offenders; the circumstances that could allow exemptions from the list; the issue of

periodic reporting and what was originally there, the issue of the entry being made in the passport of someone who was convicted for an offence relating to children, and I know that has been struck off completely in the Bill before us. The other issue that came before the Committee was the broad ambit of the requirement for registration.

Mr. Deputy Speaker, the statistics presented here today by the Attorney General are very frightening indeed for a small country such as ours, and it really and truly means that we have a long way to go and we have to do that quickly, we have to get there quickly because a lot of the statistics pertain to children and the impact of sexual violence on children.

I, at this point, would want to say as I mentioned, we on this side believe that this Bill has merit. There are, however, a few points on which we seek clarification, and I trust that the Government will be happy and be able to answer. For ease of reference, Mr. Deputy Speaker, I will raise my concerns and make suggestions around the relevant clauses that we believe where further elucidation will be beneficial.

Before I get to clause 10, which really is at the heart of this Bill, Mr. Deputy Speaker, I wish in passing to make a few observations on clauses 5 and 9. So clause 5 refers to definitions, and I note the introduction of some new definitions. Hon. AG, I know you did mention “sexually transmitted infection” includes the HIV virus, and you alluded to the fact that it does not exclude others. My question in this respect is: What others would be included and whether we are going to use international standards, for example, WHO standards for STIs? Member for St. Joseph, you know that sometimes the definitions can vary and you can have new STIs evolving over time and being classified as such, and the question really is

whether this is going to be done by regulation and included in the regulations. So it is just something that I am raising.

Clause 9 speaks to the amendments to section 31(1), which is to expand the categories of persons required to do mandatory reporting of suspected abuse of a child. Again, I note the thinking here in terms of widening the ambit so that those who are witnesses and so on to child abuse, to have the opportunity to report, and it does capture additional caregivers, categories of caregivers who may deal with children to report, in addition to retaining those already mandated to report. I just wanted to raise a point, and if you will permit me, Mr. Deputy Speaker, to refer back to the original Act and to look at—right. So I am just referring back to the Act which we are amending and that is section 31(1):

“Any person who—”

—and so on. There were four categories originally and we included in some extra categories:

“...and has performed a medical examination in respect of a minor...”

There is just one issue I want to throw out here for consideration, AG. Of the categories that we have added, there are situations sometimes where someone might turn up for an ultrasound scan and can be diagnosed as pregnant, and, therefore, the question that might arise is whether in those circumstances, the person who is performing the ultrasound is bound or mandated to report that. Because if a pregnancy is diagnosed in a child, it means that the law has been broken and, you know, an offence has been committed. So, I just throw that out, you know, for thought.

And I note the addition of the category:

“...psychiatrist, psychologist or a certified mediator;”

And, I welcome this addition, in addition to the others. At this point, I just want to again, commend—I see there were numerous contributions to the report from the Trinidad and Tobago Association of Psychologists, but there are two things I want to do. I want to make a plea for more psychologists to be employed in the public service, in the schools, in the health sector, the police service and so on, we certainly will need more of those in terms of resources. But there is also another consideration which I want to raise, AG, regarding psychologists. In the same way that medical practitioners and nurses are registered and licensed to practise, in Trinidad and Tobago we are yet to have that licensing process for psychologists, and, therefore, the issue in terms of quality control—who is properly qualified and so on, to act as a psychologist is raised. So, Member for St. Joseph, this is something that I am hoping you will take note of, in terms of the issue of standards and licences for psychologists as we go forward. The Trinidad and Tobago Association of Psychologists, they themselves have brought this matter to my attention, and I thought I would just raise it in the context of this Bill.

AG mentioned that in the original Act that the offence is punishable, but it says without reasonable excuse, and he did mention certain situations where you can have reasonable excuse. I just, again, want to throw this out and I am sure that the new category who have been added like the psychiatrists, psychologists and even medical practitioners, will sometimes face a dilemma in terms of revealing information, and, therefore, whether this reasonable excuse would cover the professional confidentiality and breach of ethics and perhaps maybe in his response, the AG can respond to that.

So that takes me straight on to the new Part III, which is the “Compensation of Virtual Complainants”, and I go straight to new section 37 in the Bill before us,

which is the new Part III. I note that there is mandatory examination of offenders charged with certain offences, and in the Bill it states: rape, grievous sexual assault, incest, sexual intercourse with mentally subnormal person, sexual penetration of a child, sexual touching of a child, and these require mandatory medical examination. Absolutely, no problem there. The wording, and I note that reasonable force can be used in making the arrangements for the examination. Now, but I see here the issue of “make arrangements”, and I am just wondering whether in terms of “make arrangements”, whether the police officer should be provided with some sort of guidance with regard to making those arrangements and maybe specifying perhaps that whether it should be a police station or a health facility or any other suitable facility. With regard to the use of reasonable force, I note that there is an immunity clause which I commend, which protects the police officer or the health care practitioner if force has to be used.

In section 37, we also provide:

“...such number of medical examinations of the person within one year from the date of the first medical examination.”

Very important, because we know sometimes the first examination might be negative, and, therefore, it allows the opportunity for an STI to be diagnosed subsequent and gives the opportunity to make that diagnosis. So I think that is a very important provision and I am quite happy to see that provision here.

So it does provide adequate space and protection of the victim with regard to these medical examinations. It does go on, however, in terms of the medical examination of the virtual complainant, and speaks about reasonable privacy. My concern here would be whether we are going to dedicate certain spaces in the health facilities and the police stations to ensure that these examinations are

conducted, you know, with privacy for the victims and for the caregivers.

Section 38 speaks to medical examination of virtual complainants, and I just wanted to make a point on 38(2). If I read section 38(2) it will become clearer:

“A virtual complainant who does not consent to a medical examination pursuant to subsection (1) may, within three months of the date on which the report is made, request that the medical examination be conducted...”

I am hoping that the select committee would have thought about that, and I would be grateful if the reason for selecting that three months is given to us. My concern, Member for St. Joseph, is that if you allow a victim to wait three months, up to three months, to subject himself or herself for a medical examination, you are putting the victim at potential risk, because it means that time has elapsed, elapsed in terms of treating, if that person were to contract a sexual disease.

It also provides a window of doubt, if you understand what I am saying. It provides a window of doubt because the incident occurred three months ago, and now you are saying three months later you are coming for a medical examination. Should something be discovered three months later, then it might be difficult to tie that back up to the perpetrator of the crime. And I say this—I mean, I know that victims need to be protected. I understand that. I understand that the time of an incident, the psychological frame of mind may not permit an examination, but I think that the three months also have some things that we need to look at and perhaps we may want to look at a different window with regard to what I have just spoken. I suspect that the three months would have been to give you time, but there can be disadvantages to that as I pointed out.

So section 41 speaks to—I am just moving on here to section 41, which is the “Collection, packaging, storage and delivery of sample”. Again, I know most

of these were taken from the DNA legislation, and I again would want to raise the same concerns to ensure that the adequate, you know, provisions are made for a proper sample collection storage, especially some of these samples can be very temperature sensitive, and in terms of transport and security and so on, I believe many of these issues would have been ventilated in our debate on the DNA Regulations, I just flag them again.

One of the things I am concerned about, Mr. Deputy Speaker, is that at the time when the offender undergoes a medical examination and a sample is taken, in the regulations, the information that has to be kept for the offender includes a DNA profile which is compiled from the sample taken from the offender. The concern here—I just raise it—it may not be a concern, there might be a good explanation for it. But when you take the sample of the accused who is not yet convicted, is it that you are going to do a DNA profile at that point in time? Because if the accused subsequently is not convicted, it means that you have secured a DNA profile from someone who is not convicted. So, I am just raising that point. You may want to collect the sample but, perhaps, you may want to defer the DNA profiling until the person is convicted. Perhaps this is addressed in the legislation but I did not see it and I am just raising that. Perhaps we could provide clarification on that.

So the question really was whether the DNA profiling will apply to the accused or only when convicted. And, of course, with the issue of DNA profiling, again, I would want to raise the issues of the state of our forensic sciences. I know we have some challenges and perhaps we can get an update on what is happening with the—I know the TTPS has announced that they are going to have their own forensic science department, whether there is going to be resourcing for that. And

I also remember that a new Forensic Science Centre was promised by the Government in conjunction with the Chinese Government and perhaps we can get a status update on what is happening with that, because the evidence is that there is really a long delay, undue delay, with regard to the processing of DNA samples. And, again, the Attorney General is on record saying that 15,000 DNA testing kits were en-route to Trinidad in 2018 and we look forward to an update as to whether those kits are here and available for the use of the Forensic Science Centre and elsewhere.

So, the other issue here, with regard to—I am still on section 41(2) and 41(2)(a) says that:

“A qualified person who takes a sample from a person pursuant to section 37, 38 or 39 shall—

(a) as soon as possible, submit the sample for analysis;”

Again, I am presuming that this analysis will be done in a government facility but, Member for St. Joseph, I wanted to use this opportunity to raise the whole issue of the certification and registration of laboratories both public and private, to ensure that you have accurate results, because you are making—accreditation—because you know, you will be making a conviction and offering compensation based on the results of these tests, and it may be conceivable that even from the public service, if you are overburdened and overloaded, that you may contract private laboratories to perform these examinations, and, therefore, it is incumbent upon the State to ensure that these laboratories are properly accredited. That is something that we need to look at in this country. I am sure that something would have crossed your mind, but, again, I wanted to, you know, flag that.

I would go on then to Part IV of the legislation which speaks to the National

Sex Offender Register. The AG summarized essentially how this is going to work. Our concerns here would be in terms of the resources to operationalize. But before I speak about that, I just wanted some clarification. Now, I know there would have been debate at the Senate Select Committee as to whether to have the information public versus private and, of course, you know, the decision was taken to keep the information private for very good reasons. But I just want to bring to the attention of the House the fact that there is, you know, an ongoing debate about whether it is better for it to be private or public, and I just wanted to take the opportunity to make a few points. I mean, there have been several—many studies have been done on the pros and cons, you know, of whether the registry should be public or private, and I would just take the opportunity to look at a few of these and, perhaps, you know, for the consideration of the Government, in terms of whether as the law evolves, that we may look at moving from having the register private and go public.

So I differentiate here between registration which really—registration speaks to making the information about sex offenders available to law enforcement and criminal justice agencies and assist to facilitate criminal investigations, and then you have the issue of notification which goes further by making information about individual sex offenders accessible either directly, freely or by request to individuals and organizations in the community. And as I have said, the studies, the jury is still out on this in some jurisdictions. You know, it works well when the information is kept private. In other jurisdictions it is public and they have had success as well.

So, just for the benefit of the public as well, some of the advantages of having a public registry. You have the advantages of the threat of notification can

act as a catalyst for sex offenders to participate in treatment and comply with conditions of probation and parole. So that can be an advantage. Notification may encourage community members to report suspicious behaviour, and this can suppress criminal behaviour. Likewise the presence of notification may deter future acts of sexual violence because increased surveillance leads to a greater risk of detection. It also has the advantage of being able to warn residents about a sex offender and may prevent those residents from becoming victims—this is where the information is public—and it can be a useful tool for educating the public about sex offenders, revealing specific risk behaviours and correct and false rumours and assumptions.

But I know that the AG would have been given specific reasons as to why we are keeping it private and, of course, we will have to respect those reasons, especially as it pertains to children, but this is just an argument, you know, that can be forwarded. And the disadvantage is, of course, that sometimes notification can incite excessive community fear or anger and it can result in vigilantism which has happened in other countries or other criminal activity. It can create a false sense of security in communities, leading residents to conclude that they know about the sex offenders in their midst when, in fact, a resident is more likely to be sexually abused by a parent, relative or an acquaintance than by a stranger, and the statistics quoted by the AG in his presentation bore that out where a high number of sexual offenders were actually relatives, family of the victims. Notification and registration lists can lead the public to believe that these registered sex offenders are the most dangerous.

However, we do have to note that rape is perhaps one of the most under-reported crimes, and, therefore, this may not actually be a deterrent. So, I just

throw those out in terms of the arguments for and against. I take note of the fact that the Government has taken a decision based on the stakeholder consultations, but I am just saying in the future as the law evolves it is something that we may want to consider.

And just to note that the evidence in Canada and Australia—and I know the AG spoke about local figures, but it is still good to compare your own conditions with what happens abroad, and there is evidence in Canada and Australia that their registers are private and they work in the interest of law enforcement. We should note, however, that the intelligence gathering of these countries is superior to our situation, at this time, and therefore keeping it private may have worked in the context of their detection rates and the easier and greater deployment of resources. However, in our jurisdiction, the detection rates are low and we often depend on public campaigns, asking the public to provide information, and, therefore, as I said, we may want to consider in the future whether it might be beneficial to have the public access this information.

Now, sections 47 and 48, really give additional responsibility and function to the Office of the Commissioner of Police and the Trinidad and Tobago Police Service, and there are a few questions I will want to ask in this regard. We have heard from the Trinidad and Tobago Police Service in this Parliament earlier this year, that they are under-resourced, and, therefore, the question arises, how does the Government intend to operationalize these sections, the sex registry? What plans are there for training and increasing the manpower resources at the TTPS, in fact, when you may need specialized training for police officers to be able to carry out their duties properly? And will there be separate and ring-fenced budgetary allocation to maintain and protect the registry?

And I make these points in light of the fact that the National Sex Offender Register has been part of the law since 2000, by virtue of the Sexual Offences (Amdt.) Act, 2000. However, the register was never properly operationalized and as a result never populated. So, really and truly, the population, the country would be wondering, you know, as to what other plans are there to ensure that this register is maintained as expected and promised by the law.

Section 49, I just wanted a little clarification because this speaks to who will be required to report to the police stations and, to me, it gives two categories. You have the category of “shall”. So you have one category that says, 49(1)(a), that certain categories of patients shall report to the police station, and then there are other categories where you “may order” based on the court order and perhaps the AG may want to clarify that in his response.

One of issues that could be troublesome and perhaps we may need to look at and consider, is where the person can appeal the conviction. Now, of course, you want to protect the right of the offender to appeal a conviction. That is fine. But the law, the Bill as it says here, “Appeal against conviction”, new section 50:

“Notwithstanding section 49, where a sex offender has appealed his conviction, the Court shall withhold making a determination on whether the sex offender shall register or report pursuant to this Part pending the completion of the appeal.”

Now, it means that the information cannot be registered. The alleged offender is not to report until the outcome of the appeal, and, therefore, the question really here would be, you know, the issue of time, how long we are going to wait for the appeal to be heard. And really and truly, was the Judiciary consulted against the backdrop of the massive, you know, backlog of cases that are currently in the

Appeal Court? Perhaps, what is the Judiciary's position on this? Could this be a potential loophole for a person to delay the process of being registered? I am just throwing that out. I am sure that perhaps the Government would have had its thoughts on this and will be able to respond to that.

So the section 61 deals with "Exemption from registering or reporting", and there was just one question here, again, in terms of whether it will create a loophole, and I was hoping that perhaps the AG could just give one example of the circumstances which would lead to someone requesting or applying for exemption from a register.

Mr. Deputy Speaker: Hon. Member, your initial speaking time has elapsed, you have an additional 15 minutes. Do you care to avail yourself?

Dr. L. Bodoë: Yes. Thank you very much. So, Mr. Deputy Speaker, those are just a few of the issues as, again, that we hope we will get some clarification. As I conclude—I will not be much longer—but I just wanted to mention that in terms of the work that was mentioned by the Attorney General, in terms of the work for children in this country, that on our side, on this side here, we were responsible for the operationalization of the Children's Authority. We supported the Bill against the child marriage. [*Desk thumping*] Of course, we established the life fund very early in our term in 2010 and, you know, our political leader, Kamla Persad-Bissessar has always been dedicated to children and so on. [*Desk thumping*] That goes without saying. [*Desk thumping*] It is really the hallmark of her legacy.

So, as I close, Mr. Deputy Speaker, again, I would want to congratulate and commend the work of the Committee, the Senate Select Committee, the legal drafters and all the stakeholders who took the time to be involved—[*Interruption*] But you say it for yourself already. [*Laughter*] So, AG, I understand why you

would be wearing black today because you are dealing with a very sombre issue, so that explains that for me today. [*Crosstalk*] And I am hoping that we will look at the issues that were raised to be clarified, and I thank you very much for the opportunity, Mr. Deputy Speaker. [*Desk thumping*]

3.45 p.m.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. Deputy Speaker. I take the opportunity to join the debate, an Act to amend the Sexual Offences Act. First of all I want to say it is refreshing to hear a first responder who actually knew the subject matter and came prepared to debate; a refreshing change. However, my hon. friend was going very well until the last minute when he spoke about the support of the hon. Kamla Persad-Bissessar SC for the Child Marriage Bill.

Mr. Deputy Speaker, the record will show—and I do not know why the Member spoilt what was an excellent contribution; unbiased, objective, nationalistic contribution with an untruth. Let me tell you what the untruth is, because it has to go on the record. When the hon. Attorney General piloted that Bill, the Child Marriage Act, in the Senate, it was under the guidance of the hon. Mrs. Kamla Persad-Bissessar SC, MP, former Prime Minister of the Republic of Trinidad and Tobago, who positions herself as the grandmother of Trinidad and Tobago, who saw it fit to direct her Senate Bench not to support the legislation. [*Desk thumping*] The Member of Parliament for Siparia went so far as to put two temporary Independent Senators, old men of religion—

Mr. Al-Rawi: Opposition Senators.

Hon. T. Deyalsingh:—to oppose the legislation. [*Crosstalk*]

[*Dr. Khan stands*]

Mr. Deputy Speaker: Overruled. Check your Standing Orders, Member.

Hon. T. Deyalsingh: If you check clause 2 of this Bill it talks about a child. I am simply correcting the Member when he said the hon. Kamla Persad-Bissessar SC supported the child marriage legislation. The hon. Member did not in the Senate, and you brought in two old men of religion to talk for child marriage, to defend old men from statutorily raping young girls. That is the record, and you were going well. [*Desk thumping*] But that was the fatal error that you made.

It is only when the public, when we took this issue on to the public and we removed the three-fifths that the Member for Siparia saw the light of day. That is the record. I just wanted to correct that. Thank you very much, Mr. Deputy Speaker. [*Desk thumping*] The record has to stand; has to stand. It is this Prime Minister, the hon. Dr. Keith Rowley, who came here, and just like he did on Monday put down a seminal piece of work to talk about child marriage, and that is why we have that piece of legislation.

Mr. Deputy Speaker, this piece of legislation fits in with the Government's National Development Strategy 2016/2030, as stated in *Vision 2030* which articulates a very broad policy framework for the development and transformative reforms in our public sector administration. And it fits in brilliantly under the theme, "Putting people first", because that is what we are doing here. Putting people first, and I am going to speak directly about putting women and children first, because those are the victims, the major category of victims of crimes of a sexual nature. Yes, men can be sexually abused, yes, but by far most perpetrators tend to be men and most victims tend to be women and children, and it speaks to gender discrimination also. That is what that child marriage Bill was about.

Mr. Deputy Speaker, the product that we have before us is a result of a special select committee, and I think I want to congratulate on this side again Sen.

The Hon. Clarence Rambharat who expertly chaired those 12 meetings where they received extensive written submissions. There was deep collaboration and consultation. There was a combination of public sector stakeholders, civil society, NGOs and private entities.

Some of the people appearing before the Special Select Committee to demonstrate how wide, how wide and broad, deep and broad the consultations were: the Child Welfare League of Trinidad and Tobago; the Coalition Against Domestic Violence, the Organization for Abused and Battered Individuals, Caribbean Centre for Human Rights, Institute for Gender and Development Studies of the University of the West Indies, the Rape Crisis Society—this speaks to a very deep pathology in society, when we talk sexual crime—Women’s Institution for Alternative Mediation, Trinidad and Tobago Association of Psychologists, Womantra, Vision on Mission, CAISO Sex and Gender Justice TT and Dr. Jeffrey Edwards of MRFTT, Medical Research Foundation of Trinidad and Tobago, who would have brought the perspective as far as HIV and Sexually Transmitted Diseases were concerned.

I want to respond to a question posed by the Member for Fyzabad when he spoke about lab accreditation. Yes, important issue, and that issue is now being handled by the Ministry of Trade and Industry. There was a Cabinet Note some months ago that dealt with that, and all the Ministries had to submit their recommendations and comments, and Health would have done that. So that is in the works under both private and public sector, yes. So that is something that we are looking at—actively looking at.

Mr. Deputy Speaker, as I said, I am taking the view from the victim of this. When you look globally as to what is happening, I want to congratulate women

around the world, especially women in the United States who gave birth to, no pun intended, this Me Too Movement. That was an important movement to galvanize both men and women and legislators around the world to look at the whole issue of rape, male dominance and the victimization of women.

Mr. Deputy Speaker, I met with about four local and one foreign expert on this matter two days ago. I was asking them: Is there a particular pathology, is there a particular trait, is there a particular profile of a sexual predator? You know, when we talk about sexual predators for children we think about the dirty old men? That is a myth, a total and complete myth. What the experts are telling me, and pardon me if I just read a couple lines here, most persons who are abused do not themselves go on to be abusers. We tend to think most persons who were abused would become abusers. However, the majority, that is 75 per cent of sexual offenders, do have a history of maltreatment or abuse. So that is one trait or characteristic, number one.

Most victims of sex crimes are targeted by persons known to them, and not strangers—important. Therefore, communities should be educated about sexual victimization. And what about the victims? The victims are often what? They feel they have brought this upon themselves. They suffer from shame, guilt, self-blame, post-traumatic stress, anxiety and depression. So we have to understand one thing. There is no predictive element to say who will be a predator; it could be anybody. So the pathology of the sexual offender is not definitive. It is not the dirty old man, but there are some traits. What are some of these traits?

One, social and interpersonal and intimacy deficits, victim empathy deficits—they do not feel sorry for their victims, victim empathy deficits, cognitive distortions, poor coping and self-management skills and under-detected deviant

sexual behaviours, and a history of maltreatment. More males are prone to be offenders. This whole issue of the male machismo. Does physical strength play a part in it? I asked all the experts, could not come up with a definite answer. But, however, persons who commit one, the experts agree, there is a 17 per cent rate of re-offending, and that is important to know; 17 per cent rate of re-offending.

Mr. Deputy Speaker, in putting a plug for women and to show how society is so biased against women, I want to quote, and I hope my friends opposite will allow me and you, Mr. Deputy Speaker, a pretty long paragraph to put on the *Hansard*. I think it is important and if colleagues will allow me. Sir Matthew Hale's *Historia Placitorum Coronae*, written in 1760, he said this about the impossibility of marital rape under English common law—1760, and he said this and I quote for the *Hansard*:

“But the husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself...to her husband which she cannot retract.”

All of us know if you do not give consent you are guilty of rape. He is saying because of marriage consent cannot be retracted. A wife has given her body to her husband and also gave irrevocable consent to sexual intercourse with her husband. That was the law for 231 years up until a seminal case *R v R* in the House of Lords 1991, which the English common law then recognized that marital rape is in fact a crime. That is what women had to live with for centuries, and in some cultures today it still exists.

So these laws that the Attorney General is bringing: child marriage, operationalization of the children courts, the Family Courts, the DNA, all of this is righting historical wrongs against women that have been perpetrated under this

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banner of law as said by Sir Matthew Hale. We men should hang our heads in shame and say sorry to women, and I say sorry to women for this. So now you can be convicted of marital rape. This law takes this whole conversation even further.

Mr. Deputy Speaker, I want to touch on the issue of the register, because the Member for Fyzabad spoke about it. Yes, our register is not going to be open to the public—correct AG?

Mr. Al-Rawi: Correct.

Hon. T. Deyalsingh: Under certain due process.

Mr. Al-Rawi: Unless the court permits under section 54.

Hon. T. Deyalsingh: Right. But this is separate and distinct as to what happens in the United States. In the United States under something called “Megan’s Law”, written after somebody called Megan Kanka, it is actually the federal law that mandates that states do make some of this information publicly available, but we are not going that way as yet. As you said, let us see how the law is applied, let us see how the law evolves. But it is an important step because as you said since 2000 we have had the register, but we have not used it and Attorney General, you ought to be congratulated for coming to this Parliament, to go into the Senate to finally do something about a piece of legislation which we have had to protect women and just simply not used it. Congratulations to you Sir.

Mr. Deputy Speaker, the last item I want to touch on, and this is for parents and children, is the whole issue of how online predators work. The Dark Web—this did not exist when we were children. This did not exist. It poses a real threat, the Internet, computer technology. There is a very good website about how online predators work and which young people are at risk. One of the take-away points here is that young people feel that they are not vulnerable. Young people feel that

they have all the answers. This article clearly says no. Young people are actually naive when it comes to these things, but it is up to parents—it is up to parents—to take a handle on it.

So which young people are at risk? One, young adolescents are the most vulnerable age group and are at high risk of being approached by online predators. Why? Because young people start to explore their sexuality. We used to explore our sexuality long time by going to party. Now they are doing it on the Internet, in the privacy of their home with a camera. No one can see them. When we go to a party long time—a “rent-a-tile”—“everybody seeing yuh. Chaguanas West, I used to bounce yuh up in some of dem parties, yuh know.” [*Interruption and laughter*]

So young people are very, very vulnerable to online predators. Mr. Deputy Speaker, parents have to be armed with the tools to minimize the risk of their child becoming a victim of online predatory behaviour.

So what are some of the things that a parent can look out for?—because this is important. Parents need to monitor their children’s use of the Internet. One, if you see your child or teen spending a lot of time on the Net, hours upon hours upon hours, chances are they are starting to look at these sites. Two, go on to your family computer parents and see if you are seeing porn; look at it. Start to see if your child is starting to receive phone calls, either through their cell phones or your landline, an abnormal rise in phone calls. It means now that the online predator is now making contact with this child on their phones.

See if your child starts to receive mail or gifts, unannounced gifts. All of a sudden a teddy bear appears, a whatever appears, a pair of shoes, a pair of jeans, technology, underwear, a new phone. Start to monitor these things. Start to see—especially if your child starts to withdraw from family gatherings and starts to go

into a shell. If your child starts to display these characteristics, chances are they are being groomed. Finally check to see if your child is using somebody else's account to mask or hide what they are doing on the Internet.

So, Mr. Deputy Speaker, I am not going to be very long today. I think what we are doing here is important work. I want to congratulate the hon. Attorney General again, once again for coming with another piece of landmark legislation. I get the impression that the Opposition is going to support the Bill, and for that reason I do not want to delay proceedings, but thank the Opposition for their support and thank you very much, Mr. Deputy Speaker, for the few minutes that you have allowed me. Thank you very much.

Ms. Ramona Ramdial (*Couva North*): Thank you, Mr. Deputy Speaker, and I will get right into it. The Member of Parliament for St. Joseph said that my colleague from Fyzabad ended off bad. But I want to say to him that he started bad and continued in that bad trend. [*Desk thumping*] And why I say that is because the Member for St. Joseph is splitting hairs, because his statements on the Senate not supporting the child marriage Bill, as a Member of the Lower House why did he not mention that we supported here in the Lower House the child marriage Bill? [*Desk thumping*] Why did he not say that? But mischief, mischief, this is the intention of St. Joseph, to create mischief. We were going well before and that is why I said, he started bad.

Mr. Deputy Speaker, again, the Member for St. Joseph spoke about crimes against women perpetrated, and how he feels sorry for them, being very, very apologetic on behalf of women in Trinidad and Tobago. But I want to ask him something today. How do you feel about your colleague from Diego Martin Central? Do you feel the same way? [*Desk thumping*] And why have you not

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proffered to tell us where is the report that has been pending for so long? [*Desk thumping*] I want to say—[*Interruption*]

Mr. Hinds: Mr. Deputy Speaker, I rise on Standing Order 48(4) and 48(6). There has been no determination on any issue to have pronounced in the way the Member just did. [*Crosstalk*]

Ms. R. Ramdial: Oh really? Oh really?

Mr. Deputy Speaker: Overruled.

Ms. R. Ramdial: Thank you.

Mr. Deputy Speaker: But, Member, even though I overruled, again, I want you to tie it in very quickly to the point—quickly.

Ms. R. Ramdial: Mr. Deputy Speaker, I am responding to the Member—[*Interruption*]

Mr. Deputy Speaker: Members!

Mr. Indarsingh: Hypocrisy!

Mr. Deputy Speaker: Member for Couva South, I heard. Could you get up and just retract and apologize, please?

Mr. Indarsingh: I retract, Mr. Deputy Speaker.

Mr. Deputy Speaker: No, I would like you to apologize also.

Mr. Indarsingh: I am apologizing, Mr. Deputy Speaker.

Ms. R. Ramdial: Thank you, Mr. Deputy Speaker. [*Interruption*]

Mr. Deputy Speaker: Hold on. Member for Laventille West. Proceed.

Ms. R. Ramdial: Thank you, Mr. Deputy Speaker. So I was just responding to the Member for St. Joseph who has shown his apologetic side to the women of Trinidad and Tobago, and to say that he is being extremely hypocritical when it is you have a sitting Member of Parliament, Diego Martin Central, a report pending

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and, of course, we have seen all of the newspapers report on the incident which took place, and we are awaiting it. So if you really truly feel sorry for the women of Trinidad and Tobago you would make that report public and share it with us here in the Parliament. [*Desk thumping*]

Mr. Al-Rawi: Standing Order 48(6), Mr. Deputy Speaker.

Ms. R. Ramdial: Did you get the correct picture of Linda Baboolal?

Mr. Al-Rawi: If I may elucidate if you wish, this is a far reaching conclusion on the part of the Member as to a matter concerning a Member of this House, Mr. Deputy Speaker. The proper way to bring this is by way of a substantive Motion on the Member, but to introduce it into the context of this debate is entirely improper within the Standing Orders, particularly 48(6). [*Crosstalk*]

Mr. Deputy Speaker: Member, I think you have made the point. Just move on at this time please.

Ms. R. Ramdial: Thank you, Mr. Deputy Speaker, I think I have made my point. [*Desk thumping*]

So let me get into my contribution, and in passing I want to say that the Attorney General in his introduction of this Bill mentioned that it may be possible, at some point after due course, that the Sex Offenders Registry can be made public, and I want to say that is a good intention as of now.

In addition to that, however, he was a little bit disingenuous, the Attorney General, when he spoke about the work that his Government did, and is doing, with respect to the protection of the rights of the child. I want to remind him that it was the former People's Partnership Government, [*Desk thumping*] under the leadership of Kamla Persad-Bissessar—and do not roll your eyes AG, come on, you know it is true, [*Laughter*] that introduced the Children Bill in 2012. We

started the ball rolling.

Mr. Lee: Do not roll your eyes.

Ms. R. Ramdial: I want to remind him also that in May of 2015 we launched the Child Protection Unit of Trinidad and Tobago. So my job as an Opposition Member is to remind him of the work that the former Government did, and to remind him also to not negate the hard work of past governments. [*Desk thumping*]

Mr. Deputy Speaker, since I am on the Child Protection Unit, let me go ahead to say that in my little bit of research over the past couple of days, the Child Protection Unit, AG, I want to say from my research and my gathering, that they are still woefully understaffed and they are very much overworked, the officers at the Child Protection Unit. Therefore I am making an appeal on behalf of the Child Protection Unit for you to fully staff all of the divisions of the Child Protection Unit. There are nine divisions. These are the men and women who are in charge of bringing in the perpetrators. They are in charge of investigations. They are in charge of bringing in the perpetrators of sexual offences against the child, and therefore, I am making an appeal on their behalf.

What I also understand is that the head of the Child Protection Unit, there seems to be no stability because there are always changes with respect to the head of the Child Protection Unit. You need some sort of stability when it comes to leadership of that unit, and therefore I want to make a second appeal to look to stabilize the operations of the Child Protection Unit by having a lead or a head there who can stay a substantial length of them so that they can lead the officers to do their good job.

In addition to that, I also want to remind the Attorney General that in 2010

the Ministry of Gender, Youth and Child Development was formed and created under the former government, and this particular Ministry under which I was very fortunate to serve as the Minister of State for a year in that particular Ministry, it was solely dedicated to dealing with the vulnerable in our society, meaning that of women and children, and trying to deal and work and bring together plans and policies that would see our women and children better protected.

I also want to say to the Government that they have continued some of our work, not most of it, but some of our work, and today here in this House this Bill is one of such. Therefore, yes, we are in agreement on this Bill, dealing with this Bill. I mean it was said before. It was said before by my colleague from Fyzabad. This Bill is very much important in moving forward, and we are in support of it.

Mr. Deputy Speaker, in continuing, let me also say that from the statistics the Attorney General read, we have seen and we have witnessed also from media reports out there that there has been a huge increase in sexual offences against the child over the years. Then again as a previous government that is why we would have come together to have this Ministry created, to lay the Children Bill in 2012, to launch the Child Protection Unit in 2015, and for this Government to continue our good work.

In addition to that it is really, as my colleague from St. Joseph mentioned in his apologetic stance here today, that it is never enough in terms of protection in dealing with our women and children. Because he introduced something at the end of his contribution which is the advent of online offences, and predators being online and luring your children. These are things that have developed because we are now in an age much different from before, and these are new things that the Government will have to deal with, and new issues that we would have to deal

with.

But as parents what we can do in our own way and in our own little homes is to caution, to be extremely vigilant where our children are concerned in terms of how they utilize the Internet, the hours that they spend on their devices. I know that there is a mechanism where you can copy your kid's phone onto yours and you see the messages that are going through. You are able to look and see what your child is up to. I mean, I have that mechanism where I am able to monitor. *[Interruption]* Yes, I have a 12-year-old stepdaughter, yes. So we are able to monitor what is happening. I am able as a parent, and many parents, because when you are a parent and you are within that fraternity you are able to share ideas with other groups, and this is one mechanism by which parents can implement to monitor their child on the Internet, and it is very, very useful.

Mr. Deputy Speaker, over the years we would have seen some really heinous crimes against our children. I just in passing want to mention Akiel Chambers, Sean Luke, Amy Annamunthodo. Those crimes hit us very hard as a population and because of that I think all of us as public officers are propelled to do more for our children. Therefore at the end of the day this issue that we are dealing with here today goes beyond political lines. This is about the nation's interest at the end of the day. This is about our future, developing our children for the future and protecting the rights of the child as we go forward.

I was happy to see the harmonization of the ages where it is clauses 5 and 6 of the Bill seek to harmonize the age of the child. The issue of protecting the rights of the child would have started also under our former Government where we had started to partner with NIDCO in terms of infrastructural development. So when we came into office in 2010, between 2010 and 2015, we identified that there

was a lack of homes for our battered women, for our children who were victims of sexual crimes and therefore we partnered with NIDCO at that point in time to come up with some projects to extend and to develop on the infrastructure that we have in Trinidad and Tobago in dealing with this.

4.15 p.m.

So we would have introduced the transition home model, we would have also looked at expanding and building shelters. I know that one such home was opened in Chaguanas not too long ago by the goodly Minister from Tobago East, Minister Ayanna Webster-Roy, and that would have been a project that had started under us and therefore, it also about making sure that the resources are there to accommodate for these legislations and for these pieces of legislation that we lay here.

Mr. Deputy Speaker, in addition to that, I would want to know from the Attorney General, whoever is responding to me afterwards, what became of these projects, the infrastructural development projects that we would have had in train. What became of that? How many were completed? How many were stopped or if they did continue at all with the transition home—I am very much interested in the transition home—and the home for battered women.

I know that there would have also been a partnership between existing NGOs who already are working in these areas to expand the complement or expand their spaces to allow for more victims to be part of that system. So I would really like to hear about that because, you know, laying legislation and passing legislation is all well and good, but then when you go down to the ground and you have to actually implement and make it workable, it is a different thing altogether, and sometimes it takes years and years to implement and therefore, it is very

important to know where we are going with respect to this especially when it comes to the protection of children and women.

Now, Mr. Deputy Speaker, I also want to mention that in section—and I think my colleague from Fyzabad mentioned it earlier on, but I would like to just go into a little bit. So it is Part III and it is section 30—okay. Right. Yes. It is this area where—section:

“42(1) Where the results of a medical examination of a person referred to in section 37(1) reveals that the person examined has a sexual transmitted infection, information to that effect shall be immediately communicated to—

- (a) the person examined;
- (b) the virtual complainant;
- (c) a representative, where the virtual complainant is a child...
- (d) the complainant.”

And I want to say that this a very, very good move on behalf of all. And I know that MP for Fyzabad in his capacity as a doctor would have come across many cases where in some instances children, they come for tests, they come, you know, for their check-ups and before you know it something pop ups and questions arise. And it is very, very important when these processes are put into place that there is a mechanism where it just does not end right there and, you know, people in Trinidad, we have a culture where we are afraid to talk, we are afraid to share information, but in dealing with children where after a medical examination is found to be, let us just say HIV infected, that this information goes to all concerned, and I am very happy that in the Bill it is explicitly stated so that there can be provisions put into place afterwards to deal with the situation.

And as MPs, as we sit in our constituency offices, we get issues like this on

a regular basis where it is we have persons coming to our office, mothers, single mothers sometimes, you know, grandmothers, relatives and they come to you and they give you a story of abuse of their young ones, of their grandchildren, and then they tell you, “Well, you know, I took him or her to the doctor and we realized that, you know, they have been infected” or, you know, that kinda thing, and it is very, very sad. And how do you help these cases? How do you really help these cases? How do you put into the minds of a young girl or a young boy at such vulnerable ages that this is what you have, and this is what you have to deal with for the rest of your life?

So what mechanisms are in place, and what is Government doing in terms of expanding the resources for cases like these? And I know that my colleague from Tobago East intends to speak, and I would like to hear what is in place for that, because it is a very—first of all, it is an expensive situation dealing with in the aftermath, very expensive. Medical care, is it that through the Ministry of Social Development and Family Services that we are going to have some sort of funding or provision made to assist these families who come forward and who say, “Well look, my child was raped, my grandchild was raped, she or he now has HIV and we need some assistance”.

Because I know that apart from the work by the Child Protection Unit and by the Children’s Authority, sometimes cases fall on the wayside, because I have had interaction with the Children’s Authority, the Child Protection Unit for many issues, similar issues as to what I am referring to, and over time these cases fall to the wayside and parents and families have to get together and try to see how they can pool their resources to help their very own and, you know, the mechanism of the State fails them at the end of the day, and this is something that we need to

address, and to ensure that there is sustainable assistance as they grow. So that is something that I wanted to flag, and to say that, I am very heartened to see that an additional step is being made.

Again, I want to mention that the Attorney General, what he said about the registry being made public, and that this time we understand that the database for sexual offenders will be held under the purview of the Commissioner of Police, and it is all explained here in detail also.

The reporting mechanism also of sexual offenders coming into our country seems to be also very detailed, and I hope that the mechanism of monitoring in terms of those sexual offenders having to report to the police stations and all of that, that that particular monitoring mechanism is always in place because we cannot afford—I mean, we are right here within our locality here in Trinidad and Tobago, you know, we are not very able to deal with the sexual offenders that we have here at this point in time and therefore, those persons coming in from other countries, regionally, internationally, the monitoring aspect of and the reporting mechanism to the TTPS needs to be very much tightened, and a better controlled system needs to be implemented. So one would hope that in time this can be developed also.

Mr. Deputy Speaker, in addition to that, and my colleague mentioned earlier so I do not want to repeat, but I also want to refer to section 55, again, with the reporting mechanism ordered by the court, section 55(1), (2), (3) all deals with that in detail.

“56(1) The reporting period of a registered sex offender on whom a sentence specified in the...Schedule 5 was imposed upon conviction for a registrable offence, shall be the corresponding period specified in the Second

Column...”

All right. So that went on to really just put into train the reporting mechanism. As I say, it is very detailed, and we look to see the workings of that and to ensure that it works in the best interest of our people.

Mr. Deputy Speaker, in addition to that, section:

“59(1) Where a registered sex offender who resides in Trinidad and Tobago intends to travel outside...he shall, at least during seven calendar days before his departure, report to the police station nearest to his main or secondary address and provide a designated officer with the following information:

- (a) the date of his intended departure;
- (b) the countries of his intended stay;
- (c) any country through which he may transit;”

—and there are other provisions and conditionalities attached to that. I think that is very, very important also because many a time when you look at news and sometimes, you know, CNN or whatever station we decide to look at, sometimes you see news on Trinidad and Tobago nationals and crimes that they have committed abroad, and sometimes some of these crimes are sexual offences against a child, murder of a woman, and in most cases, Mr. Deputy Speaker, it is not their first time offence and therefore, it is very important that when they travel that they are, of course, informed.

And it is also disheartening, Mr. Deputy Speaker, at times to see that our citizens of Trinidad and Tobago, you know, sometimes you go abroad and it is always to, besides going for a holiday, but in most cases where they settle, and to see these types of activities continue to be perpetrated across there, and it says

something about our mental wellness and our well-being. I know, not too long ago, a couple years ago, the Member for San Juan/Barataria spoke about the increasing numbers of persons in Trinidad and Tobago who suffer from mental illness, and he called for something to be done about it at that point in time.

And whilst the AG spoke about an analysis being done with respect to those, or to identify those perpetrators who have mental illnesses, I think that it is something and the Minister of Health also who is listening, I think it is something bigger than that. I think that really as the Member for San Juan/Barataria mentioned, that it is something that has increased over the years, and we need to look at the psyche of our population and see how best we can help in determining mental disorders, illness, well-being, you know, so that we can have a better and a healthier population. Because, the men and the women who perpetrate these crimes, they are not reasonable individuals, they are not well. And as much as some may argue in their defence in cases of a one-time offence, I firmly believe that if you do it once, you are going to do it a second time, a third time and a fourth time and therefore, mechanisms need to be put into place to deal with these predators.

And as much as there are provisions within this Bill that allow, I think after 25 years—it is 25 years?—allow after a certain period of time, the AG will correct me when he winds up, but where a provision allows after a lengthy period of time for that person not to go onto the registry, I really want to urge that that particular aspect be rethought because, again as I said, I believe that once you do it and you do it for a first time, that there is always room and I believe that individual will do it again regardless.

So, Mr. Deputy Speaker, in addition to that, I must say that as a population

we have come a very long way with the protection of rights our child in dealing with sexual offences, abuse, crimes against our women, I mean, there is so much more we can do, but we are on that path of improving the well-being and the environment within which our children and our women exist.

And therefore, it is quite, again, as I must say, disingenuous when the Attorney General came here and only mentioned what his Government was doing and disregarded what the former Government and even governments before would have done. I want to commend all of the NGOs of Trinidad and Tobago, all of the stakeholders who came together, my colleague from Princes Town when he brought the report it was quite thick and very much—

Hon. Member: Five hundred pages.

Ms. R. Ramdial: Yes. Very much a lot of work, you could have seen a lot of work went into that. I want to commend our Members also on the committee who put out the hard work in getting some of the changes that we now see here in this Bill.

And, Mr. Deputy Speaker, as a mother of three, I want to say that personally I will continue to do what I can within my capacity to help those victims, women and children and to continue to work in the best interest of the vulnerable in Trinidad and Tobago. Thank you very much [*Desk thumping*]

Mr. Deputy Speaker: Hon. Members, it is now 4.28.34, could I have the consensus of the Leader of the House and the Chief Whip that we can suspend for tea at this time.

Mr. Lee: Yes.

Mr. Deputy Speaker: Right. Okay. So, hon. Members, we will suspend for tea and we will resume at 5.00 p.m.

4.28 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Deputy Speaker: Welcome back, Members, I recognize the Member for Tobago East [*Desk thumping*] as the next speaker.

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Thank you, Mr. Deputy Speaker, for the opportunity to contribute to this very important Bill. Mr. Deputy Speaker, we would all acknowledge in this honourable House that sexual violence is a grievous violation of human rights. We will also acknowledge that acts of sexual violence not only affect the victims themselves, but also their family and the communities. The perpetration of sexual violence is a challenge that is widespread and worldwide and consequently, there has been resounding global response to this threat to human life and violation of human rights.

The global response to sexual violence includes several international and regional treaties, consensus documents, measures and strategies aimed at eliminating violence, and in particular sexual violence against women and children.

Mr. Deputy Speaker, notwithstanding local, regional and international strategies, sexual violence and sexual violence perpetrated against women and girls remain a very pervasive issue. I stand in support of the measures proposed in this Bill as I see the particular legislation as an addition in the tool in our fight to protect our women and our girls from sexual violence.

Mr. Deputy Speaker, the Office of the Prime Minister which is charged with responsibility of gender and child affairs, foresees this legislation working in tandem with structural developments that have already been introduced and those soon to be implemented to protect the nation's vulnerable.

Additionally, Mr. Deputy Speaker, the legislation will create further reinforcement for the programmes that address the socio-cultural transformations needed to treat with the underlying factors that drive gender-based violence and child abuse.

Now before I go further into my contribution, Mr. Deputy Speaker, I would like to respond to some of the concerns raised by the Member for Couva North during her contribution in this honourable House. The Member would have asked about the provisions of transitional homes and places of safety for women, as well as domestic violence shelters, and she would have alluded to the fact that some of the initiatives would have started under the previous administration. And I agree, Government is a continuum, after one government moves, another would come in and build on what would have been established, sometimes enhance it, make it better as we are doing, but at the end of the day, we always strive to ensure that we provide what is best for the people of the country, particularly in all circumstances we are trying to ensure we provide what is best for the women and children and those vulnerable people in our society.

So in terms of transition facilities, we would have inherited a facility that was opened. However, on visiting the facility when I came into office, it was still a construction site, so it took us some time to have the facility completed and handing over to be used as a transition facility for men.

At present, we are currently working with other agencies to ensure that we have transition facilities for girls established throughout Trinidad and Tobago. In this honourable House on more than one occasion, I would have made a plea to the public and to the NGOs asking to partner with us to provide shelters for victims of domestic violence.

I would have mentioned the fact that we would have established some facilities and we would have sent out for tenders for people to manage the facilities, and to date we have still not been successful to get any NGO body coming forward to manage the facilities, so we are currently looking at ways that we could restructure the management programme to ensure that the women, the boys, and the girls of Trinidad and Tobago who desperately need a place of safety when they are faced with domestic violence could actually have use of the buildings that we already have established in Trinidad.

Mr. Deputy Speaker, we are also partnering with NGOs in Tobago, as well as the Tobago House Assembly to ensure that we provide facilities on the sister island so that all women, boys and girls in Trinidad and Tobago have a place of safety if they are faced with domestic violence.

Mr. Deputy Speaker, I want to focus on some of the benefits of the Bill. It is a fact that no single piece of law in itself can solve a societal ill. However, within a framework of a sound legislative agenda, effective programming and roll out of initiatives, there can be some success and meaningful impact.

The work that we are doing here today, the work we would have done in terms of the package of children legislation, and the work that we are currently doing in terms of the amendments to the Domestic Violence Act are testament that the Government of Trinidad and Tobago is committed to developing the structures necessary to end all forms of violence against women and children.

It demonstrates the fact that we are committed to our mandate of putting people first, nurturing our greatest asset, and we are doing so by improving the legislative framework, the administration of justice and law enforcement, as well as focused programming and improved service delivery. [*Desk thumping*]

Mr. Deputy Speaker, in addition to the Bill being harmonized with key legislation that seeks to safeguard our children and women, another benefit of the Bill is that it makes provisions that are expected to encourage reporting of abuse especially in cases involving children.

Furthermore, Mr. Deputy Speaker, by expanding a number of offences for which specified persons are to report suspected abuse of minors, it is envisaged that persons who are aware of child abuse will be moved to report; and this is important.

Recently, I came across a situation where a child was abused and adults knew about it, and for some reason they were not reporting it. If a child is being abused, and if persons who are in authority, persons, adults who are charged with securing and safeguarding a child do not report it, then we are not only doing that child a disservice, but we are doing the country a disservice [*Desk thumping*] because the way we could act, the only way that the Children's Authority could be effective, is if we report. The only way the police service would be able to act, the only way the police service will be able to bring perpetrators to justice is if we report. So this measure within the legislation is going help to prompt those people who know of abuse being perpetrated against children, and sometimes even women, and who failed to report it, will encourage them to do the right thing, Mr. Deputy Speaker.

But even having the legislation in place, what we really need in Trinidad and Tobago is a change of mindset, a transformation of the way we think and the way we act. [*Desk thumping*] And we as a Government we are putting measures in place, we are not tackling it from the side of law, but in terms of our programmes, in terms of our policies, in terms of the way we sensitize the public, in terms of the

way we educate the public on measures available to safeguard them. That is the approach that we are taking, Mr. Deputy Speaker.

Mr. Deputy Speaker, this particular piece of legislation also supports the work of the Children's Authority as I would have mentioned before. It supports the work of the Child Protection Unit of Trinidad and Tobago and all those other agencies working to protect our nation's children.

The merits of a sex offender register is often a topic of hot debate. I remember looking at a movie called *Those Beautiful Bones* and the movie was the telling story of how a particular state in the United States of America would have enacted their sex offenders' register. And in that particular story I remember the young girl was taken on her way home from school, and the perpetrator would have been someone who would have committed an act of sexual violence in another state and would have moved into her community, and nobody knew that he was an offender.

And I remember looking at the movie and looking at the little girl in the movie, and I remember feeling the hurt and the pain of her mother because I have two daughters, when for weeks she would have been traversing the community looking for her daughter, and in all that time her daughter was right within the community in an underground bunker. When they did find the body, it was just bones, hence the name *Those Beautiful Bones*, and because of that experience, it would have forced that state to really now make this sex offender register public so people could know where people are located. So if you move into a state, you have a right to report it so that the state residents would know that you are in our community, and would be able to safeguard and protect themselves and their children.

Mr. Deputy Speaker, I know in Trinidad and Tobago that the debate will continue if our register should be public, if it should be private. Personally, I would like it to be public. Some people may argue that that we will be violating the rights of the perpetrators, but what about the rights of the victim? What about the rights of the family? [*Desk thumping*] What about the rights of the community?

So, Mr. Deputy Speaker, I see the fact that we have actually started by putting and modernizing our register and having it in the legislation is a positive step towards helping to safeguard the nation's children, helping to safeguard those vulnerable in our communities.

Mr. Deputy Speaker, in terms of protection, the Bill also states that an offender on being charged will have to be tested for sexual transmitted infections, and that is very important for the offender to be tested at the time of being charged.

I remember as a young lady at university, around my second year going into my third year, I would have enrolled in a programme where I was a facilitator, and we were working with communities—at-risk communities and schools and providing awareness about HIV and AIDS, as well as mental health. And we had to work with families and we had to work with the communities. And I remember there was a case that came to me and I still remember it to today.

There was a little baby, a little child under the age of one who would have contracted a sexual transmitted infection. And, Mr. Deputy Speaker, I remember within the family the older siblings would have also been abused, however, the perpetrator was never tested until this baby started presenting with signs of anal warts. And I remember as a university student how that troubled me, that it was only when it got to the stage where it was almost—you could not really do anything to treat it, that they were able to find out, and that is when they decided to

test the other children in the home, and they also were infected.

So if on being charged the offender is forced to do the test, then we are giving the victims the opportunity to get early treatment. [*Desk thumping*] We are creating an opportunity to help to save a life, and also creating the opportunity for someone to have a better outcome in the future.

But added to that is the fact through this piece of legislation—would have been including in it, is that the victims now can receive compensation. I mean, no amount of money, no amount of compensation could repay you for lost innocence or for the damage done to your body, but at least it would help a family, especially a family that is in need to seek the relevant care for the child or the woman, or if it is a man to seek the relevant care to ensure that they have a better outcome. And that was a question asked by the Member for Couva North, you know, what provisions are in place to provide more compensation, et cetera, for victims. So I want to commend the hon. Attorney General and the team for putting such measures in place that our victims could further have retribution, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker, I do not want to be very long, because a lot of the data that I would have wanted to present would have been shared by my colleagues on the other side as well as the hon. Attorney General, but I want to put it in the context of what we are doing.

5.15 p.m.

I remember being asked a question in this House as well as in the Upper House about what the Government is doing to sensitize the public to create awareness around the rights of the child, to create awareness about issues of gender-based violence and also to create awareness around issues of gender and

gender equality, et cetera.

Mr. Deputy Speaker, I am really happy to be able to announce to this honourable House that for the period of fiscal 2018, from October 2018 to September 2019, in terms of child protection, in terms of providing information on protecting our child, the rights of the child legislation around children, information on child abuse, we would have been able to personally interact with 9,217 individuals in Trinidad and Tobago. And if you consider that ripple-on effect of this 9,000-plus individuals, going out and talking to one more person and that person going and talking to one more person, we are creating awareness of issues around child abuse.

So some of the workshops would have included reaching out to our early childhood care education tutors. We would have met with educators in Trinidad, 44; in Tobago, 39 early childhood care education tutors. In terms of private tutors, we met 31 in Tobago west; in north Trinidad, 137; in south Trinidad, 109, a total of 360 early childhood care and education tutors were trained around the legislation, around the rights of the child, around issues of reporting and safeguarding children. Now, those 360 individuals trained will now have the opportunity to interact with a school community and their own community in spreading the information. If we are to achieve the change in mindset we want, if we have to achieve the transformation we want, we must educate, we must sensitize, we must empower our citizens and we are doing that, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker, in terms of outreach to the youth, we had a youth outreach workshop in Tobago, we had 29 participants and in Trinidad we had 28 participants, 57 in total. In terms of coaches, umpires and cricketers, because we know that children often interact closely with coaches and people in the sporting

discipline, we felt that it was necessary for us to train the coaches and provide information; 155 individuals were trained under the category of coaches, umpires and cricketers. In terms of a child protection league, an interactive fair we were able to engage 850 individuals: 700 children and 150 adults. Again, providing information around the legislation for children, child abuse, child development, child rights, reporting and safeguarding children. Our Return to Happiness Workshop in 2018 would have facilitated 128 individuals.

Mr. Deputy Speaker, in terms of our Child Rights Ambassador Programme, we were able to train 7,545 individuals. That would have included adults and children. And in terms of all training for caregivers in our various community residences, we were able to train 122 individuals.

So, Mr. Deputy Speaker, in terms of providing information about the rights of the child and how children should be protected, et cetera, we would have been going out there and sensitizing the public and we would have done it with the limited resources. So I want to commend the team and the Office of the Prime Minister and commend my colleagues for supporting us in our various initiatives.
[Desk thumping]

Mr. Deputy Speaker, in terms of issues around women and safeguarding women, we would have partnered with the NGO sector, an initiative I would like to highlight, that is, garnering success and attention throughout the nation is our “Shades of I-She: Every Woman’s Story” is a play, based on gender-based violence. I think we are going supposed to Chaguanas East next. We would have sent the communication to your office.

Now “Shades of I-She: Every Woman’s Story”, it presents to the public issues around gender-based violence. So rape, domestic violence, incest, et cetera.

And what it does, it uses entertainment to bring the discussion forward and help the community to really tackle it face on, frontal. We would have had it in Laventille East/Morvant, we are going to Tobago this weekend and we are hopefully going to Chaguanas East and go out to all 41 constituencies, because we realize that once we engage the citizens in ways that they could associate with using things that they enjoy—theatre, art, dance—we can start the conversation around these issues and again bring about the change in mindset that we need in Trinidad and Tobago at this point in time.

Mr. Deputy Speaker, coming in the next fiscal year we are going to be rolling out a fighting-chance initiative for women and girls and it is a self-defence programme. Because we recognize, we could put in the laws, we could put in the programmes and the policies but if our girls and our women do not know how to fight back and defend themselves, then they are going to remain victims. And we do not want our women and our girls to remain victims. We want them to be overcomers and survivors. [*Desk thumping*] So we are going to be training them in self-defence in the coming fiscal year, Mr. Deputy Speaker.

Mr. Deputy Speaker, in July we would have launched our SARAH project. That is, “Safeguarding and Rescuing All Humans from Trafficking”. We would have launched this initiative in south Trinidad and partnered with Phoenix Park Gas Processors Limited, because we recognize that most of the female victims of trafficking are coming from the southern peninsula and when they come in, most times they end up being exploited sexually. And what we are trying to do is to open up the conversation around the areas where we would find most of the victims presenting around how it affect not only the women but also the immediate community. Because most times when the men go out and they interact with a

lady they may contract something then take it into their home and then it ripples on. So we are trying to see how we could really create the discussion around the issue of human trafficking and when victims are sexually exploited and how it impacts on the wider community, the wider society to help to curb the issue, Mr. Deputy Speaker. And that was successfully launched, as I said, in July this year in south Trinidad.

Just this week we had a two-day workshop in collaboration with the Caricom Secretariat on the 9th and 10th of September where we discussed, “Rethinking Masculinity, Understanding Gender Equality as a means of Ending Gender-Based Violence in Caribbean Schools”. A study was done and it showed that concepts around gender-based violence in schools was not what we wanted it to be. A lot of our boys have been socialized to think that, you know, it is okay to be aggressive and being macho is about dominates and all of that, and what we recognize is that would have transformed and transferred into instances of violence in our schools. Now, through this workshop we would have been able to interact with people who work in the education sector, the health sector as well as NGOs, so that they could create intervention to help curb the incidents of violence in schools, especially in an age where you seeing more and more on social media, girls being exploited sexually.

My daughters are now in high school and I have a conversation with them almost every day. I say to them, you are at school to learn, not at school to pick up anything else other than your books and I say to my daughters your phone is for emergencies, your phone is for education, your phone is not to be used as a tool to create pornography. We have to start frank and open discussion in our communities because people think it is okay, they think it is okay to engage in the

act, they think it is okay to videotape and they think it is okay to share. We have to start talking that it is wrong. Every time you share a WhatsApp video with an adult having sex with a minor you are encouraging pornography, it is wrong. [*Desk thumping*] Every time you use your phone to videotape minors in the act of having sexual intercourse you are doing something wrong.

But you see, we live in a society now where we think it is, “small thing”, I will share it around, it is no big deal, but it is wrong. And when we do it we encourage it, Mr. Deputy Speaker. And as I said before all that we are doing as a Government is not just building out legislation but building out programmes, building out projects and initiatives so that we could target the hearts and the minds of the citizens of Trinidad and Tobago to ensure that we have the right-based society that we want and to ensure that we help to reduce the incidents of violence against our women and our children.

The Member for Couva North, you were not in the honourable House but I was responding in terms of the facilities that we have, right? And just to let you know that we recognize that it is not for Government alone to do it but for all of society to be engaged in it. And I get this sense that the Bill will be supported. I want to take this opportunity to thank you all for really binding us, supporting us, because the only way we could change Trinidad and Tobago is if we put aside at times our political hats [*Desk thumping*] and just start thinking as individuals. You know, because today me tomorrow you, but if we do not work together the problem persists. And at the end of the day it is not UNC that lose out or PNM that lose out but Trinidad and Tobago that would lose out.

So we have to, Mr. Deputy Speaker, we have to really work together as a House, as responsible adults and citizens to transform Trinidad and Tobago. At the

heart of this piece of legislation, at the heart of the work that we are doing is the whole concept of transformation, changing the way we act, the way we think and the way we do things in Trinidad and Tobago, with one goal, a society that values and respects our women, our boys and our girls; a society that frowns on all forms of violence; a society that is able to nurture, care and protect.

Mr. Deputy Speaker, whenever I reflect on the statistics coming out of the Children's Authority I get frightened, because I often say that hurt boys and girls grow up to be angry men and women who then go on, in most instances, to be perpetrators of violence, be perpetrators of crimes. And if we want Trinidad and Tobago to be a different place we have to do what is right by our children, we have to invest in our children. And I acknowledge the work that the Ministry of Education is doing in terms of helping to address the issue of bullying. I address the work that the Ministry of Housing and Urban Development is doing in helping us to find places where we could establish, you know, shelters, et cetera, and also create opportunities for those people who are transitioning out of community residences to create an environment where they are going to a home-like setting and learn to be reintegrated into society. I commend the Minister of Community Development, Culture and the Arts on the work that she is doing with the Community Mediation Unit, all that is part of the process. Mr. Deputy Speaker, I commend all the hon. Members on this side because we operate as a team and in all that we do we put the people of Trinidad and Tobago first, [*Desk thumping*] that is part of our mandate.

So, Mr. Deputy Speaker, I want to again commend the hon. Attorney General, commend all those who would have worked on the committee on both sides of the House for the work they would have done, I commend the NGOs who

would have come in and shared their different experiences and presented options and solutions for us. And I want to signal to the people of Trinidad and Tobago that the only way that this legislation will be effective is if we do our part. As I said before if we do not report, the Children's Authority will have nothing to act on; if we do not report, the Trinidad and Tobago Police Service will not have the information to go on; if we do not report, Ministries and Departments would not get the information, the data required to develop policies and programmes. So I call on all citizens for us to work together to help to build a better Trinidad and Tobago. Mr. Deputy Speaker, I thank you. [*Desk thumping*]

Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I would just like to extend congratulations to the team. First of all to the speakers on our side, the Member for Fyzabad, the Member Couva North and, of course, I would like to commend everyone who put together these amendments. It was a lot of work as all the speakers indicated, over 500 pages, different documents and it is really commendable. I just want to add a little bit to some of the things that the Member for Tobago East had spoken about and to indicate that a number of suicides that we are seeing taking place among our youth we have to address it, because sometimes it comes out of some sort of abuse and sexual abuse and they are not able to cope with it. They blame themselves and they think that I am the one at fault, I am the one that caused it. And so I am happy to see that educators were involved in it, 360 according to the Member for Tobago East, 360 educators were in fact given the opportunity to understand what this legislation is going to be about, which is important.

I just want to ask a question because I am not sure. When I went through the final report and I looked at the various stakeholders I did not see religious

faith-based organizations as a part of the stakeholders, I did not see it. I am not saying that it was not. And the reason why I think it is important, simply because of the fact that when you have all the stakeholders coming together, education, the police officers, psychiatrists and so forth, what it allows, and I hope this is what took place at the stakeholders meetings, that you would have been able to give those persons who the children would go to, an opportunity to show them what do you do when a child comes to you. Do you interrogate the child? Do you try to ascertain whether it is in fact true or not? Or do you automatically take the child to the nearest police station for the officers who are best able to investigate the matter to do the interrogation? So, I think it is important, I am glad that it is happening and I look forward to when you come into my constituency, I certainly would like to be a part of that programme.

But more importantly, the operationalization of this Act is very important as we have all believed it to be. And one of the things that I was a little bit—I am subject to correction and through you, Mr. Deputy Speaker, to the hon. AG, I know that on page 15 of section 40, qualified person, who takes an intimate sample, and as I said I am subject to correction. But I know that in the Administration of Justice, DNA Act, in the Second Schedule Form One, where there is a volunteering of a sample, you have in specifically 40(b), it stops at a certain point in the form and if we have to put in this additional part here, we would have to probably amend that form, which would not really need, you do not need to come to Parliament because 35 of that same Act indicates that the Minister may by Order amend the First and Second Schedule. And the reason why I am saying that is because I would not want to think that we have everything in place and something does in fact happen and the form is not amended properly to reflect if someone has

asked for number four to be taken in the presence of someone other than themselves, of their sex.

Going to page 16, Mr. Deputy Speaker, I do not know how the Attorney General will, but it is important that you ensure that there is adequate financing, adequate funding when a qualified person has to take samples from a person pursuant to this section, simply because of the fact you want to ensure that wherever one is going to have their samples taken that you would have the adequate containers, the supply of containers, the seals and the labels, et cetera. Because if these are not in place it would be a travesty of justice because you would find that persons will have to come back or the whole process of taking the samples would be in fact delayed and I know that Dr. Bodoë, the Member for Fyzabad, had indicated that to have your—a delay in taking the samples could diminish the quality of the sample and, of course, you need to have a proper sample if you have to bring about a conviction and identifying the perpetrator and for other reasons.

So I would hope that in the budget that there would be adequate funding to ensure that this Act can be properly in operation and that there would not be any hindrances to it. And just coming to, this is my final point, because I really do not want to stay long, everyone has more or else spoken on everything else, but on page 21 when we speak about the website not being accessible. It is only, I know that the Member for Tobago East indicated that there was an incident with a child having an illness, contracted disease and when their home was tested there were other children who were in fact—and you know, Mr. Deputy Speaker, you really do not know who is taking care of your child. It could be a paedophile and we do not know. [*Interruption*] No, no, no.

And so as a result of it, it is good for us to be able as parents—well, I do not have babies—but for parents who have children and require the care of a day care to be able to verify whether the day care is cared for and handled, the owners are in fact outstanding members of the community and also that they do not have a record. Because if you are coming to work for me I can ask for a Police Certificate of Character. And so as a result of it you would bring that to me and although it would take four to six weeks I have the choice of waiting four to six weeks. But in a case of where I am taking my child or my grandchild to a home it would be important and the only way we would know is if the website is in fact available.

So I know that there is a concern that there may be cases of vigilantes rising up and, of course, I think that the society that we are in is pretty much mature and we have to be able to work with what is necessary for the protection of our children, because as you quite rightly indicated, the Member for Tobago East, you know, it is a task to protect our children but that is our responsibility and therefore we must be given the tools and the ability to access, even if it is through an FOI which is done in England, that we have access to the website. But it is in a way of protecting our children and also in bringing into our schools because you do not know who you are hiring. And of course you find that persons, perpetrators, look for easy access and where they have a lot of children in place.

So I think it is important to have these measures in place. I commend every Member, especially in the Senate who did yeoman service to this Bill and I look forward to it being operationalized. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichlow-Cockburn): Thank you very much, Mr. Deputy Speaker. Mr. Deputy

Speaker, it gives me great pleasure this afternoon to contribute to this debate on a Bill to amend the Sexual Offences Act, Chap. 11:28. And, Mr. Deputy Speaker, I am particularly pleased because I think maybe for the first time since I have been in this House both sides of the House have come together in terms of this piece of legislation. [*Desk thumping*] And so I take the opportunity to commend the Attorney General and his team, to commend Members on both sides of the House and particularly to commend those persons who would have comprised the Special Select Committee of the Senate that would have looked at this piece of legislation.

And, Mr. Deputy Speaker, when I would have been preparing for this debate and I looked at the amendments, I said to myself, there would not be an extensive debate because the Committee would have done such good work and it is evidenced by the numbers and the quality of the amendments in the document. And I am not surprised to hear today the Member on the opposite side indicating that they would support the legislation, because they have been saying over and over they support good legislation and we have good legislation that was made better by the Special Select Committee.

And so, Mr. Deputy Speaker, I am very heartened for as the Member for Couva North would have indicated this debate had to go beyond political lines because we needed to focus on our citizens and on country, and I believe that today we have done that. But, Mr. Deputy Speaker, I wish however to just make maybe two points: one is that I support this Bill because it seeks to protect the most vulnerable in society which most often is our children, our women and persons with a mental disorder. And they are the ones unfortunately who tend to be most affected by sexual crimes and sexual deviants or predators. But the great thing about this piece of legislation is that apart from protecting our vulnerable it also

seeks to deal with the issues raised in terms of how do we protect the privacy and the sexual offenders. And when I looked at section 47(3) I was very heartened in that the sexual offenders register is not going to be available to the public.

Now, I listened to my colleague the Member for Cumuto/Manzanilla and she was making reference to the website and I was gleaning from her that she believed the website was not available to the public. But as a matter of fact, Mr. Deputy Speaker, at 48(1) where it says that:

“The Commissioner of Police shall establish a website designated for the publication of the information”—on—“registered sex”—offenders.

That information is going to be available to the public where it provides for protection for the offenders where it says, 48(4):

“Any person who intentionally and without lawful excuse or justification reproduces, shares or uses any information contained on the website...”—would commit—“an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment...”

So we the members of the public, Mr. Deputy Speaker, do in fact have access to the website. So the concern my colleague would have had where you may have persons—

Hon. Member: You need to reread that, Ma'am.

Hon. C. Crichlow-Cockburn: Okay. [*Crosstalk*]

Mrs. Newallo-Hosein: Tobago East said she wished it would have.

Hon. C. Crichlow-Cockburn: Anyway, yes, Mr. Deputy Speaker. Based on my reading of the document there is access because if there was not access why is there provision for persons who intentionally misuse it. But we move on.

One of the reasons I would have been very happy, Mr. Deputy Speaker, with

children being exempt from being included on the national register for sexual offenders is because we recognize that children do not think as adults and a child may make a mistake in his young formative years and as a society I do not believe that we should hold someone accountable for the rest of his life for something done as a child. Because when we place information with child sex offenders on the national register what we are in fact doing is condemning that child for the rest of his life.

And I want to make reference here, Mr. Deputy Speaker, to an article titled: “Against Juvenile Sex Offender Registration”. It is by Catherine L. Carpenter. And it can be found in the University of Cincinnati Law Review and it speaks about a young lady named Leah.

“Leah was convicted of”—sexual misconduct—“and placed on the state’s...offender”—register at age 12.

And she would have given an indication of the impact that has had on her life. She is now a qualified person. She would have gone to university, living a very good life but that stigma has remained with her. And so, some of the things that would have affected her negatively, she would have been bullied, she would have lost certain college internships, she had difficulty finding a place to live and she would have lost a number of employment opportunities. And also, Mr. Deputy Speaker, even though she would be removed from that register at age 37, for 25 years she remained on that register. And we all know even when she is removed, because of that information would have been on the register and out there on the Internet, the information is never ever totally removed. And so we have situations where a person’s life could be negatively impacted possibly for the rest of their life because of a mistake that they would have made.

Now, this is not to say, Mr. Deputy Speaker, that I believe sexual offenders because they were a child should be treated totally with kid gloves and should not be held accountable. I appreciate the approach we adopt in Trinidad and Tobago with our suite of legislation that treats with children in a particular way. And so we have those children placed in community residences and we have probation officers or welfare officers assigned to them so that they can monitor compliance with the sentence or the sanction and act as guides to those persons seeking to have them rehabilitated. But, Mr. Deputy Speaker, the legislation when I looked at it, there was one area that I had a concern with and I am going to raise it here; maybe the Attorney General may wish to look at it.

5.45 p.m.

This takes me back to 1994. In July of 1994, I think Trinidad would have experienced one of the most heinous crimes, and it was committed by two persons, one of whom was 15 years, six months. And I am speaking here about Mr. Chuck Attin. And what they would have done was raped and murdered two women in their homes, with a child or children present. Now, we may say, okay, he was a child and based on the legislation, he would be exempt from the National Sex Offender Register. But I just want to caution that we need, in doing our assessment, to look at these child sex offenders differently. We need to ensure that there are mechanisms in place to assess these offenders so that we can identify the reasons for their actions; we can identify treatment strategies and mesh these with the developmental needs of the child. And we also need to monitor and evaluate these persons, also recognizing that there may be a need for family involvement in the whole rehabilitative process, because when these things happen with a child, it affects the whole family and sometimes the community.

And I am saying this here, Mr. Deputy Speaker, because the research that I did suggests that the lack of appropriate treatment is likely to invite further victimization, or similar offending actions and thereby increase the pool of offenders. So I raise this issue here today simply for us to be mindful of what could happen and that we need to take the right action, because in also doing my research I looked with respect to the same Chuck Attin. I think it was in 2010 his case may have come up for review to make a decision in terms of whether he should be released, because I think he has been in jail about 25 years. And one of the reasons cited—because they said he has shown that he has been remorseful and they believe he has been rehabilitated. However, within the penal system, the main reason advanced for not releasing him was that he does not have the necessary skills whereby he can be employed and stand on his own. And I think, as a society, we have to take some responsibility for that, because it should have been incumbent upon us, over the last 25 years, to also seek to ensure that he would have gotten some of the skills necessary for him to be assimilated—one, into the society based on the social needs of the society, and to be able to provide for himself also.

Mr. Deputy Speaker, I also wish to speak to one further point. I know there were some concerns expressed today in terms of we would have established the register and it had not been populated to date. And there is a concern that despite this excellent legislation, if it is not operationalized properly we may not see the benefits of it. But I am very heartened by section 67A where the Minister has a responsibility, annually, to lay in both Houses of Parliament, reports on the administration of the Act. And I believe that that will force all of us, all of the sectors, to ensure that this legislation is properly operationalized so that the people

of Trinidad and Tobago can benefit from it.

And so, Mr. Deputy Speaker, I want once again to commend the Attorney General, to also commend the Special Select Committee, Members on both sides of the Parliament, for recognizing that this legislation is so important that we do not look along political lines but we look in the best interest of the people of Trinidad and Tobago so that at the end of the day we can treat with all sexual offenders in the best way possible. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Princes Town. [*Desk thumping*]

Mr. Barry Padarath (*Princes Town*): Thank you, Mr. Deputy Speaker, for allowing me to make a brief contribution—

Mr. Deputy Speaker: Member, excuse me. Would you like to give way to your colleagues, the Member for Caroni East?

Dr. Gopeesingh: Of course, Mr. Deputy Speaker.

Mr. B. Padarath: No, he is giving way to me.

Mr. Deputy Speaker: Oh, okay. All right. The Member for Princes Town.

Mr. B. Padarath: Thank you, Mr. Deputy Speaker, for allowing me to make a brief contribution with respect to the Bill that is currently debated before the House. Mr. Deputy Speaker, when I first became a Member of Parliament I understood that my role and responsibility as an Opposition Member was not only to be critical of the Government but also to make suggestions and to also put forward proposals that I believe would be progressive to the advancement of Trinidad and Tobago. Particularly one of the interests that I have had since becoming a Member of Parliament is dealing with children's rights and children's

issues. I say this because on February 05, 2016, all three daily newspapers carried a headline:

MP calls for the establishment of a sex offenders registry

The MP that was referred to in that article published in all three daily newspapers on February 05, 2016, was the MP for Princes Town. And I made this call against the backdrop—[*Interruption*—February 05, 2016, yes. I made this call against the backdrop of a situation that occurred in my own constituency, and that was a situation where you had a repeat offender raping two young children, a five- and seven-year-old and then proceeding to hang himself in a public cemetery in the constituency of Princes Town. And it was against that backdrop I thought to myself, as an MP, that our electorate and our citizenry requires much more of us as elected representatives, in that we are not only here to be critical but we are also here to advance solutions. And I believed at that time that this was one ambit of the law that, if implemented and if passed, would have stopped or curtailed the amount of repeat sex offenders, especially committing offences and crimes against children.

Mr. Deputy Speaker, since then to now: 2016, 2017, 2018, I have repeatedly, through questions—and it is on the *Hansard* for all to see—I have kept raising this issue in terms of when could we expect the legislation. How far did we progress and proceed? When next would the select committee be meeting? Et cetera. Mr. Deputy Speaker, when I first raised this issue in 2016, CNC 3 and the *Guardian* reported that the hon. Attorney General responded to my call for a sex offenders registry, and at that time the response from the AG was lukewarm, in that the AG said that a sex offenders registry already existed. But, Mr. Deputy Speaker, when I made the call in 2016, it was the understanding that one already existed, but also

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the AG, when he spoke earlier today told us about the challenges since 2000 to where we are today, in terms of the variance of the law, one, but also in terms of the challenges of the operationalizing issues in terms of getting the law going because of those variances.

Mr. Deputy Speaker, there is one recommendation that I looked at, because I know my colleagues from Fyzabad and Couva North, and the Member for Cumuto/Manzanilla dealt substantially with the clauses of the Bill and the challenges that we had—not many challenges—and I do believe that several Members who have spoken this far, and including the hon. Attorney General, would give us some clarification on specific issues that were raised, in particular by the Member for Fyzabad who really did a clinical job in terms of dissecting the Bill clause by clause, and section by section. [*Desk thumping*]

Mr. Deputy Speaker, one of the last speakers, I believe it was the Member for Lopinot/Bon Air West, made mention that the Bill does allow for the public to have access to the registry, and so on, and that it will be made public. Mr. Deputy Speaker, page 20 of the Bill, section 47(1) specifically, indicates that the registry will not be public and, therefore, I believe that is a very good case for a public awareness campaign, because if legislators are having issues in terms of not fully understanding what the Bill is about, one, and the parameters in which the sex offenders registry will function and operate, I do believe that one of the suggestions made in the other place by Independent Sen. Paul Richards, for a public awareness campaign, I believe it is a good one and we saw an example of that through—

Mrs. Crichlow-Cockburn: Mr. Deputy Speaker, would you give way?

Mr. B. Padarath: No, Ma'am.

Mrs. Crichlow-Cockburn: Okay.

Mr. B. Padarath: I believe that there is a good case for a public awareness campaign. Mr. Deputy Speaker, those were a few of the issues that I really wanted to raise and also to indicate that another call of mine, another suggestion of mine to further help and protect children, separate and apart from the sex offenders registry that I am happy to see coming to fruition today—one of the other areas that I would like to call for is also for Government to look at parental responsibility legislation which was also something, when I suggested, was met with a very lukewarm response from Government. But today we can see that some of the suggestions provided by the Opposition in all sectors are starting to take effect in terms of the Government looking at it. It might be four years later, but it is something I think that will contribute significantly to some of the challenges in this country.

And, again, as I said, I called for the national sex offenders registry. I am very happy to see where it is today. I do believe that there are some limitations and there are some challenges, but in discussions with the hon. Attorney General we do know that it is a good starting point. There is work to be done, and progressively we will continue to improve upon the law. But I would really like to see, separate and apart also, parental responsibility legislation in terms of a progressive Parliament going forward. So I thank you and think that it is a good step in terms of the further protection of children in Trinidad and Tobago. I thank you. [*Desk thumping*]

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): [*Desk thumping*] Thank you very much, Mr. Deputy Speaker. It is a privilege and an honour to be able to rise and contribute to this debate. The Members on both sides have been very clear on their support for the

concept of what this Bill would lead to, and so therefore there is no need to be long, but I think it is very important to be able to add one's voice, especially in this very important circumstance.

Mr. Deputy Speaker, in the *Express* of Monday 09 September, 2019, which is just Monday gone, the headline was:

Teen attempts suicide after rape

And that referred to a story where a gym instructor is the person that was being accused of raping this young girl. And with that result, the trauma was so much that she was, you know, attempting to end her own life. And it begs the question, in the case—and I want to look specifically in my very short contribution in terms of this register that I think is so important and so necessary that in cases where this person could be convicted, I think it is very important that there is some access to this level of information within a community.

In a community, Mr. Deputy Speaker, people live together, people associate with each other, and go so far as to say in the older days that it takes a village to raise a child, or a community to raise a child, and therefore, in some communities it is very, very open. People walk into each other's houses. They eat from each other's pots and they raise their children of the community together. So in the circumstance where you have a predator, such as somebody coming to live in your community that you do not know, or even somebody who is there and has these kinds of proclivities, it is important that this information is made public in some way.

So I want to look at the fact that between 2013 and 2018 we had over 3,700 victims of sex offences in Trinidad and Tobago. I want to also keep in mind the fact that in 2017 when the U.S. Department of Justice published a national sex

offender public website; there were some Trinidadians listed on that, and the public in Trinidad and Tobago were very grateful for the information. In fact, one of the comments read: “Please warn your friends and family. We need to help protect and look out for one another. These perverts need to be publicly known.”

The language may be pejorative. That is the truth. But the point is, it is very important information, especially when you have young ones growing up in a community. It is important to know who you can trust, who you cannot trust and who you have to look out for, because you may very, very well be opening up your children to circumstances that you would not believe would happen to them.

Hon. Member: That is so true.

Hon. Dr. N. Gadsby-Dolly: I want to also raise the point that the register on its own will not heal the victims or cure sexual offences. That is not at all the intention. But it can act as a prophylactic against the malaise of the sexual offence and sexual violence that we see creeping up more and more in Trinidad and Tobago. And the MP for Tobago East would have spoken about how she feels when she looks at the statistics dealing with the Children’s Authority and what our children are going through, and therefore anything that can help in any way is extremely important for us to consider.

Mr. Deputy Speaker, also important is to consider that the TTPS media release that was done in November 2018—they had a media release that dealt with a sex offender in Chaguanas. He had already been convicted several times and having been caught on this particular offence, he was to be put on several ID parades. So that means that he could have been figuring in many serial sex violence crimes and going unnoticed, slipping under the radar, because he is not identified as a sexual offender, and so he may have been slipping under the radar

there. That, to me, is a very frightening thing. I remember years ago going to UWI, one of the things that you were told at the first instance when you got into UWI was be very careful how you go along the dark pathways, and so on, because there are people who are there. There are many victims of some of the crimes along there.

So this issue of identifying and looking at the sexual offenders, I think is a very important one. And so, as we speak about the register, which is what I want to deal with, understanding that the register will be established, and understanding that the website, though, that publishes some of the information, is going to be available to the public; now, that does not mean that every single offender will be there. However, just the fact that there is a start in exposing this information to the public, to me, is a very, very critical thing, because by allowing persons to slip under the radar, we are opening up the circumstance for them to be repeat offenders, for them to exist in a community, living in a home next to you and you do not even know that they are that type of offender, to be able to put the strictures in place for your children and to protect your community.

Mr. Deputy Speaker, what I also think is a very important thing is that those who committed sexual violent acts in other countries, once they are deported to Trinidad and Tobago, they are also going to be included on the register, and I think that is very important. We are facing a circumstance now in Trinidad and Tobago, and in other countries, where deportees are a regular circumstance and we have been looking at the impact of the deportees on the crime situation, and sometimes they come with very sophisticated methods of performing the crimes that we may not be too accustomed to in Trinidad and Tobago. So, again, understanding who they are, identifying who they are, to me, is a very important thing.

I also want to commend—I am seeing some of the offences that are listed in the Bill list penalties for officers who do not follow the law. It also list penalties for offenders who do not register, and so on, and this, I think, is very, very important because it puts particular timelines also onto some of these things that have to happen in order for the registry to function effectively. And those timelines, I think, are very important because it gives you a clear understanding of whether you have contravened the law or not, and if you have done so, then the penalties will flow from that. So it gives an opportunity for effectiveness and efficiency in terms of keeping the law and ensuring that that register is well kept, well maintained, and we have the information that we need. And I dare say, Mr. Deputy Speaker, I would hope that more people get onto the register than not, because I, for sure, as a citizen of this country, living in a community that is fairly open and fairly easy-going, I would want to know if a sex offender is in my community [*Desk thumping*] or if they have moved into the community, I want to know as a citizen.

So, Mr. Deputy Speaker, I really want to commend this legislation. I want to commend the team that would have worked in the Special Select Committee to ensure that it is brought to the House. I think it is timely, very important, and I want to look forward with the rest of the population to what this can bring to Trinidad and Tobago in terms of your safety, your feeling of safety and security and having the information that you need to be able to exist comfortably in your community, wherever it may be. So, I want to commend this legislation to the House and thank both sides—because I see the support coming from the other side—for this legislation which will make a difference in our beloved country of Trinidad and Tobago. Thank you, Mr. Deputy Speaker. [*Desk thumping*].

Mr. Deputy Speaker: I recognize the Member for Caroni East. [*Desk thumping*]

Dr. Tim Gopeesingh (*Caroni East*): Thank you. Just a few questions and a few areas I have some concern in terms of the answers are not easily forthcoming, and I want to bring this to the attention of the Attorney General, perhaps when he is winding up he can give some more clarity on the issue. The first area is related to sections 36, 38 and 40. These are areas in the Bill: conditions for taking an intimate sample, a collection packaging, storage and delivery of sample. Those are two of the critical areas. And my medical colleagues would probably attest to the difficulty. If a complainant who has gone through some difficulty and is taken to the police and they need sampling, there is difficulty in ascertaining where that sample has to be taken and who can the police go to in ensuring that the sample is taken. From my understanding, being associated with the Ministry of Health, and so on, for a while, generally it goes to the district medical officer, the DMO, and the DMO sometimes might not be available. He might not have an office. It might be in the night, and therefore to collect samples, and so on, proves to be very difficult. Then at that office they may not have the necessary tools—well, in medical language, the necessary instruments and equipment and sampling boxes, and so on, to take the samples. And if I may just say from my specialty, let us say you want to take a high vaginal swab to determine whether the seminal fluid is related to the seminal fluid from the accused, you have to send that to the forensic lab, and so on. So you have to have the right containers, the right specimen boxes, and so on, to put that into, because if it is left to deteriorate within 12 to 24 hours, it becomes useless.

So there should be some system put in place as to who these police officers will take these complainants to, and to ensure that who they take the complainants to, they must ensure that they have the adequate facilities and the necessary apparatus, and so on, to do the investigations. So that would bring some clarity to

the whole area of uncertainty in terms of trying to pin down the person who has done the act against the complainant.

The second issue is the issue of the reporting mechanism. Hon. Attorney General—and I have been in this business for a long time. Working at the Mount Hope Women's Hospital for almost 20-something years, as a consultant on a weekly basis you see the new patients, and about 15 new patients are seen by each consultant on a daily basis, four days a week. And inevitably about eight or nine of the patients will be teenage pregnant patients in the antenatal clinic. Now, the reporting mechanism, you as a doctor seeing that child who is pregnant, you have to report it now. But in my years gone by I tried to report it. But to report to whom? When you look for a medical social worker to report it to, to do the investigations, the medical social worker—you cannot find one. So across the country you would not find the cadre of personnel who will assist you when you want to make the report.

Secondly, do you call the police into the hospital where this poor, innocent child, 12 or 13, is before you for medical attention? And then you find yourself in the difficulty of having—you cannot find a medical social worker. You call the Chief of Staff of the hospital and then, can police be called in?

So, Attorney General, I would like to see how, or get some information as to this reporting mechanism in terms of the public institutions. Now, the Minister of Education at the moment—and myself from the past—I am sure he would be experiencing the difficulty himself, as I experienced difficulty as Minister of Education, that we know that we have teenage pregnancies amongst children in school. The teacher realizes that this child is pregnant. What does the teacher do? And according to this Bill, the teacher, or the principal, who finds out that this

child is pregnant, has to report that, or is charged. Now, who do they report it to? They call the police in, then if they call the police in and the parents of that child, or the father of that child, may become infuriated and then the life of that teacher, or the principal, could be threatened. I understand there was a murder of somebody recently—I believe a teacher—in relation to something similar to that.

We know that there are dozens of teenage pregnancies. And since 2006/2007, Mr. Deputy Speaker, I have been speaking about the scourge of teenage pregnancies in this country. The law is there. At one time there were approximately 2,500 teenage pregnancies per year. I saw some recent statistics that it is coming down a bit, but it is still there. And these are children who have become pregnant for men in their 20s, 30s, 40s, 50s, 60s. And the law is there, but very few people are apprehended—very few people are apprehended.

So we have the law but the apprehension rate is very small. But I believe if we continue to make certain that these people are stopped in their tracks, the society will become a better one and, obviously, we will be reducing the teenage pregnancies and creating a society where these young children have to be mothers, and then there is sometimes a vicious circle.

I remember doing some research at Mount Hope many, many years ago, and we researched girls who were under the age of 19 and under, and we found there were over 1,000 of these girls, age 19, who were pregnant, who had four children already—1,000. So when we speak, we, collectively, have come together that we want to pass this Bill. Whichever Government is in power we have to make a concerted effort to reduce the amount of teenage pregnancies in this society and encourage those in authority to get the information of who are the fathers of these children and start to do some apprehension. So that is my second major point.

The third is, as the Attorney General said, the dispensation of justice and the reporting of the cases of sexual offences, from 2000 to 2019—and that would probably relate to both speakers before me, the Member for Lopinot/Bon Air West and the Member for Princes Town—that the Magistrates' Court between 2000 and 2019—19 years—for the sexual offences, none was ordered on the registry. And in the High Court, out of 232 cases, none were registered on the registry.

So, AG—hon. Attorney General—your colleagues spoke about the importance of the registry but the Judiciary does not seem to want to put people on the registry even though they have committed a sexual offence and they have been found guilty. I think you mentioned in the High Court, 232 cases found guilty and in the Magistrates' Court, 1,401 between 2000 and 2019, but yet still none put on the registry. And I know that there are a number of types of offences that will be put on the registry on the website, but how do you—you cannot influence the Judiciary. So how would you be managing that issue?

One more area is the area of the mental disease. A lot of these people who have been found guilty have to undergo some mental testing and they need to go to psychologists and psychiatrists, and so on, but we have a shortage of these in the country.

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And so, therefore, if there are 3,000 cases of sexual offences in the registry in one year, and the offenders, let us say with a 3,000, can they be brought to have mental evaluation?—3,000 people. If you find them, you find the culprits, how do you measure or how do you deal with the mental evaluation of 3,000 people in one year? So these are some of the practical issues that I wanted to pose to the hon. Attorney General, and so while we support the Bill there are still some

confounding issues that need to be worked out.

The last one is the forensic science lab and the forensic testing. The hon. Prime Minister, when he went to Jamaica about two years ago at the invitation, I believe, of the University, he visited the Forensic Science Centre at the University of the West Indies and he was quite impressed, and he mentioned that he would like to see Trinidad and Tobago with a similar forensic centre. I do not know whether the Minister of National Security now, or the past Minister of National Security, can give any statement related to how far we have gone in modernizing the forensic science lab. There is serious deficiency in terms of when you take a sample. You send it to the forensic science lab for analysis, you can almost count that it is not going to be analyzed within a year or two even though you send it to international institutions to get the results of the analysis in the trial, and this is why so many of these trials take a long time because the analysis, the DNA analysis, has not been returned.

So you have a paucity of workers in the forensic lab as well and you do not have the mechanisms for efficient and swift management of the samples that go to the labs so that you would get the results, and when the case is brought before the trials they will have the answer for it. So these are the areas, Mr. Deputy Speaker, I thought I wanted to raise, also to congratulate the speakers on both sides and the work that the Special Select Committee did. I looked at it, they had over 18 meetings, voluminous, and a number of stakeholders. So I asked my colleague, the Member for Princes Town, when two Members, Member Ramdeen and Anita Haynes from the Senate, I want to congratulate them and, of course, the other Members from the Government, on their tremendous amount of work they did.

This is the Sexual Offences Bill, the Children Bill. These are two very

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important pieces of legislation which we should be proud of that the management of the issues under there, this is where we are falling down. So we need some greater management efficiency, we need the systems to work, we need the human resource personnel and the facilities. Thank you very much, Mr. Deputy Speaker.

[Desk thumping]

Mr. Deputy Speaker: I recognize the Member for San Fernando East.

The Minister of Tourism (Hon. Randall Mitchell): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, along with the Member for Caroni East and all other speakers before me, I too would like to join with Members of this House in commending the Attorney General, as well as members of the Special Select Committee *[Desk thumping]* in doing their work to come up with this Bill for consideration before us here today, and I too would like to express my support for this Bill to amend the Sexual Offences Act. There was something that the Member for Caroni East had mentioned and requested some sort of clarification from the hon. Attorney General, and I believe the Member for Caroni East misread sections 37, 38.

Dr. Gopeesingh: Sections 36, 38 and 40.

Hon. R. Mitchell: Yes. I believe that he misread it and I will bring some clarification. It is not a situation where the complainant would go to the police and make a complaint, and the police would then, at any time of the day or night, take the complainant to a hospital or to be medically examined.

This part, the new Part III, actually deals with compensation for virtual complainants. So it is only where someone is charged and charged for the specific offences of rape, grievous sexual assault, incest, sex with a mentally subnormal person, sexual penetration of a child and sexual touching of a child, only when the

person is charged only then would that person be taken with or without consent to be medically examined to determine whether or not that person has a sexually transmitted infection. And with respect to the virtual complainant, the virtual complainant has a choice and they have three months within which to make up their minds whether they wish to be examined, medically examined or not. So that is the issue.

Mr. Deputy Speaker, I would also like to commend the Attorney General for the amendments proposed in clause 9 which mean to expand the categories of persons, expand the categories of special relationships, where a statutory obligation is now placed for reporting. Mr. Deputy Speaker, while offences can be committed by omission it does not really follow that everybody is under an obligation or under a duty to act, and, of course, Parliament can, through legislation, cause persons to have a duty to act by placing statutory obligations upon them, and the common law recognizes certain special relationships where persons have a duty to act and the most popular one obviously is between parent and child.

This clause 9 now expands those categories of persons who are under a duty to act where there is suspected sexual abuse, where children are concerned, and as the Attorney General would have alluded to, a psychologist, a psychiatrist, police officer, et cetera. The impact of that is really to widen the net to increase the opportunity to detect these cases of sexual abuse because where victims of sexual abuse is concerned, or are concerned rather, they are usually not willing to share that secret and there is a lot of psychological trauma that goes along with that, and especially where children are concerned there are a number of obstacles and a number of difficulties. Children, their vocabulary is not as advanced; children are

more susceptible to threats, et cetera. So what we are doing here is to increase the categories of persons, as well as the categories of special relationships, because those persons who are now named in these categories they are more likely to come into contact with children and to determine where sexual abuse is occurring.

So, Mr. Deputy Speaker, I thank you for this very short intervention. I am very happy that those on the other side of the aisle have joined with us. I commend the hon. Prime Minister, I commend the Attorney General, those members of the Special Select Committee for assisting, supporting this piece of legislation as we in this House do what we are here to do to protect those most vulnerable in society.

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

Mr. Deputy Speaker: I recognize the Member for Laventille West.

The Acting Minister of National Security and Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you. Thank you very, very much, Mr. Deputy Speaker. Mr. Deputy Speaker, quite a lot has been said on the measures that are before us here today in the other place and in this place today—quite a lot has been said—and I can frankly say that the major issues have been satisfactorily traversed. The tone from my friends on the other side suggests, experienced as we are, that they are going to lend support to these measures, and it is testimony to the fact and the value of joint select committees these measures found themselves before a committee. They started meeting in the month of February and they finished a couple months after that, after I think about seven, or eight, or so.

Mr. Al-Rawi: It finished in May.

Hon. F. Hinds: In May. Twelve meetings, good attendance, good steady work

outside of the public gaze, and it really highlights the value of that technique in terms of the affairs of the Parliament. It allows parliamentarians on all sides, from both Houses really, to go through the issues, to understand them, because very often, Mr. Deputy Speaker, I have sat here as the proposer of legislation or supporting legislation from this side and hear spurious arguments coming from elements of this House and you wonder sometimes where that is coming from. It is rooted in ignorance, but in the Joint Select Committee that ignorance is obliterated. People have a chance clause by clause to go through and to understand what it is, and it is evident from the course of the discussions here that there is a good understanding that we have not only in Trinidad and Tobago, but we have in the world a serious problem.

I heard it said once that if the HIV circumstance or condition was spread through the human family by what we ate, it would be far easier for a human being to decide I am eating this or I am not eating that, I am drinking this, or I am going here, I am not going there if it had to do with that. But because HIV is to a large extent, though not exclusively spread by human interaction in terms of human intercourse, a basic driving instinct of the human being, then it is much more treacherous, much more difficult, and the condition has spread as it has for that reason. And therefore, I say that, Mr. Deputy Speaker, for us to just for a moment focus on the fact that what we are dealing here is not purely a question of law, not purely a question of an amendment to the Sexual Offences Act, but we are attempting to treat with one of the most basic elements of the human animal and it is for that reason the motive, and it is for that reason very, very, very difficult.

What we are trying to do as a Parliament on behalf of the 41 cross-sections of the society that we represent here today, this evening, is to find—and I think we

have—common ground. We are to reflect a common shared morality in Trinidad and Tobago. Notwithstanding our differences, notwithstanding differences in ages, religions, political tastes and all of that, but we have to find a common shared morality which this Bill is attempting. It was first attempted in 1986. We have had some amendments along the way, and even before 1986 you had other pieces of the legislation trying to deal with this issue because it is obvious to us that we do have that kind of the problem.

So, Mr. Deputy Speaker, I would like to think that we have found that common shared morality and understanding, that we have first of all to protect our women, to protect men in some less expansive circumstances because the complaints from this kind of law is largely against women—we acknowledge that—and most of all to protect the vulnerable group, the children in our communities, in our country. We have found the formula. And I really think as I read this Bill in order to prepare for a short contribution in this debate, I think it is as comprehensive as you can have it, and I understand, based on my conversation with the Attorney General, that because of his engagement with children's package of laws, with the Children's Authority, and establishing all the institutions under that package for the protection of children, and having applied his mind to the vexed question of child marriages and having dealt with it—and as my colleague, Member Deyalsingh, the Member for St. Joseph pointed out today—I do not want to disturb anybody's spirit but I must say—he very pellucidly explained that the lofty position claimed by one of my colleagues on the other side that we supported that Bill to remove marriages under the age of 18 and to allow mature human beings at the age 18 to contemplate whether or not they want to get engaged in the marriage and the things that flow from being married as opposed to being thrust

into it at the age of 11, age 12, and with all of the troubles that brought, a lofty position was made and the Member for St. Joseph clarified it gainfully.

For me, as a politician, I saw an overthrow of the authority of the Member for Siparia by her colleagues in this House because she had directed her colleagues in the other House to vote against it. So I want to commend them. That is what I will commend them for, for taking a strong stand in the interest of the people of Trinidad and Tobago and they know themselves. I do not have to identify them. They may be punished, but they did it and it is to all our benefit and we understand that.

But this Bill, Mr. Deputy Speaker, is rather comprehensive, and in my reading of some of the contributions from the other place I saw a strong submission. I think it was from a member of the Opposition. Yes, the then Sen. Ramdeen. I must be the first person calling his name in this House for months because he was easily forgotten. Nobody missed him or misses him. But the point is—in fact, the place feels a lot better—when I read his comments—because you see, I had to in preparation for this debate—he was the driving legal mind behind a lot of the resistance that we sought to legislation that we considered was important for the people of Trinidad and Tobago, and he made the point—lawyer as he is, understanding as he does, that ignorance of the law, as we used to put, it is no excuse—he made the point in his contribution there that a lot of persons who are to be governed by this law may not know it. That might be true, but ignorance of the law is no excuse.

I heard the Member for Princes Town, a very interesting Member of Parliament he is, say, say today in response to the Member for Lopinot/Bon Air West that the contribution of the Member for Lopinot/Bon Air West was best

evidence of the fact that public education should ensue on these measures—with which I agree—starting with her. It was his way of being pejorative. He was trying to be critical of her. He was making the point that this Bill does not provide for publication, for public expression of the registry, and he said it so boldly, persons out of here would not have understood. He needs the public education because section 40 in this Bill makes provision for the Commissioner of Police, on the order of court, to put on a website—which is a very public expression—certain information about certain persons convicted for offences under this Act. So any public education should start with the very interesting Member for Princes Town. The Member for Lopinot/Bon Air West was quite right when she made her submission that there is a provision for public expression, publicity of the elements of the national registry.

Mr. Deputy Speaker, this law is very thorough indeed, and when we talk about sexual offences I just want to, for the benefit of those who may not know and we may take confidence that everybody knows, and take it for granted this deals with rape, and I think everybody in the country knows what is rape. And I want to say that even if persons do not know the exact terms of the law and how the offences are defined, every sane human being—and, of course, this law governs even those who are insane but who put us at risk—our children, our women and there are cases like that, but for those who are not of that category even though you have never read the Sexual Offences Act, even though you never read these amendments, deep down inside of you, because you were created by God, because we are all for that reason and more moral beings we know right from wrong.

Even though he never read this law, a man, a women, an offender knows that what he is doing is wrong, imprudent, horrific. “He know.” So rape is well known

to all of us, but this deals also with grievous sexual assault where without the consent of the complainant, he knows that the complainant does not consent or he acts reckless as to whether they consented or not, he gets engaged in some sexual assault and this is extorted by threat, or fear, or bodily harm of the complainant or another. I can tell you within the last two years I received—and I mentioned it in this House already—a complaint from someone in my own constituency about a situation where a young lady was for years—about three years—held in captivity you can say. Not physically, but she was abused routinely by a group of persons, men, under the threat of fear that her mother would be killed. Until finally, after about three years, she spoke it out, and when that happened the police intervened very promptly, arrested persons in flagrante delicto, seized equipment, and the persons were put before the court.

I know of a case where a young woman was raped—I spoke about that in this House already and I am sure other Members may have known about similar matters—and because of her circumstances and threats that the house in which her old grandmother with whom she lived with will be burnt with the grandmother in there. I persuaded her for two weeks to go to the police and she never did. She never did. So this offence treats with those kinds of circumstances where grievous sexual assault, rape, and all of these is extorted by threat, or fear of bodily harm to the complainant, or in the case I just told you another, her grandmother or the girl's mother, is obtained by personating someone else. Sometimes people do that. An identical twin may very well try that just to be extreme in my example. Somebody may personate somebody else—and we say “impersonate” but the word in law is “personate”—or if the activity is obtained by false and fraudulent presentations and those kinds of things.

Then you have the business of incest.

“9(1) A person commits the offence of incest who, knowing that another person is by blood relationship, his or her parent, child, brother, sister, grandparent, grandchild, uncle, niece, aunt or nephew, as the case may be, has sexual intercourse with that person.”

All of those categories of blood relations constitute incest, and a person who commits such an offence is liable to imprisonment for life. We would have heard in another debate, in the context of Trinidad and Tobago and we traversed many aspects of the law dealing with it, life was deemed to be 15 to 25 years, and I think in some ways the courts have underscored that and we dealt with that in another debate recently.

Sexual intercourse with a subnormal person:

“12(1) Where a person under circumstances that do not amount to rape has sexual...”

In other words, the person volunteered. The person said yes, but the person is mentally subnormal, and in those circumstances a very serious offence punishable with imprisonment for 25 years. And, of course as a palliative, as we always put in the law, on the one hand you have this, on the other hand you have that. Section 12(2) says:

“It is a defence for that person to prove that he did not know and had no reason to believe the other person was mentally subnormal.”

So if he could prove that he did not know he might have found himself a bit of a defence. In this matter, 12A:

“A police officer may take into custody, without warrant, a person who has committed, or whom the police officer has reason to believe has committed

an offence under”—these sections—“9 or 12”—as I have just explained.

And then, of course, we have the issue of buggery, a matter that was brought before the courts recently by a visitor to Trinidad and Tobago—[*Interruption*]

Mr. Al-Rawi: Jason Jones

Hon. F. Hinds:—Jason Jones, and the matter is on appeal and the matter is still unsettled; this offence of buggery. Then you have the question of bestiality, where:

“14(1) A person who commits bestiality is guilty of an offence and is liable on conviction to imprisonment for fifteen years.

(2) ...‘bestiality’ means sexual intercourse per anum or per vaginam”—and I am just reading the Latin phraseology here—“by a male or female person with an animal.”

And trust me, these things happen in this human experience. These things happen.

Indecent assault. Well this is not rape, but a person who indecently—It means:

“...an assault accompanied by words or circumstances indicating indecent intention.”

I want to focus on this a little bit because sometimes young people, as a criminal lawyer, as a lawyer practised in the criminal court, I have had cases where persons tell you they did not understand the implications of the joke they were making. So I want those who focus on this Parliament today to understand it is no joke. This offence of indecent assault means that an assault accompanied by words or circumstances indicating an indecent intention, and that is punishable by a sentence of 10 years. Just so.

Serious indecency, and this is imprisonment for five years and it does not

apply to an act of serious indecency committed in private between a husband and wife, a male person and a female person each of whom is 16 years and above or more, both of whom consent to the commission of the act.

“16(3) An act of ‘serious indecency’ is an act, other than sexual intercourse...by a person involving the use of the genital organ”—
and so on and so on.

Procuration. Procuration and defilement of the person. Detention. This is one I also want to focus on because sometimes in joke or pretending that they do not understand the seriousness, and this one says:

“19(1) A person who detains another against that other’s will—

- (a) in or upon any premises with intent that the person detained may have sexual intercourse with any person; or
- (b) in any brothel,

is guilty of an offence and is liable on conviction to imprisonment for ten years.”

Abduction of a female, section 20:

“A person who takes away or detains a female person against her will...”—
boyfriend or girlfriend, that “doh” matter. You take a female away against her will.

- “(a) to marry her or to have sexual intercourse with her; or
- (b) to cause her to marry or to have...intercourse with a male person,
is guilty...liable...to imprisonment for ten years.”

And in today’s world, Mr. Deputy Speaker, on the question of human trafficking and all of the other peripheral issues that confront us as a society, confronts the world, these matters are very important, and one of the reasons why I am going

through them is that persons out there in the society, on whose behalf we speak from our various constituencies must understand that these have serious implications.

6.45 p.m.

Living on the earnings of prostitution. Section 23:

“A person who—

- (a) knowingly lives wholly or in part on the earnings of prostitution; or
- (b) in any place solicits for immoral purposes, is guilty of an offence...”—punishable on five years.

And so the offences in the Sexual Offences Act continue. Section 29 says:

“The offences under sections 4 (rape)...(sexual assault)...involving children shall be heard *in camera* unless the Court otherwise directs.”

Mr. Lee: Mr. Deputy Speaker, 48(1), please, 48(1). “Ah couldn’t help meh self.”

Mr. Deputy Speaker: Again, Member, I know you are quoting from the particular Bill, right, and I think you are going it through in detail. And I know we would have had some various Members doing that and also with the AG, so I do not know if you can, you know, kinda precis a little bit for us, please.

Hon. F. Hinds: Thank you very much, Mr. Deputy Speaker. I think it is important for me to say in passing that in 29A, the provisions of section 19B of the Administration of Justice (Miscellaneous Provisions) Act applies *mutatis mutandis*. That is to say the admissibility of video recorded evidence. So we have made provision for that in this law and so it goes. We are amending, since my friend has an issue with the Bill and he wants me to focus on the amendments, in section 31A, we have deleted some elements so that is the amendment and we have replaced that. Well, we are saying simply:

“A person who—

(a) prevents a child from—

(i) giving a statement to the police; or

(ii) testifying; or

(b) forces a child to recant a statement...”— is also guilty of an offence.

And so the offences under this Act continue.

The real issue of contention in both the other place and here, and it is no longer fortunately an issue of contention, is about the question of the national registry and its publicity. I think I treated with that *en passant*. Everyone addressed it in great detail and I must record my own personal view, representing the people of Laventille West, that I have absolutely no difficulty with the—like the Member for St Ann’s East, I have no difficulty, and the Member, of course, for Couva North. They agree that we could publish and we should and while there might be some risks because if you wind up with a note on a court order on your passport, wherever in the world you go and you present that passport, whether for travel purposes or for simple ID purposes in a business place, in an office, anywhere, then those to whom you present it will become aware that you are a sex offender and that could create some disadvantage.

We have recognized in this debate that in some societies, in some places, people come under attack once they are known. Persons are chased out of certain towns across the world because of having a conviction or even an allegation of some sexual offence. So there are some risks for the individual. But as we engage in this balancing act and try to protect the children and protect the women and in some cases, protect men, whether they are from Port of Spain or from Princes Town or wherever, as you try to protect them, then you will find, Mr. Deputy

Speaker, that this is important.

So I support the publicity on the order and there is a protection in here. It is not simply that the Commissioner will take the registry and put it on his website. If the court orders—and of course, submissions will be made to the court to justify the need for that, and a whole host of matters will naturally be taken into account, and the court in its own deliberate judgment will say yes, and the Commissioner will be so notified and he will put the information on that sex offender on the website rendering it as public as you could have it and I say so specifically now that he is in the Chamber, the Member for Princes Town who felt otherwise, it is right here in black and white but of course, he may have some difficulty understanding it because, you know, but we understand.

So, Mr. Deputy Speaker, one of the things, as I conclude, that troubles me and I am grappling with this and I am sure most of us, if not all of us, have to grapple with this. Just as how so far we have not gotten the full story on the adverse consequences of using cellular phones. There are some people who say it is frying our brains, there are some people who say it is harmless. People will tell you do not keep it in your left front pocket next to your heart. All these bits of advice because it generates some measure of radiation. Some people say it is safe, other people not. Just as we used them—some people have two and three cell phones. Just as we are unsure about the impact of that, I am equally unsure about the impact of the wild and available pornography, sex videos, songs and other such material and how that impacts the human being. I am unsure about it but I have a suspicion that it is generating some of the problems that we are seeing.

I attended, for parliamentarians, a programme in London about two years ago and this matter and the matters of the dark net raised by my friend for St.

Joseph, came up, and when the issue of pornography came up, I was quite surprised, based on my own experience, my own common-shared morality with you as a citizen of Trinidad and Tobago, a citizen of the Caribbean region, I was absolutely surprised when there were Members of Parliament and others in that conference who were making the point that absolutely nothing is wrong with pornography. That was strange to me. I mean—and I recall my early days as a law student, I would discover that homosexuality, for an example, is not unlawful in some parts, it is unlawful in other parts, again, it ties into the question of the morality commonly shared in that particular society. In some places, obscene language is not an offence and it is an offence, a criminal offence, though summary, in Trinidad and Tobago.

But I think certainly speaking, as I wind to my own conclusion and to lend strong support to these measures, every one of them in the interest of the protection of our children and the people of Trinidad and Tobago and those who visit us, I am not certain but I believe those exposures are creating a certain state of mind in the minds of the children, because the children of our nation, those who we are trying to protect, they have easy open access and I suspect there is nothing we could now do about it. The genie is already out of the bottle, but they have easy access to these things and it is generating some of the problems that we are trying to treat with in this law today.

So, on the one hand, we are here trying to shut the door and to protect us from the wilds and the sickness and the behaviour of some predators and on the other hand, they are being fed from other parts of the world and in other forms and techniques, so we have a little conundrum. So this will not be the last of this, we will have to be here again to amend this, maybe not in this session or the next but

this is an evolving issue and I am very happy to be associated with the amendments that are in front of us today and to say on behalf of the people of Laventille West, I give, on their behalf, strong support to these measures. Commend the Attorney General, commend the team, commend all who participated in this and commend my colleagues today who contributed.

Mr. Deputy Speaker, with those few words, I would like to thank you.
[*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Mr. Deputy Speaker. I wish to thank all hon. Members contributing to this debate today. It is refreshing to have a unanimity of purpose. It is refreshing to have that focus centred upon the protection of those who are most vulnerable in our society and I wish to warmly congratulate all hon. Members for their reflections, their observations and indeed their support offered here this afternoon, now into tonight.

Mr. Deputy Speaker, there are a few matters only to be addressed. I wish to thank my colleague, the hon. Member for Laventille West, in conjunction with my other colleagues, in particular the report coming from the hon. Member for Tobago East as amplified by other hon. Members, providing for that balance between a reflection on the law and also a reflection upon the operational measures for the protection of children. The Member for Tobago East certainly had a very fulsome response to the Member for Couva North on the particulars of the continuation of programmes and policies [*Desk thumping*] and the hard purchase that has happened of real results that the hon. Member, as a Member of Parliament, as a Member sitting in the Office of the Prime Minister with the responsibility for gender affairs has demonstrated.

The hon. Member for Fyzabad brought forward a few critical points that I

think need to just be dusted off and addressed. I thank the hon. Member for raising those issues. Certainly, the hon. Member asked about the definition of “sexually transmitted infection”, noted that the definition included HIV and wondered whether the definition would fit within precision and whether it could, in fact, be amended by way of subsidiary legislation, meaning rules or regulations as section 69 of the law permits, rules and regulations to be offered. Sorry, forgive me, section 68 where regulations can be offered.

The fact is that we have hung the legislative hat on the peg of what was before. The general interpretation of sexually infectious diseases is intended to apply. That will fit within the parameters of the Interpretation Act where the law continues to speak as a living, breathing entity in and of itself. What we wanted to do was to include the specifics of HIV. This, I must add, is anchored in a very particular way. Part III of the legislation which treats with the concept of a sexually infectious disease. Part III of the legislation is very specifically intended to deal with compensation of virtual complainants. Let us put it in simple term. First of all, compensation must be applied for within four years of the virtual complainant becoming aware of the risk of infection. For those who are not aware as to what a virtual complainant is, it means the real victim. When you get to a court and you start off in the Magistracy, the complainant is the police officer who brings the charge against the defendant and the virtual complainant is in fact the victim. So for the benefit of the record, for those watching on who are not familiar with legal terms, VC or virtual complainant refers to the actual victim.

Part III of the legislation requires that the victim has a shot at compensation under this law in addition to other laws that exist. So it runs concurrently with other laws. There is the general law of tort, meaning wrongdoing in the civil

context. There is the general law under the criminal compensation injuries legislation and indeed, there are other laws which from time to time will speak. Certainly, there are, in existence, laws under the children's legislation package, et cetera, that can manage to work this out. What this law does is that it allows the virtual complainant who is willing and who volunteers, providing express consent to have him or herself tested for a sexually transmitted disease, and only in those circumstances of consent will that person have the opportunity to have someone who is charged, who is mandatorily tested without consent, and with the use of force. That person has a chance to say, "Look, the chain of causation is so close and unbroken to the event of the rape or the sexual aggression, that it is on a balance of probabilities capable of being proved that I, the virtual complainant, I, the victim, contracted this sexual infection from the person who was the aggressor".

The hon. Member is correct that in section 38, there is a risk that if the time of the investigation of the virtual complainant is not very short, that intervening circumstances can break the chain of causation. What that does is that it allows the defendant in the pseudo civil claim, the opportunity to say it is reasonable that the weight of your evidence is not strong enough and that there is a break in causation and that there may have been an intervening event, a paramour or a person who is in your life who has brought on a sexual infection and it was not in fact the defendant in the particular case. So yes, there is a risk.

But what was essential to be preserved in this law was that we would not compel the virtual complainant against his or her desire from being tested. There is no mandatory testing for the virtual complainant. If the virtual complainant chooses not to be tested, well, then it is out. If the person is tested far too late,

intervening circumstances may arise. So that is where we are. We had to do that to be in keeping with the DNA legislation where we saw the compulsory testing of a virtual complainant or a victim as being a second aggression. So from a policy point of view, coming from the DNA legislation in 2012, coming forward to this law as we deal with it now, we have kept a consistent policy approach of not re-victimizing the virtual complainant and compelling them to have an examination.

The hon. Member for Fyzabad also asked about the mandatory testing, the mandatory examinations and making arrangements, how that is to be done. Those will be fleshed out via section 68 where regulations come in. This is synonymous to the questions asked by the hon. Member for Caroni East. Caroni East asked about the sampling and profiling that we would have to have when we are treating with the samples. The hon. Member referred to the sections, again in Part III, where we were dealing with sample management and he referred to sections 36, 38 and 40 of the legislation and asked who the samples will be taken to. Indeed, section 41(2) prescribes that the samples must be taken with immediacy and submitted effectively with immediacy. The regulations are going to speak to whom, in what conditions, what standard operating procedures, what ISO standards, and I draw reference immediately, as I said in the piloting, to the DNA Regulations where we dealt with the best-in-class procedures by virtue of regulations.

In fact, we intend, almost with immediacy, to have the regulations drafted to deal with storage conditions and then the lines of authority. I wish to say that the TTPS has been very aggressive in its preparation for this law. In fact, the Trinidad and Tobago Police Service has already had the benefit of organizing its Standing Orders and its regulations and requirements to operationalize this law.

Permit me for one moment, I do not want to be pejorative in any sense this afternoon as we deal with such an important issue on a bipartisan basis, but I wish to comfort Couva North. I would not say correct. My dear colleague, through you, Mr. Deputy Speaker, what I can say with certainty, having at the break, after the hon. Member spoke, asked the excellent technocrats who are present with us this afternoon, why they had set me up in not bringing forward this massive amount of work that was supposedly done by the Minister of Gender Affairs. They said to me, “AG, there is no work”. Just to let you and assure you, this work was originated by this Government.

Ms. Ramdial: Which work?

Hon. F. Al-Rawi: This Bill, this sex offender registry was originated by this Government. [*Crosstalk*] And what I can say in relation to the Child Protection Unit, I would like to stop for a moment and pay special tribute to the hon. Member for Point Fortin. [*Desk thumping*] It is the hon. Member for Point Fortin when he sat as Minister of National Security, that brought the staff complement to 169 people in that Child Protection Unit—

Ms. Ramdial: It is still understaffed.

Hon. F. Al-Rawi:—and that hon. Member birthed a specialist unit for the first time. That hon. Member had the benefit of his colleagues in this Government—the Member for Tobago East, the Attorney General—having the support of introducing the child advocates, building out the division, putting the specialist prosecutors in the Family and Children Division, bringing forward the products which can operationalize this law. Can we have more police in the Child Protection Unit? Yes. Are they being re-deployed? Yes. Are they being supported by child protection agencies in the Children’s Authority, the probation officers, the social

workers, the bodies that were hired by the Judiciary in the hundreds when we birthed the Family and Children Division?

You see, hon. Members, we took very careful note that we would in fact amend laws in as fast a fashion as possible and I would like to say that we have amended 90 individual laws concerning children, 9-0, and I will explain how that was done. Instead of taking the law piece by piece, we did 19 amendments under the Family and Children Division, we did 23 amendments under the miscellaneous provisions. We abolished child marriage and then we did all of the subsidiary legislation: the child rehabilitation centre, the children's homes, rules times two, orders times two, the anonymization pursuant to the UN work that we did with USAID and the Judiciary of Trinidad and Tobago. We have done a massive amount of work put into effect at the same time and I think that this Parliament deserves credit in having a very progressive approach to the protection of children.

Permit me, Mr. Deputy Speaker, to also name today a few critical personalities who never get the mention that they should. I would like to name at the CPC's division, Ms. Angela Moore. [*Desk thumping*] I would like to name Ms. Carla Ali. [*Desk thumping*] I would like to name at the Office of the Prime Minister, Ms. Gaietry Pargass. [*Desk thumping*] I would like to name Master Christie-Anne Morris-Alleyne. [*Desk thumping*] I would like to name at the Children's Authority, Mr. Benjamin and the entire board. [*Desk thumping*] Ms. Stephanie Daly and the past board of the Children's Authority. [*Desk thumping*] I would like to compliment openly the lost soul of Ms. Boocoo who died in her tribute to Trinidad and Tobago. These are unsung heroes of the public service of Trinidad and Tobago, Mr. Deputy Speaker, who I have had an immense privilege of working with for the last four years and I can tell you and I certify now, that if it

were not for the passion, dedication and “stick-to-it-iveness”, unstinting effort of these honourable ladies and gentleman, our country would be a poor country lost in darkest. It has been a pleasure and a privilege to be a convening factor and I will say quite openly—I am not often egotistical. I will say quite openly that the work at the parliamentary table is complemented by the work at the LRC and the pre-LRCs that spend month upon month of dedicated effort to get this job done, but I pay homage and tribute to the hard-working public servants who have assisted government after government in achieving work product.

What is unusual, Mr. Deputy Speaker, is to have an executive mind and an executive Cabinet that is willing to sit down and do the work and operationalize it. You see, Mr. Deputy Speaker, we had purchased the benefit of DNA law in 2012. The hon. Member for Caroni East asked what was happening. It was not until we did the Regulations in this Parliament, in this Session, that that law came alive. It was not until the Member for Point Fortin as Minister of National Security saw the retention of the DNA custodian, purchased the software to do the DNA profiles, ordered the kits, brought them into Trinidad and Tobago, the 15,000 kits, et cetera, that that law came alive. It was on the books of Trinidad and Tobago 2012, 2013, 2014, 2015, without operation.

Hon. Member: You are in Government.

Hon. F. Al-Rawi: Whether it is continuum in Government or not, the point is that there must be an alacrity, an anxious application of operationalization. We could have birthed the Family and Children Division law as we did in 2016 and then spend four or five years to open the courts. No, Sir. What we did is to open the court simultaneously, hire the people simultaneously, do the Regulations simultaneously, do the rules of court simultaneously. Get the work done at the

same time. It is why I have constantly used, and we in the Government constantly use what my Jamaican colleagues introduced me to, the concept of flying the plane while you are building it. You see, the country does not have the luxury of waiting to operationalize in series, it must be done in parallel, and I pay homage and compliment my learned colleagues, as I have done, the Member for Point Fortin, the Member for Tobago East, the Minister of Health, my colleagues at the Ministry of the Attorney General, in the inter-operation that we have done in getting this thing done.

I will say this. The Minister of Finance does not have an easy job because there are all of these competing obligations that we are vicious about, in wanting to get done, and the Minister of Finance has had the very difficult job of underwriting the cost of these equations. Right now we have an aggressive pursuit to open the Family Court in San Fernando. We are carefully looking at that situation as we have seen the need for operationalization in careful measure, but it is the Minister of Finance's job, in an economy that saw a 96 per cent drop in oil and gas revenue, dropping from \$21 billion to \$400 million, to have worked the magic that he has [*Desk thumping*] and I compliment the Minister of Finance, the Acting Prime Minister today, on that savagery that he is subjected to from his own Cabinet colleagues who are biting on a constant basis for their fair share of the pie to get the job done.

Mr. Deputy Speaker, the hon. Member for Caroni East raised the issue of teenage pregnancies. I would like to point out and remind that it was in the dedication of getting the abolition of child marriage that the AG's office laid bare the statistics on teenage pregnancies, 10,000 pregnancies recorded live births to children. We laid the figures bare. We showed that there were children in the

marriage sector, a 55-year-old marrying a 12-year-old. That is where we had the shock of the UNC's position in saying yes to child marriage. The insistence in the Senate of saying that—I mean, it was terrible to say but the statement made by the Senator sitting on the UNC Bench was that child marriage must continue even in the face of that evidence.

And, Mr. Deputy Speaker, when we look at the issue of teenage pregnancies and as raised by Fyzabad, the mandatory reporting requirements do not accept you in the patient confidentiality system of not reporting. Crimes and the breach of that confidence are brought into circle the same way the legal profession manages it. The authority is actually quite ancient. It is *Regina v Cox and Railton*. It is a case in 1884 which sets out the fact that you have a mandatory obligation even as a professional receiving information in confidence, to make the report.

But you see, Mr. Deputy Speaker, these things do not come to life unless you start. We hear people offer suggestions all the time. I will draw an analogy. The creator of Part IV of this law, Ramesh Lawrence Maharaj, the existing law, this law has been demonstrated to have been badly drafted, not through lack of intention I am sure, or noble purpose, but it could not work. We had zero registrations because people do not process, think the map through. It is the same conversation this country is having on other laws. Should we have a law on sedition? Okay, let us talk about discussing the law but what is the replacement to the law? How do you balance your society, is the question. Trinidad and Tobago needs to have its academic potential more than just in criticism, offer the solution.
[Desk thumping]

We have been fighting as a country. Two governments back to back, the UNC Government, the PNM Government, fighting to birth the cybercrime law.

Commissioner Gary Griffith, when he was Minister of National Security, brought two Bills to deal with cybercrime law. It is relevant to this law. It deals with the distress that we are talking about to children, et cetera. It deals with some of the arguments raised by Caroni East. Mr. Deputy Speaker, the rest of the world has cybercrime law. Unfortunately, Sen. Mark has forgotten all of the experience when they were in Government, will not support the law, at least in public uttering, but the Media Association has been battling with trying to understand its role and purpose. So whether you are talking this law, sex offenders; sedition law, cybercrime law, what is the alternative? Because Couva North asked, how do you protect your children? You can protect your children by the public registry if a court says so. You can know if someone is a paedophile if a court says so.

7.15 p.m.

Look at the Russian roulette mothers in this country, working mothers in particular play. You bring a nanny home. You bring a domestic assistant at home. You have no clue who this person is. You do not know where they live. You have never been to their home. They visit you. Actually, the tribute I pay to politicians is that we 41 here assembled, we know where our people live. We have the privilege of walking this country from the highest office to the lowest most humble abode and we go there. All Members go. We all go.

I remember vividly my colleague from Point Fortin going down to the Marabella trainline as Minister of Housing to witness some housing development works that we were doing there and then saying to me: "I have been a Chief of Defence Staff in this country, I thought I knew Trinidad and Tobago. I have never seen poverty like that in my life." And many of our noble and lovely and beautiful people that work with us in our homes come from right there.

This law allows us a bit of a chance at scrutiny, a little bit of a thought inside of the mind to understand what you are doing. There are laws in this country. Mr. Deputy Speaker, there are laws in this country that people do not think about in their pursuits in everyday life but it is time to let people be a little cautious, whether it is on sexual offences and the fact that you may be known publicly. How many times we have heard people say bring back hangings and do it in public, bring back the cat-o'-nine-tails and do it in public. Part of this is here but the balance and measure is here.

I am tempted to raise a particular issue, but I would not raise it here because it will spoil this debate. I will leave that for another point. I am just saying to hon. Members this law is critical for our benefit as a people. This law is what allows us to manage the advantage.

My learned colleague, the Minister of Social Development and Family Services, asked a question about dealing with child sex offenders. My colleague was spot on correct in her observation and it is true that that issue needs some further exploration. It is true that the Children Act treats with that, but perhaps as we move along we can move there.

The hon. Member for Princes Town raised the issue of parental responsibility, of how we treat and criminalize with parental responsibility. We have that kind of law criminalized in the Children Act; people with responsibility for children. But that is something that is going to have to sober itself into operation. Education is key. Public awareness is key. There are times in our lives as parliamentarians, as we make laws for the peace, order and good government of Trinidad and Tobago, pursuant to section 3 of the Constitution, where we just need to turn up and say these things are immovable morality points in our life, like child

marriage, like abolishing child marriage.

I was excoriated, as Attorney General, for stripping away the three-fifths right and took the risk to advise the Cabinet to do that, just so we pass the law. Because we were voted down on it essentially, by the statements coming. I mean, hon. Members, that is the kind of law that we are supposed to say immediately: “Ay, that issue, we making joke on that.” I remember being told the AG do not know the law. They have no such thing as the right to privacy, is what they alleged I had said. I did not say that. I said there is no such thing as an absolute right, because the Constitution in and of itself accepts that rights may be derogated, pursuant to section 13 and section 54 of the Constitution. Imagine we made a mockery of something as simple as that. Over what? Over what?

We as a Parliament are now dealing with the most aggressive and progressive anti-crime coordination that the country has ever seen and we are standing in part of it right now. We are sitting in part of it right now.

It was in the 1980s that we opened the Hall of Justice. The hon. Prime Minister has announced the Cabinet has taken the decision that this Parliament that we sit in, the 11 floors that we are in, are to be the home of the civil courts of Trinidad and Tobago, including the appellate division. What does that do? It gives us 65 court facilities for criminal matters. Let me repeat that, 65: 34 courts, 31 chambers. Add that to the multiple courts in Fyzabad and at St. Clair in the Children Court; you are talking about a Government that will have birthed in its tenure approximately 72 courts. [*Desk thumping*] How else are you going to deal with dealing with a backlog of 44,000 cases, 29,000 preliminary enquiries, if you do not have a courtroom to do it in?

This Government, legislatively, took the number of judges up from 32

judges, High Court judges, to 64; 12 Court of Appeal judges to 15. Where are you going to put the judge if you do not have a courtroom? This Government birthed the public defender system. Building rented, Stanmore Avenue, 30 bodies to join the Legal Aid and Advice Authority so that when your trial is ready to go on, you have a judge, you have a courtroom, you have rules of court, you have Criminal Procedure Rules, your counsel not ready. He in four other courts and cannot make the trial. No, Sir. We went into the process reform and said you will get competent counsel, as opposed to counsel of choice. That happens this year.

Maintenance rules, family and children rules, Criminal Procedure Rules, process reform. Merging the criminal division, creating the Family and Children Division. What does that do? It stops you from having to go between the High Court and Magistrates' Court, as if the two do not exist. But how are you dealing with evidence, Mr. Deputy Speaker?

In building the plane while we are flying it, we said you need CAT Reporters. Transcription evidence takes four year to move from a preliminary enquiry to a High Court. Do you know what we did? Mask reporting, Dragon dictation, we train 30 people every three months. Push them out up at CAT reporting speeds as fast as the Parliament does for a whopping sum of \$500,000. Thirty plus 30 plus 30 plus 30, transcription start to come.

But what else did we do? Where are you hearing these sexual offences? Summary? Indictable? The courtroom was not computerized. There were no rules. The Marcia Ayers-Caesar fiasco came on the back of the judge not knowing how many matters were outstanding, because there was no record other than a manual book.

The Chief Justice, who is made the subject of a lot of criticism, largely from

Sexual Offences (Amdt.) Bill, 2019 (cont'd)
Hon. F. Al-Rawi (cont'd)

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Members opposite, that hon. Chief Justice found himself in Nigeria to get the software for free, asked the Government of Spain to better the software, and that software is now in the body of TTGIM, that is the name of the software which allows court mail, electronic filing, FTR. The same way we have cameras and transcriptions, every single court in Trinidad and Tobago has that, computerized. The dignity is restored in WiPay—the ability to not line up to pay domestic issues.

Mr. Deputy Speaker: Hon. AG, your initial speaking time has elapsed. You have an additional 15 minutes.

Hon. F. Al-Rawi: Should it please you.

Mr. Deputy Speaker: Avail yourself?

Hon. F. Al-Rawi: Yes, Sir.

Mr. Deputy Speaker: Proceed.

Hon. F. Al-Rawi: The dignity to the human being, as this Bill restores dignity, as it gives hope. Dignity is born by making sure people do not have to go for their maintenance payments, line up whole day to put the money in, line up whole day to take the money out. So if a food card or smart pay was good enough for the Ministry of the People in your day, why not CourtPay? Who objected to CourtPay? Who said CourtPay was for the 1 per cent and named Gerry Hadeed? The UNC.

Mr. Hinds: Wicked.

Mr. Deputy Speaker: One sec. Retract, please. Retract that statement, please.

Mr. Indarsingh: Get up, get up, get up.

Mr. Deputy Speaker: Members, Members. Laventille West, please retract.

Mr. Hinds: I retract that comment against the UNC, Mr. Deputy Speaker.

Mr. Deputy Speaker: Just retract the statement for me please.

Mr. Hinds: I retract the statement, Mr. Deputy Speaker.

Mr. Deputy Speaker: Thank you.

Hon. F. Al-Rawi: Mr. Deputy Speaker, I am trying to bring what Couva North asked, into real context. How do we protect children? How do we make the system work? And I am explaining to the country, through you, Mr. Deputy Speaker, how this system works.

But Mr. Deputy Speaker, I was talking about the divisions of court and in the criminal division. What could be more commonsensical, hon. Members? We have 43 magistrates, up to 46, working in 14 Magistrates' Courts and two out-courts, dealing with 146,000 cases every year in the Magistrates' Court, 104,000 of those cases are motor vehicle and road traffic offences, 29,000 are preliminary enquiry—43 people looking at 146. Let us do the math. We have, Mr. Deputy Speaker, 146,000 cases. Let us take away the 104,000 cases. You get 42,000 cases left. Let us take away preliminary enquiries. Let us minus 29,000 preliminary enquiries. You get 13,000 cases.

Therefore, by abolishing preliminary enquiries, making it happen because you have now this Parliament building for the civil courts with a walkway being constructed, with Furness Smith with 1,000 car parks already set and open. Having 64 courts in the Criminal Assizes, now the Hall of Justice, we are taking the Magistrates' Courts and we are saying to the Magistrates' Courts: "You see your 43 magistrates, instead of dealing with 146,000 cases, you deal with 13,000 cases." What do you think that means for the people of Trinidad and Tobago? It means that sexual offences, as they will be considered in this Bill, get ramped up, Mr. Deputy Speaker.

You see, Pointe-a-Pierre said some time ago that the UNC was not going to support certain laws, because they finally understood the pieces coming together. Pointe-a-Pierre was talking then about the white collar laws that we were dealing

with, Mr. Deputy Speaker. That is for another occasion. Suffice it to say the methodology that we have employed in dealing with the laws of Trinidad and Tobago and the reform of the criminal justice system in particular, where this Bill is anchored, has never been applied in the manner that I have just described. It is this Government, and this Government in its combined elemental contributory pieces, that has caused that to happen and we will give account for that.

Mr. Deputy Speaker, this Bill is good law. This Bill was the product of a lot of hard work. This Bill, much like many of our very difficult Bills, passed through the Senate first. You know why? With the greatest of respect to the House, House cannot be trusted on three-fifths majority Bills. By far better to get the Independent support first; by far better. We saw it in the Bail Bill. We saw it in the Anti-Gang Bill. We saw it in this Bill. Sometimes you just need to take a different approach to the law.

Mr. Deputy Speaker, I commend this Bill to Trinidad and Tobago. I commend the bona fides of this law for us all, and I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Mr. Deputy Speaker: Leader of the House, could we have the Procedural Motion, please?

PROCEDURAL MOTION

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Mr. Deputy Speaker, I beg to move, in accordance with Standing Order 15(5), that this House do sit until the conclusion of the matter before it.

Question put and agreed to.

SEXUAL OFFENCES (AMDT.) BILL, 2019

Bill committed to a committee of the whole House.

House in committee.

Mr. Chairman: Hon. Members, we convene the committee of the whole. Hon. Members, do I have your agreement to consider all of the clauses together? AG? Chief Whip?

[Assent indicated]

Mr. Chairman: Nice.

Clauses 1 to 11 ordered to stand part of the Bill.

Preamble approved.

Question put and agreed to: That the Bill be reported to the House.

Mr. Chairman: We will now resume the House. Thank you technocrats for your time.

House resumed.

Bill reported, without amendment.

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

Mr. Deputy Speaker: This Bill requires a three-fifths special majority. *The*

House voted: Ayes 28

AYES

Robinson Regis, Hon. C.

Imbert, Hon. C.

Al-Rawi, Hon. F.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. S.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Francis, Hon. Dr. L.

Olivierre, Ms. N.

Leonce, A.

Antoine, Brig. Gen. A.

Smith, D.

Cuffie, M.

Lee, D.

Karim, F.

Tewarie, Dr. B.

Indarsingh, R.

Ramadharr, P.

Khan, Dr. F.

Padarath, B.

Bodoe, Dr. L.

Paray, R.

Ramdial, Ms. R.

Question agreed to.

Bill accordingly read the third time and passed. [Desk thumping]

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, I beg to move that this House do now adjourn to Friday, the 20th day of September, 2019, at 1.30 p.m.

Adjournment (cont'd)

2019.09.13

Mr. Deputy Speaker, I would like to give notice to my colleagues that we will be dealing with a Bill to amend the Government Savings Bonds Act, Chap. 71:41. That Bill will be sent out with the Order Paper.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.37 p.m.