SENATE

Tuesday, April 19, 2011

The Senate met at 1.30 p.m.

PRAYERS

[MADAM VICE-PRESIDENT in the Chair]

LEAVE OF ABSENCE

Madam Vice-President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Anand Ramlogan, who is out of the country.

SENATOR’S APPOINTMENT

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency TIMOTHY HAMEL-SMITH,
Acting President and Commander-in-
Chief of the Republic of Trinidad and Tobago.

/s/ T. Hamel-Smith
Acting President.

TO: DR. VIDHYA GYAN TOTA-MAHARAJ

WHEREAS Senator Anand Ramlogan is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:
NOW, THEREFORE, I, TIMOTHY HAMEL-SMITH, Acting President as aforesaid, in exercise of the power vested in me by section 40(2)(a) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, VIDHYA GYAN TOTA-MAHARAJ, to be temporarily a member of the Senate, with effect from 19th April, 2011 and continuing during the absence from Trinidad and Tobago of the said Senator Ramlogan.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 19th day of April, 2011.”

OATH OF ALLEGIANCE

Senator Vidhya Gyan Tota-Maharaj took and subscribed the Oath of Allegiance as required by law.

REPLACEMENT OF A MEMBER ON THE PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE

Madam Vice-President: Hon. Senators, I have received the following correspondence from the Speaker of the House, hon. Wade Mark:

“April 18, 2011

Sen. Lyndira Oudit
Vice-President of the Senate
Office of the President of the Senate
The Red House
Abercromby Street
PORT OF SPAIN

Honourable Acting President,

Replacement of a Member on the Public Accounts (Enterprises) Committee

I wish to advise that at a sitting held on Friday April 1, 2011, the House of Representatives agreed to the undermentioned motion:
‘BE IT RESOLVED that Mrs. Paula Gopee-Scoon be appointed to serve as a Member of the Public Accounts [Enterprises] Committee in place of Dr. Keith Rowley.’

Accordingly, I respectfully request that you convey this decision of the House of Representatives to the Senate.

Respectfully,
Hon. Wade Mark, MP
Speaker of the House”

FINANCIAL INTELLIGENCE UNIT OF TRINIDAD AND TOBAGO (AMDT.) (NO.2) BILL.

Bill to amend the Financial Intelligence Unit of Trinidad and Tobago Act, 2009, brought from the House of Representatives [The Attorney General]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate on Tuesday, April 26, 2011. [Sen. The Hon. S. Panday]

Question put and agreed to.

CENSUS (2011) (EXTENSION AND VALIDATION) BILL.

Bill to provide for the extension and validation of the census taken pursuant to the Census (2011) Order, 2010 and matters related thereto, brought from the House of Representatives [The Minister of Planning, Economic and Social Restructuring and Gender Affairs]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate on Tuesday, April 26, 2011. [Sen. The Hon. M. King]

Question put and agreed to.

TRAFFICKING IN PERSONS BILL.

Bill to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime and for matters connected therewith or incidental thereto, brought from the House of Representatives [The Minister of National Security]; read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate on Tuesday, April 26, 2011. [Sen. The Hon. Brig. J. Sandy]

Question put and agreed to.
PAPERS LAID

1. Annual administrative report of the Point Fortin Borough Corporation for the period October 01, 2004 to September 30, 2005. [The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday)]

2. Annual report of the Trinidad and Tobago Securities and Exchange Commission for the year ended September 30, 2009. [Sen. The Hon. S. Panday]


ORAL ANSWERS TO QUESTIONS

Disbursement of Grant to Former Prison Inmates
(Details of Funds)

46. Sen. Fitzgerald Hinds asked the hon. Minister of National Security:

A. In light of the recently stated policy to disburse a grant in the sum of $5,000 to former prison inmates, would the Minister indicate whether this policy applies to all such inmates?

B. If the answer to (A) is in the negative, could the Minister inform the Senate:

(i) which category of former inmates would be excluded;
(ii) and when would this policy take effect?

C. Could the Minister also indicate whether this grant will be issued in addition to the other grants, whether in cash or kind now issued to former inmates?

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Madam Vice-President, hon. Senators, the answer to question A is no. There will be set criteria which must be met in order for an inmate to qualify for the grant.

At present, the Ministry of National Security is taking steps to convene a working group comprising the prison executives, former inmates, non-governmental organizations and other key stakeholders in the design of the programme. Upon completion of this exercise, such details as specific criteria and by extension, the factors that would disqualify an inmate from accessing the grant would be determined, as well as the programme management, effective date of implementation and other key issues.

This will be a matter that would be among those to be discussed by the
working group.

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

Sen. Hinds: Would the hon. Minister therefore agree that the announcement by the Prime Minister of the Government’s plan to make $5,000 available to all former inmates on their discharge from the prison some two months ago was quite premature, in light of the fact that the working group to consider it has not yet been established?

Sen. The Hon. Brig. J. Sandy: Madam Vice-President, no. [Desk thumping]

Madam Vice-President: Any more supplemental questions or would you like to proceed?

Sen. Hinds: One more supplemental.

Madam Vice-President: Sure.

Sen. Hinds: Since the Minister thought that it was not quite premature, would not the Minister agree with me if I say it was all about gaining public support and PR, when in fact nothing was done to support the policy to date?

Sen. The Hon. Brig. J. Sandy: Madam Vice-President, I say again, no. [Desk thumping]

Disbursement of Grant to Former Prison Inmates
(Allocation of Funds)

47. Sen. Fitzgerald Hinds asked the hon. Minister of National Security:

A. With respect to the recently stated policy to disburse a grant of $5,000 to former prison inmates, would the Minister indicate whether funds for this programme have already been allocated?

B. If the answer to (A) is in the affirmative, would the Minister indicate how much and where in the Appropriation Act for fiscal 2011 is this allocation to be found?

C. Would the Minister also indicate whether this grant is to be issued without qualification, or would it be tied to some condition?

The Minister of National Security (Sen. The. Hon. Brig. John Sandy): Madam Vice-President, answer to question A is, no. Given the fact that the initial proposal was developed after the reading of the fiscal year 2011 budget, there are no provisions within the budget for the programme. However, the Government
does not consider this initiative to be critical to the anti-crime strategy and, therefore, it is committed to reviewing the budget and re-priorizing in order to facilitate its funding, should that become necessary.

The answer to B is not applicable.

There will be set criteria that must be met in order for an inmate to qualify for the grant. At present, the Ministry of National Security is taking steps to convene a working group comprising the prison executives, former inmates, non-governmental organizations and other key stakeholders in the design of the programme. Upon completion of this exercise, such details as specific criteria and by extension, the factors that would disqualify an inmate from accessing the grant would be determined, as well as the programme management, effective date of implementation and other key issues. [Desk thumping]

**Sen. Hinds:** Would the hon. Minister therefore consider it appropriate if one should advise all the prison inmates who were excited by the Prime Minister’s announcement, that like Dorothy, they should just wait, wait and wait?

**Sen. The Hon. Brig. J. Sandy:** Madam Vice-President, no. [Desk thumping]

**Purchasing/Acquiring of Paintings**  
(Details of)

48. **Sen. Fitzgerald Hinds** asked the hon. Minister of Foreign Affairs:

(a) Would the Minister indicate how many paintings have been purchased/acquired by his Ministry from nationals of Trinidad and Tobago, since he assumed office, for display at our missions/offices abroad?

(b) Would the Minister indicate the cost of each piece so purchased/acquired and the name of the artist in each case?

(c) Would the Minister also indicate what criteria were applied in the identification and selection process?

(d) Would the Minister outline the criteria that an artist has to satisfy in order to have his/her work considered for this purpose?

**The Minister of Foreign Affairs (Hon. Dr. Surujrattan Rambachan):** Thank you very much. Madam Vice-President, the question is in four parts. Since I have been in office, the Ministry of Foreign Affairs purchased three paintings from nationals of Trinidad and Tobago. These items are currently housed at the
Ministry of Foreign Affairs and they have been purchased with a view to be given as gifts to outgoing Ambassadors, and/or to be given to Missions abroad for display since they represent the talent of the people of Trinidad and Tobago. It is our intention to continue to acquire pieces of art from nationals to display at our Missions abroad as part of introducing the creative talent of our people to our diaspora and to these communities overseas.

Madam Vice-President, before I answer (b), I would like to refer to a Newsday article of Friday, October 05, 2007 and it states as follows:

“...a 1978 painting by local artist LeRoi Clarke, was a ‘national treasure,’ Culture and Gender Affairs Minister Joan Yuille-Williams announced at yesterday’s Post Cabinet press conference at Whitehall, that Government would buy the painting for TT $1.25 million.”

1.45 p.m.

Madam Vice-President, you probably would recall that a mural was bought for $95,000 by the former General Manager of TTT, Mr. Roy Watson, to be placed at TTT. I am advised by the bankers this morning that spending $95,000 to buy that painting, that mural when it was bought, was like spending $985,000 today.

Madam Vice-President, in that regard, and in answer to Part (b) where the hon. Senator asked for the cost of each piece so purchased and the name of the artist, as I said, it is customary, for the Ministry of Foreign Affairs to present a gift to all outgoing Ambassadors and particularly to use indigenous items of Trinidad and Tobago. When I came into office, I embarked on a project to showcase the artistic talent of the youth of Trinidad and Tobago. We speak so much about our youth but we do so little to enhance the self-esteem, and to give them the prominence that they deserve, not only in their own country but also overseas.

And therefore, this project was conceived in order to give the youth a platform for international exposure. Three paintings were chosen as a result and they are as follows:

- A painting entitled ‘Sunset’ by young artist Sophia Mitchell—all these artists are below 18 years of age—cost us $1,200 TT compared to $1.2 million for the LeRoi Clarke painting that was bought in
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2007.

- Painting No. 2 entitled “Love Birds” by artist Amrita Kalpee cost $600; and
- Painting No. 3 entitled ‘The Red House’, a beautiful painting by artist Kajal Madho cost $1,500.

Madam Vice-President, you will agree with me that this is a small price to pay compared to the intangible value that will be gained through this exercise for the youths of our country. I believe that we need to inspire and we need to motivate, and we need to recognize the brilliance of our young people and the brilliance of their talent. [Desk thumping] And I certainly believe that if a person like myself becomes a Minister, and has the opportunity to reach out, and to do this for the young people of Trinidad and Tobago, I will be failing in my duty, the duty assigned to me by the people of this country, to make sure that young people in particular who we claim to be the future are given every platform to excellence.

With respect to part (c), Madam Vice-President, I wish to indicate again that the goal of this specific programme is to showcase the talent of our youth, artistic talent. The Ministry of Foreign Affairs, therefore, partnered with a subject matter expert from the Ministry of Education, Mr. Shastri Maharaj, Curriculum Co-ordinator, Visual and Performing Arts, to help us in the identification of paintings coming from a cross section of schools in Trinidad and Tobago. Being the Curriculum Co-ordinator, Visual and Performing Arts, he was able to choose about 50 paintings and put them up for exhibition for us.

The identification process was very simple. Firstly, the piece of art must depict something related to Trinidad and Tobago. Secondly, the particular artist or artists must have been a fifth-or-sixth form student from a secondary school in Trinidad and Tobago. And thirdly, the artist must be a national of the Republic of Trinidad and Tobago.

In this first phase of this project, the pieces were limited only to artwork. Once the pieces were identified by Mr. Shastri Maharaj, they were viewed by members of the Ministry of Foreign Affairs. It is important to note that while the pieces were put up for viewing, there was a high level of anonymity associated with the process. In other words, there were no names of the artists on the paintings. And that was to ensure transparency and to give equal opportunity and equal value in the selection process. I repeat, neither the names of the students nor their respective schools was affixed to the artwork. And from the paintings therefore identified by Mr. Shastri Maharaj, three were selected and they were selected
solely on the aesthetic appeal.

Madam Vice-President, with respect to Part (d), this relates to youth—as I said, secondary school youths—and the only criteria the Ministry of Foreign Affairs has is that the candidate be a secondary school student with a passion for art, fifth or sixth former, and the art depicted is something of Trinidad and Tobago. I want to say to the hon. Senator that the next stage of the project will be expanded to include other types of art such as pottery, sculpture and handcraft, again made by secondary school students.

I thank you.

Sen. Hinds: It sounds wonderful but I would like to ask the Minister what does he mean when he said in order to ensure transparency, no name or the title of the painting was put up?

Hon. Dr. S. Rambachan: We wanted to be sure that when these paintings were put up, they all belonged to students and each one of those students felt that they had a fair and equal opportunity to have their paintings chosen, so nobody saw a name, nobody saw a school. The paintings were there and they were brought there by Mr. Shastri Maharaj who is the subject expert and he chose them, and from those we chose.

Sen. Hinds: Could the hon. Minister indicate, by way of a supplemental question, what is the name of the programme, when was it launched and how was it advertised?

Hon. Dr. S. Rambachan: Madam Vice-President, it is a simple programme within the Ministry to acquire from students artwork that is available and that can be used for the purposes which I described. This programme started three and a half months ago. I also want to inform the hon. Senator that we are now embarking on a national painting art competition among all secondary schools in Trinidad and Tobago. Three and a half months ago, if the Member would be keeping up with current affairs, he would probably have read the newspapers, and seen this advertised boldly in the newspaper but I do not know the Member to be doing such.

Sen. Hinds: Madam Vice-President, in fairness to me, the Minister has not told me when it was launched and how it was advertised. Just tell me; I think it is a good idea.

Hon. Dr. S. Rambachan: That is a new question, file it and I will come back and answer it.

ACKNOWLEDGEMENT OF FORMER MEMBER OF PARLIAMENT
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**DR. JOHN BHARATH**

Madam Vice-President: Thank you, hon. Minister. Before the Clerk gets to the rest of the items, I wish to recognize in this honourable Chamber, Dr. John Bharath, former Member of Parliament for St. Augustine from 1966 to 1971, and also former Senator, Member of this Senate from 1995 to the year 2000, and in fact, is the proud father of our hon. Minister of Food Production, Land and Marine Affairs, Mr. Vasant Bharath.

**ERRATA**

**ANTI-GANG BILL**

**BAIL (AMDT.) BILL**

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Madam Vice-President, I wish to inform this honourable House that there is an errata on the Anti-Gang Bill, 2010 which has been circulated. The purpose of this errata is to correct printer’s error in the Bill. Also, there is another errata on the Bail (Amdt.) Bill which is again engaging the attention of the Senate [Interruption] They are really printer’s errors and the purpose is the same as the errata on the Anti-Gang Bill. Thank you very much.

ANTI-GANG BILL

[Second Day]

Order read for resuming adjourned debate on question [April 12, 2011]:

That the Bill be now read a second time.

Question again proposed.


Sen. Rabindra Moonan: Thank you very much, Madam Vice-President. I rise to join the debate on the Anti-Gang Bill, 2010 and the Bail (Amdt.) Bill, 2010. Madam Vice-President, this Bill has far-reaching implications for law and order in this country. And we are here because of a report of a Joint Select Committee of the Parliament, and I just want to read. At the sitting held on Friday, December 3, 2010, the House of Representatives agreed to the following
resolution:

“That this Bill be referred to a Joint Select Committee of the honourable House, comprising an equal number of Members of the House of Representatives and the Senate, and that this committee be empowered to discuss the general merits and principles of the Bill, along with its details, and to be mandated to report in three months to this honourable House.”

Also included was the Bail (Amendment) Bill at a sitting on Friday, December 10, and basically it said the same thing and these Bills were referred to a Joint Select Committee.

The overview of both these Bills, the Anti-Gang Bill, 2010, seeks to make provision for the suppression of associations created for unlawful or criminal purposes and for the better protection of the public; and the Bail (Amendment) Bill seeks to amend the Bail Act, Chap. 4:60 to confer onto a court the jurisdiction to deny bail to a person who is a gang member.

Madam Vice-President, the consideration of the Bill to the Joint Select Committee—and it goes on here to say your committee agreed that its consideration of the Bill should be done in a timely manner keeping in mind the date for reporting to Parliament. And some of the issues, the issues of deliberation, there was wide consensus in your committee with respect to the objectives for the introduction of the Anti-Gang Bill which outlined measures to provide the society with protection from criminal elements. It will also ensure that the penalties applied will stem the growth of gangs, criminal activities and to serve as a deterrent to would-be gang members.

It goes on to a number of things and some of the recommendations made include that these Bills be accepted by the House at the earliest opportunity subject to amendments, and the committee further seeks that an aggressive public education campaign be carried out in that the public should know all the provisions of this Bill.

Madam Vice-President, I want to start my contribution, taking off on the contribution of other Senators who spoke last week, and to commend all the members of the Joint Select Committee who really did good research and came up with provisions to make into law.

2.00 p.m.

Last week we heard from Sen. Basharat Ali, we heard from Sen. Elton
Prescott SC and a number of Opposition Senators, but also my friend, Sen. David Abdulah, who I thought was excellent. I say this because David Abdulah, I think, was two years below me at the University of the West Indies, but he has grown immeasurably since then. [Desk thumping]

I was taken up—and I want to concentrate this afternoon on some of the comments made by Members of the Opposition. Sen. Hinds in particular, as he is wont to do every week, will come here and “explashiate” and say very little. In his *Hansard* contribution, which took up all of 27 pages, I had to look for some substance and it was the most difficult thing to do. But, he tried to show that he did some research and he wanted to link this Bill—and he asked the Minister why he did not make some reference to the Criminal Injuries Compensation Bill. But, Sen. Hinds should recognize—I think he has been a longstanding Member of both Houses—that this is just one part in the fabric of greater law-making in this country and by introducing these Bills they are just one part and we are moving. But Sen. Hinds must endeavour to show that he is making some contribution.

He went on to speak of 54 years of PNM as being instrumental to the Bills before this Senate. In fact, if I recall—permit me to go back—he said the People’s Partnership Government was carried kicking and screaming before a joint select committee and it is only then we agreed. But, this People’s Partnership Government is based on a philosophy of consensus, and we believe in a collaborative effort, because when we present a Bill, the Bill must be for the benefit of all of Trinidad Tobago. “We doh come here tuh boast that is we who do dis or you who do dis.” At the end of the day, when we make a law, the entire country of Trinidad and Tobago should benefit. When he spoke of 54 years of the People’s National Movement, I got worried. I am saying to myself this is not something you should boast about. In fact, so much so, he should come to this Senate and apologize. But he boasted of 54 years of PNM governance.

Last week, or two weeks ago, I wrote a letter to the newspaper. In that, I spoke about the new adventures of the old PNM. This is after they had their—what you call it at Chaguaramas?

**Hon. Senators:** Convention.

**Sen. Hinds:** You should know. You were a PNM.

**Sen. R. Moonan:** Your convention.

**Sen. Baptiste-Cornelis:** That was before he saw the light, so he came across.

**Sen. R. Moonan:** They had their convention. He says here—I am quoting
from the *Guardian* of April 05, 2011. I want to tell you something, nobody saw this letter in the Parliament on that particular day. Sen. Hinds was in his glee and shouted across to me: “Did you see letter?” I told him: “Yes, I saw it.”

[Interruption]

**Sen. Hinds**: You sent me a love letter.

**Sen. R. Moonan**: I want to quote, because the population should know what Sen. Hinds said in that letter. He spoke about how his party had a successful convention. I did not want to tell him that convention may have been a gang at Chaguaramas. You see the connection, Sen. Hinds. He spoke about how united a party the PNM was. He spoke about everybody who came together; the greatness of the PNM. Then he ended—he asked me, because I had written this letter, a very short letter, speaking about the new adventures of the old PNM, because I said they cannot change. He said in this letter—a cliché—that he wanted to find out whether I was singing for my supper. After reading this letter and after hearing Sen. Hinds, I am moved to ask whether he sings for an entire menu list. But that is what he comes here with every week.

Sen. Hinds went on to speak of crime not being in any geographical or any particular area. But I have here an article of Monday, March 07, 2006. It is a blog written by Dr. Anderson Morris, St. Augustine, [www.caribbean.blog.spot](http://www.caribbean.blog.spot) in case he wants it. This is the Sen. Hinds who comes to this Senate every single week and gives you the impression that the PNM is here to support good governance and to have good laws. This is the same Sen. Hinds whose party voted against the hanging Bill, which was part of our whole structure of crime legislation. This article goes on to say:

“On a radio interview on Sunday October 23, 2005, Hinds, in defending his party’s decision not to support the ‘Death March’…”

They did not support the death march, which we all know was led by our now Minister Stephen Cadiz. His party decided

“…stated that it appeared to be one supported mainly by the middle and upper classes.”

So he brings discrimination into crime. This is the Sen. Hinds who sits there. He said:

“I am not all surprised”—[Interruption]

**Sen. Hinds**: Madam Vice-President, point of order.
Anti-Gang Bill  
[SEN. MOONAN]  

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Sen. Baptiste-Cornelis: What number?

Sen. Hinds: Standing Order 35(1). The Senator is quoting from an article he read in the newspaper, which is reporting me as saying something, which I am now advising I have no recall of saying. In the circumstances, is it proper for the Senator to be quoting a newspaper as a source of truth and ascribing comments me? I think it is improper, and I think it should be withdrawn. I am not going to run from any position I take, but that does not sound like my language anyway. Madam Vice-President, I object on that basis.

Madam Vice-President: Sure. I do wish—and urge all Senators to familiarize themselves with the. Standing Orders, however, because you have risen on a point of relevance to the debate, not objectionable language. Therefore, on ruling for Standing Order 35, please continue. You have the right to proceed.

Sen. Hinds: One moment please. Madam Vice-President, while you sit in the Chair, you are the—

Madam Vice-President: Senator, please. I am standing. You interrupted a Senator on his legs, on a point of order. You indicated Standing Order 35(1). I have ruled Standing Order 35(1). There is no irrelevance in the Senator’s contribution. Do you have another Standing Order to interrupt the Senator? If you do not, kindly allow the Senator to continue, please.

Sen. R. Moonan: Thank you, Madam Vice-President. I noticed Sen. Hinds did not get up to object when I read his letter in the newspaper when he was quoting me. He read a newspaper article and then he came back. But, it is not very often that he gets an article in the newspaper, so I could understand how gleeful he was. I was just putting it in the Hansard that he did in fact write in the newspaper. If I may continue.

“While addressing the Fifth Biennial Conference of Delegates of the Contractors and General Workers Trade Union…on August 26, 2004, Hinds”—allegedly—

Sen. Hinds: I have never addressed such an organization. You are probably talking about someone else; another Hinds.

Sen. R. Moonan: Madam Vice-President, if I may continue:

“…Hinds made it quite clear”,—or he made it allegedly quite clear—“that he will take no personal responsibility for the increasing crime rate. This
of course from the junior National Security Minister. To give a further illustration of his thinking, on April 8, 2005, Hinds went so far to indicate in a newspaper article that East Indians are the choice of kidnappers because they are more visible as businesspeople.”

It speaks here of the junior Minister of National Security. I want to stress junior Minister of National Security, because in all the years that he spent in the Parliament, he was never able to rise above junior. In fact, his former boss, Patrick Manning, did not have very kind words.

**Sen. Hinds:** You had the same former boss.

**Sen. R. Moonan:** Somebody asked the question: “What has Hinds done for his poor community?” He spoke about Morvant/ Laventille.

“Even after his appointment as Minister of State in the Ministries of National Security and Rehabilitation and Industry and Trade, Hinds finds the time to listen to all the radio stations and call in with his comments almost on a daily basis.”

**Hon. Senators:** Who said that?

**Sen. R. Moonan:** This is written about Sen. Fitzgerald Hinds.

“That would explain why nothing has been forthcoming from Hinds since his appointment. In many ways, Hinds reminds me of Harvey Boris…” and so on, and so forth. There are some words written in this article which I cannot read.

**Sen. Al-Rawi:** Madam Vice-President, if I may, not so on a point of order but an issue of clarification, which relates to privileges in general. May I enquire of the hon. Senator, where he is quoting from, who wrote the article and what date it was published, just for clarification?

**Madam Vice-President:** I would allow the query as to the source of your data.

**Sen. R. Moonan:** When I began, I said where it was from. It was written—

**Sen. Al-Rawi:** I may have missed it.

**Sen. R. Moonan:**—as usual—by Dr. Anderson Morris, a blog.

**Sen. Al-Rawi:** I did not miss the date and the source. Respectfully, just for the clarification—I am sorry that we are descending a little in our conduct this afternoon. I am just asking the source of it and the date of its publication.

**Sen. R. Moonan:** Yes, Madam Vice-President, as I continue. As you see, they begin to jump up here this afternoon—
Anti-Gang Bill

[SEN. AL-RAWI]

Sen. Al-Rawi: Has he answered, Madam Vice-President, respectfully? I am sorry, he said: “You see” and he was proceeding. I got the impression that he was proceeding without answer. I may have been wrong in my impression.

Sen. Baptiste-Cornelis: He answered!

2.15 p.m.

Sen. R. Moonan: Madam Vice-President, was there anything to answer? I am sorry, I may have missed it.

Sen. Cudjoe: The date and the source? A blog?

Sen. Al-Rawi: Anderson Morris is not a date and Anderson Morris is not a source. [Crosstalk]

Madam Vice-President: Senator, Senator, I think it is the onus of the Senator to indicate his source as requested. Please identify the source wherever your source is, if you can indicate so that Hansard themselves will be able to record.

Sen. R. Moonan: Thank you, Madam Vice-President. Monday, March 27, 2006, and the title of this particular blog which I did not want to really put into the records, but now I am forced and it is:

“The Failures of Fitzgerald Hinds MP”. [Desk thumping]

Sen. Baptiste-Cornelis: There is only one blog?

Sen. R. Moonan: That is only one. But you see, Madam Vice-President, the 54 years of PNM representatives, which has brought us to where we are, has the PNM a little shaky here this afternoon, because there is an article here and this is the Sunday Express, April 17, 2011, page 13, written by Lennox Grant, and he says among other things:

“Though out of step with some of the others, Patrick Manning is on the march toward the same political objective. As Prime Minister and political leader, Mr. Manning never favoured Fitzgerald Hinds, the man now deployed to leading ranks of the shock-and-awe team in Parliament”

Leading a shock and awe team in Parliament and this afternoon they are in shock and awe, because we dare to respond to them. “Mr. Hinds last week, however, hurled the charge that campaign funders had prevailed on the government to soften its attack on large-scale banditry.”

And he said that last week. He alluded that this Government, this Cabinet, was a gang—
Sen. Hinds: I never said that.

Sen. Baptiste-Cornelis: Yes, you did, alluded to.

Sen. George: Yes, alluded to.

Sen. R. Moonan: And he went on, Madam Vice-President, Lennox Grant said:

“Look forward, over the Eric Williams’ Year days to come, to hearing Mr. Hinds again recycle the infamous taunt that the UNC and People’s Partnership Indians constitute a ‘recalcitrant minority’.”

Now, I am sure that somebody “ganging-up” on Sen. Hinds. For Lennox Grant to be making a statement like that, somebody must be ganging-up. Why would he think that you would make a statement like that? I do not know and I do not agree with him, Sen. Hinds.

Sen. Hinds: Standing Order 35(1), I am now rising on a point of order; 35(1); all of that is wholly irrelevant to the discussion before us.

Madam Vice-President: Hon. Senator, I believe Sen. Moonan was referring to your statements made last week in your contribution and this is his way of dealing with matters that you raised yourself—

Sen. Hinds: So it is relevant?

Madam Vice-President: So, we will allow some relevance within the Bill, yes. [Desk thumping]

Sen. R. Moonan: They react in shock and awe, Madam Vice-President.

In his wide-raging 27-page speech of which I have the Hansard, Sen. Hinds went on to speak about Watson Duke being held under siege. And he alluded that this Government had tied the hands of Watson Duke to cause him to come to the 5 per cent agreement.

Sen. Hinds: I never said that.

Sen. R. Moonan: “Yeah, look it up, look it up”. You see, Madam Vice-President, what happens here is that they feel that they have licence to come here and speak about this Government about what we cannot do. And he gives the impression that this Government cannot make any statement concerning wage negotiations in this country. But I want to read another article, Madam Vice-President. This is from the Newsday, Clint Chan Tack, he may be up there, I do not know. Thursday, September 12, 2006. It says here:
“Minister in the Ministry of Finance, Christine Sahadeo has dismissed suggestions that her call last week for trade unions to exercise restraint on wage increases in ongoing public sector wage negotiation is an intervention that compromised these negotiations...”

She denied that her intervention compromised the negotiations—

“...the Minister explained that Government had a responsibility to tell the population exactly how the nation’s finances are being managed for their benefit.

She said that while she acknowledged the contrary views expressed by some trade unions on her call for restraint on wage increases, Government likewise had a responsibility to give its side of the story. We represent all the people and we must take care of all the people.”

This is a former PNM Minister speaking, but when she says that it is okay, when our Minister of Finance speaks, when our Prime Minister speaks, “dey” say we interfering in wage negotiations—the same Sen. Hinds who “leads the shock-and-awe team in this Parliament, Madam Vice-President. I just wanted to put it on the record.

Sen. Hinds: What part of Anti-Gang Bill is that?

Sen. R. Moonan: You made it in your 27-page Hansard report. I am really responding to your Hansard report. As I told you, Madam Vice-President, I had to go on and on and on. I came down here where in his ending he said, and I want to quote him, and if he says it is wrong then he should approach Hansard:

“As I conclude, I said at the top of my contribution that a government can be a gang and their friends, too. I see there is brewing hostility by the management of CNMG, acting like a gang, terrorizing professional journalists to the point where they are complaining that they are being told by Members of the Government what they should publish...That is gang behaviour.

I ask the Government to leave the professionals in CNMG alone. Madam Vice-President, the journalists and the professionals are complaining against the Government. It is another revelation to them, but we always knew that this Government was dictatorial, misguided and came into government with a certain philosophy as espoused by a former chairman...”

Madam Vice-President, I have an article here written by Gail Alexander published on June 11, 2010 and I would well imagine that Gail Alexander writes for the Guardian, and it says here—
Sen. Baptiste-Cornelis: Do you not quote?

Sen. R. Moonan: The story says here:

“Hinds gives up radio show.

New PNM Senator Fitzgerald Hinds has given up his radio show following his appointment to the Senate.”

Sen. Baptiste-Cornelis: “Ahhh, how much yuh use to geh boy?”

Sen. George: “How much dey use to pay for dat?”

Sen. R. Moonan: Three hundred dollars per hour.

“Speaking along with other new PNM Senators at yesterday’s media briefing, Hinds said: I decided I will not be able to direct time and attention to that”.

This is a talk show host who speaks about professionalism at CNMG? And in this very same article—because you know, Madam Vice-President, the Guardian carries blogs and online responses.

2.25 p.m.

I just want to read one or two responses submitted by Metal on June 11, 2010.

Sen. Beckles-Robinson: Madam Vice-President, I rise again on Standing Order 35(1). This is not a substantive motion on Sen. Hinds. Granted that the learned Senator is responding to a number of things Sen. Hinds has said, but in his 25-minute contribution he has not yet mentioned the Bill.

Madam Vice-President: Hon. Senator, you raised Standing Order 35(1) again—relevance. However, in all fairness to every Senator, these are comments that Sen. Hinds made in his contribution last week, therefore, in reference to CNMG or whichever entity, it was entered already into the debate, so we will allow it.

Sen. R. Moonan: Thank you very much, Madam Vice-President. I want to tell you that after I have finished, I will give my copy of the Hansard to Sen. Hinds so that he could be reminded of what he said.

I was on to this particular comment in the Guardian.

“This so called talk show host is not as principled as he wants you to believe.

He changed the talk show to an election platform for the PNM.”
Now they come today to tell us about professionalism at CNMG. What did he do when he was there for nearly a year? I have the dates.

**Hon. Senator:** What was the salary?

**Sen. R. Moonan:** Three hundred dollars an hour. September 28, 2009 to May 28, 2010 as a talk show host.

“He changed the talk show to an election platform for the PNM. He used a state owned radio station and tax payers (sic) money to electioneer for the PNM.”

Not even that worked for them. In fact, I think it was during the course of this week or last week that the former leader, in a meeting in San Fernando, which we have on YouTube, said that he had to call the election because, apparently, there was some undermining taking place. I do not know because I never listened to Sen. Hinds on the radio whether he was using that to undermine one leader for another. It backfired and they failed.

Madam Vice-President, this is Sen. Fitzgerald Hinds who, last week, in speaking of the mentorship programme, congratulated the Minister of National Security. I have it here, but I would just refer to it. Somebody made a statement—and I want to disbelieve the statement—that Sen. Hinds, when this young Alleyne girl was dancing with Akon on the stage, said she was stupid. She was a 15-year-old girl. He did not say her act was stupid; he said she was stupid. Those of us who are mentors in the society will say her act was stupid and she needs guidance and mentorship and part of the anti-gang legislation, which we are introducing for the control of society, calls for mentorship.

We have come here—and it gives me no pleasure when we speak of mentorship. Today should be a happy day for me; I celebrate my sixty-second birthday on this day. This morning, I called my mother at Rio Claro to tell her happy birthday because it is she who gave birth to me. I say it in the context that where there is a close-knit family, there will be order in the society. We come from a close-knit family and I praise my mother for what she did.

Today, sadly, we come to this Senate to legislate against parents for harbouring children who may be affected by or be in gangs. Am I relevant, Sen. Hinds? Am I on the Bill? That is what mentorship is all about. It is about the
family. I just wanted to put that in the record. For any law in this country to operate, we must have good families.

Let me move away gladly from Sen. Hinds. I want to refer to my dear friend, Sen. Faris Al-Rawi.

**Sen. George:** You saw him on television?

**Sen. R. Moonan:** I saw him on television last night. I refer to his contribution last week and I would make some reference to his contribution on Saturday and Sunday when he was running up and down the stairs of Balisier House; when the 12-seater maxi was being emptied at a rate they could not stop.

Last week, Sen. Al-Rawi made a contribution for close to an hour. I sat here and I was telling my friend, Sen. Danny Maharaj, that he took 13 minutes just running up before he delivered. When he delivered, as Geoffrey Boycott would have said, it was a lollipop. He would have been beaten out of the ground. He came, as he has done for every single week when he speaks about a legislative agenda.

Every week Sen. Al-Rawi wants a legislative agenda. This Bail (Amendment) Bill and this Anti-Gang Bill are a part of our legislative agenda. If he takes the time to read our budget presentation, he would see the direction this country is going. Somewhere along the line, Senators on that side are in denial. Week after week they say: “We do this; we cause you to do that.”

There are two or three Bills which are before this Senate; some may have been passed. They are the Data Protection Bill and the Electronic Transactions Bill. I did some research and saw that since 1999, the Law Review Committee had those Bills out for consultation; and for 10 years the PNM could not pass “no” Bill. “We come here and in 10 months we passing Bill”. [Desk thumping] You know why? Because we move to collaborate with other people. We know we are the Government. We have been given the mandate to run the country, so we do not come here every week “asking for legislative agenda.” We come here to tell you what we have achieved and this anti-gang legislation and Bail Bill are part of it.

I just want to tell you, Sen. Al-Rawi, about achievements. Forget legislative agenda. That is for the Government; not the Opposition. You must get an agenda to keep the 12-seater from losing passengers. [Desk thumping]

Madam Vice-President, one of the problems that they face is called cognitive
dissonance. They are in a state of confusion; they do not know what is real from what is unreal. You want achievements; you want legislative agenda. Achievements: we have increased the minimum wage from $9 to $12.50. We have established the Children’s Life Fund. We have passed the Interception of Communications Bill. We have provided laptops for Form 1 students.

Before they jump up and ask what relevance this has to the anti-gang legislation, it is when you have an orderly society that you will not have need for anti-gang legislation. We have said that there is a sunset clause of five years in this anti-gang legislation and, as a People’s Partnership Government, we assure you that when we bring back law and order to the society—a society which was ravaged by 54 years of PNM—we will not have to renew this sunset clause.

If he wants, we have increased the old age pension; we have increased state grants; we have distributed lands to 610 former Caroni workers—promised by the PNM when they closed down Caroni (1975) Limited; compensated farmers for flood; appointed police commissioner; repositioned and rebranded Trinidad and Tobago; and it goes on. Then the PNM comes, in both Houses you know, and says: “We have done this and that.”

I would have thought that they would have come here ready to ask forgiveness; but every week they come here, to adjust their halo as if they are choir boys; that they did nothing wrong in this country. We must introduce this Bill today and it hurts our hearts as parents will be held liable for the actions of their children. When we grew up, our parents knew where we were; but for years of decadence by this PNM—and they ask people to support them and you have single parents and so on—that is why we are here today.

I want to repeat: it is with a heavy heart that I must support some legislation where we must legislate for parents to be good parents, otherwise they will be incarcerated. When we reach a society where we have to legislate good manners, “we really reach.” We move on. That is what I picked up from Sen. Al-Rawi in his hour-long contribution.

I come to my friend, Sen. Deyalsingh, because I like how zealous Sen. Deyalsingh is.

**Sen. Deyalsingh:** I was wondering when you would reach me.

**Sen. R. Moonan:** He was responding to Sen. Abdulah when he spoke about the value of education in a society. Sen. Abdulah said that the PNM’s system of
education had caused a breakdown in family life and that would have led to a breakdown in society. He went on from 1970 with the Black Power riots, with Walter Rodney—very well researched as I said earlier.

Sen. Deyalsingh got up and said that if PNM education failed, then the Moonans would have failed, the Capildeos would have failed and everybody else would have failed. He said he was a product of the People’s National Movement’s education. That is a frightening statement to make.

**2.40 p.m.**

I want to quote here from a statement by Dr. Eric Williams, June 21st 1955, when he said:

“I was born here, and here I stay, with the people of Trinidad and Tobago, who educated me free of charge for nine years at Queens Royal College and for five years at Oxford, who have made me whatever I am, and who have been or might be at any time the victims of the very pressure which I have been fighting against...I am going to let down my bucket where I am right here with you in the British West Indies.”

Eric Williams, with a colonial education, was deemed to be the third brightest man in the world at that time, with a colonial education. But if the PNM education was so good, then we should have the second brightest or first brightest man in the world. What has happened to that education system? And Sen. Deyalsingh missed the point of the role of the education system from the 1970s with the junior secondary and the senior secondary schools, where children had so much time on their hands and where parents could not really supervise them—and that is what we are talking about in the breakdown of the education system. He spoke about the Ganga brothers from Barrackpore and the Moonans and so on. I want to tell him that Daren and Sherwin Ganga, together with Sheldon Ganga went to Naparima College. I am an old boy of Naparima College, my sons went to Naparima College and they played cricket with the Ganga brothers.

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

*Motion made*, That the hon. Senator’s speaking time be extended by 15 minutes. [Sen. E. Moheni]  

*Question put and agreed to.*
Sen. R. Moonan: Thank you Madam Vice-President; thank you to all the Senators. We speak of the value of colleges as Naparima College and QRC and St. Mary’s, Presentation College and the value of education which you got there as opposed to those schools which really—the junior secondary and senior secondary—where there were flaws and those flaws were never corrected and you found slippage in society. And that slippage in society led to the creation of gangs and even now, Madam Vice-President, it is very prevalent, gangs throughout the East/West Corridor in the schools and whatnot. And that is because of a failure of the education system, an education system of which Sen. Deyalsingh spoke so highly.

I want to go back, Madam Vice-President, to an article written by Morgan Job, the big education story. And this was published in the Trinidad Express, July 18, 2007 and it was reprinted in the Petroleum magazine July 22, 2007. I quote parts of that article because I think it is very relevant because of the role of education in gangs.

Dr. Job says:

“Mr. Manning brought Mr. Obasanjo here to tell us, ‘The black race has no permanent seat in the United Security Council’ and to develop tourist traffic from Trinidad to Nigeria, in defiance of Achebe’s logic. Achebe’s wisdom exposes the reason poor illiterate people, PNM calypsonians and politicians, with prominent journalists in Trinidad are in a conspiracy to defend the PNM education as the best thing that happened to Black people since Emancipation.”

He goes on to say:

Sen. Hinds: “Who you quoting now, Morgan Job?” This is getting worse. The next person he would quote is Kamla?

Sen. R. Moonan:

“One of the commonest manifestations of underdevelopment is a tendency among the ruling elite to live in a world of make-believe. Professor Max Richards—now President—Dr. St Clair King, Dr. CV Gocking are only three of many honest men who told every PNM prime minister that secondary education for the poor was an unmitigated disaster. PNM calypsonians who are illiterate or badly damaged by their perverse encounter
with secondary education and journalists who ignore the statistical facts that they were never taught at junior secondary or senior comprehensive keep projecting their shame by denying the truth: that they went to low status schools where the probability of failure is often greater than 0.9, almost certainty for too many.”

Madam Vice-President, I think I have made the point there—[Crosstalk]

**Sen. Hinds:** No other quotes from Morgan Job?

**Sen. R. Moonan:** —of the failure of a part of the PNM education system.

I know that they may have meant well, somewhere along the line they got derailed, and this is what Sen. Abdullah was speaking about. But when you come here and you are in denial, you are in denial because you feel your party was the greatest thing ever and you feel that the only party that could have run this country was the PNM. Today, to your shock, awe and horror, you find out that is no longer so.

The infighting in the PNM does not give this party any credibility to come here and speak about any type of law. *[Desk thumping]* I want to repeat, Madam Vice-President. I would expect as they support the Bill for the good of the people of this country, before they do that they would apologize for all the wrongs that they have done. *[Desk thumping]*

You see, Madam Vice-President, as I conclude, I want to tell you that this is the Holy Week for Christians, which we knew of betrayal, crucifixion and resurrection. Sen. Beckles-Robinson, who sits there, should know about betrayal. And she was crucified because there are people who sit close to her who promised to support her and at the last minute betrayed her. *[Crosstalk]* And in her very own party election of which Sen. Hinds boasted about democracy, Sen. Beckles-Robinson lost by three votes, and she could not get a recount because they had destroyed the ballots. This is the PNM which comes here and tells you that “they coming back in power.”

Madam Vice-President, the move of the former leader of the PNM will ensure that when we come back here in the next couple of weeks we may not see any of them here. Because the former Prime Minister removed Sen. Hinds as a representative after 2007—he was dissatisfied—and Sen. Hinds may have the dubious distinction of being moved by one man from two Houses. *[Desk thumping]*
Anti-Gang Bill  
Tuesday April 19, 2011

[SEN. MOONAN]

So, Madam Vice-President, I want to commend all the people who spoke on this Bill and we must know whatever we are doing is for the good of the people of Trinidad and Tobago. [Crosstalk]

And Sen. Hinds, in his letter told me; “You could do better.” I did, I am a member of the People’s Partnership. [Desk thumping] So with these very few words, Madam Vice-President, I want to give the assurance that the People’s Partnership is here—[Crosstalk]

Sen. Baptiste-Cornelis: —to stay! “We come back to stay.” [Desk thumping]

Sen. R. Moonan: —as a united party and not this here, PNM divided, it is a united party. Imagine, Madam Vice-President, that you have a People’s Partnership with five different parties, we could stay together. “Yuh ha 12 a dem, dey cyah stay together.” But somewhere along the line somebody told them, “Listen, the best way to keep together is to have a partnership.” So they have a north PNM, and they have a south PNM and they will come together as a partnership to try together. [Interruption]

Sen. Baptiste-Cornelis: What about central?

Sen. R. Moonan: There is nobody in central. [Laughter] So Madam Vice-President, once more I thank you for this opportunity to speak and I wish everybody the best for this Holy Week. Thank you. [Desk thumping]

2.50 p.m.

Sen. Shamfa Cudjoe: Thank you, Madam Vice-President. It is a pleasure to make a contribution on this Bill. Before I go into my contribution, I must say that it is a pleasure to finally hear from the Back Bench on that side. [Desk thumping] I am glad that they finally contributed to this debate, and whether or not it was just for mere entertainment, because it lacks so much substance, I am thankful that they would have contributed.

I find it very interesting that Sen. Rabindra Moonan chose to contribute on everything else other than the Bill. I wonder why did he not address the issue of the OPVs, SAUTT, national security and the intelligence agencies. [Desk thumping] He went on and on telling us about what Sen. Hinds said in 2006, and up to now we have not heard what the People’s Partnership has done or what are they doing. [Desk thumping]
Madam Vice-President: Senator, the question of relevance was raised several times during the Senator’s contribution, and I did rule on the Standing Order as advised. Please, do not question the ruling of the Chair as to relevance of the Senator’s contribution.

Sen. S. Cudjoe: Much obliged, Madam Vice-President. I find it interesting that the Senator tried to convince this Parliament about what the People’s Partnership is doing by using newspaper articles—no hard statistics, no crime plan. We asked for a crime plan and they asked Mr. Gibbs for a crime plan. To this date, we have not seen a crime plan and they are ready to fire Mr. Gibbs. [Desk thumping] To this date, we are still waiting on a crime plan, and in the words of Mr. Basdeo Panday, he said:

“I don’t think the Government has any plan to deal with crime. I think they were not truthful to the people when they said that they did and if, in fact, they do have a plan, they don’t have the will to implement it because it seems to me that there is no cohesion in policy.

They don’t know what they’re about and they are not disciplined enough to execute it.”

I am quoting from the Trinidad Express dated March 26. These are the words of the godfather of the UNC, whom the hon. Prime Minister refers to as her political guru. [Desk thumping]

I cannot go on without commenting on Sen. Rabindra Moonan’s comments on this split in the PNM, as he called it. I want to say that political parties are made up of people—people make up and break up; people fight and kiss and make up—and this is nothing new here, and this is nothing new over on that side. In Tobago, they say, “Pig asks his mother how his mouth so long and he say, ‘ah come here ah come’”

Hon. Members: Ohooo! [Desk thumping]

Sen. S. Cudjoe: Madam Vice-President, I would tell you that things are not rosy there now and things were not rosy then, because many of us could remember when there was UNC A and a UNC B, and when the UNC was fighting to get Ramesh Lawrence out of the Chief Whip’s seat.

Madam Vice-President, we remember a comment made by Mr. Jack Warner who said that the Member for Siparia, at that time, was the most deceitful person that he knew.
Sen. Hinds: Yes.

Sen. S. Cudjoe: The most charming and deceitful person that he knew. Madam Vice-President, right after May 24, 2011, this nation saw the same Member who accused the Member of Siparia of being deceptive, holding hands and whispering sweet nothings in each other’s ears. People were wondering if they are in love or insane. [Desk thumping] So, Madam Vice-President, people make up and break up; people fight; and people kiss and make up. So, Madam Vice-President allow me to—

Sen. Hinds: He was UNC, then COP and now PP. [Crosstalk]

Sen. Al-Rawi: And we have to listen to a man who was in every political party.

Sen. S. Cudjoe: Yes. We are to listen now to a Senator who was—in his first contribution, he claimed that he was a member of each political party. I want to remind him that out of those 54 years that you talked about PNM leadership, you were a part and you would have contributed in some way or the other. So do not come and stand here like you are a paragon of truth or a paragon of perfection, you are not! [Crosstalk] Indeed, singing for his supper. Madam Vice-President, I would not even worry to continue to respond to him, because he does not believe half of the things he just said; the nation does not believe; and I do not believe so I would not waste my time. [Desk thumping]

First, Madam Vice-President, let me congratulate the Members of the joint select committee who would have contributed to working on this legislative package. They would have worked for about eight weeks or so, Monday after Monday, trying to come to a conclusion. They were collaborating and compromising, and I am happy that today we can speak with one voice in support of this legislative package.

The issue of anti-gang legislation has proven to be a very controversial issue around the world. The legislators try to strike a balance between protecting the public safety and respecting people’s rights and freedoms under the Constitution. So, I know that this was no easy task and, again, I commend the Members of the joint select committee. [Desk thumping]

Now, Madam Vice-President, I would not do like the previous speaker, I would jump right to the Bill. “It is true dey say not all choir seekers are choir singers”. There are some of them just miming and not a sound coming out of their mouths. That is what just happened. [Desk thumping] This Bill seeks to make
provision for the maintenance of public safety and order through discouraging members of criminal gangs and the suppression of criminal gang activity and for other related matters.

Madam Vice-President, once considered a problem found in small cities or the inner cities in the United States of America, gang violence, gang activity and organized crimes have reached epidemic proportions and have now become a global problem. The proliferation of youth violence, youth crime and gang activities has brought many of the jurisdictions of our neighbouring developing countries, and also in developed countries to their knees, and it is hitting us hard below our belts here in Trinidad and Tobago. We are also struggling to control the activities. So, I want to say it is not a problem just here in Trinidad and Tobago. As much as it is easy to say, blame the PNM, I know that Barbados does not have the PNM to blame neither does the United States of America or Canada, so I would not even pay that any mind. [Desk thumping]

Madam Vice-President, you see politicians, legislators, youth activists and researchers are all struggling, trying to grapple and trying to understand it. Even me, as a young person, I have younger siblings. I come from a family of eight and we are all like a year apart. I have brothers who have gotten in and out of trouble, and I am still trying to understand this whole issue of youth crime.

Madam Vice-President, extensive research has been conducted and in several jurisdictions everybody seems to be asking these questions: What has caused this? How did we get to this? How are we going to put an end to this? To date, I have listened to the debates nationally, internationally and regionally, and nobody seems to have one clear remedy or one clear way to treat with this problem. Now, for the most part, there are some worldwide similarities that are very closely related to gang activity and those are disadvantaged neighbourhoods; infiltration of negative media and last, but not least, poor parenting.

Now, with the issue of disadvantaged neighbourhoods—some may call them ghettos or slums or sometimes it is people in regular neighbourhoods that just do not have access to all the good things that a regular family or person would have had access to. We have found that these neighbourhoods and these families lack social and economic achievements. There are deficiencies in the schools and the school system. In those areas there are decreased employment opportunities, and there seems to be extensive street presence and accessibility to sophisticated weaponry, and there is some social and economic isolation.

Now, in the area of media and entertainment, last week Sen. Dr. Balgobin
would have gone into details about video games. I know from personal
experience, playing and watching my brothers play “Grand Theft Auto” and these
other video games about gang activities and crime—when you shoot somebody or
when you steal a car, or when you pick up a girl at the side of the street and have
a random activity with her, you get points for these things—and boys seem to get
a feeling of greater manhood and power when they play these games. So video
games have something to do with it and also the negative media—and also the
game Wii. So, you do not actually have to shoot a gun. You could stand and do
the action and you gain points as you go along. Now, Madam Vice-President, let
me go on, since Sen. Dr. Balgobin would have already spoken about video games.

The kind of information that is now accessible on the Internet, while I was at
the University in Barbados, I saw Barbadian children would get together in
groups after school and fight, and they would take these fights and put them on
the Internet on YouTube, and it became something that was very entertaining. So
every week one would go on and look at these new fights.

Madam Vice-president, recently in the Caribbean, I think that the whole fight
culture and gang activity has also been influenced and fuelled by the kind of
music that we listen to; the kind of entertainment that is brought through cable
and Direct TV and that kind of thing. At this point, we cannot say, okay, let us not
look at cable TV.

**Sen. Panday:** Hon. Senator, I agree with you that those are problems. What
are your recommendations to deal with those problems?

**Sen. S. Cudjoe:** I thank you that you are paying attention, Sen. Panday. I
would come to that a little later, especially under “parenting”. I remember when I
was going to school, there was a movie called “Set it Off” about a gang of girls
robbing a bank, and we could not see those kinds of movies with our parents in
the house. So, we got the videotape from somebody in school and we all went
home early and started watching it, and my mother came in the house and caught
us and took the whole VCR and the tape and threw it outside, and that was the end
of it. So, if there was nobody around, we would have gone ahead and seen the
whole movie. From the time she entered the house and she heard the kind of
language, she dealt with us accordingly. She is still alive, praise God.

Madam Vice-President, what I want to stress on, like I would have stressed on
in the firearms debate, is the kind of music that we listen to. At this time, we
cannot really control what comes over cable TV. We can set up some kind of institution to monitor the kind of entertainment that is allowed to enter into the country. I know Canada has an institution which acts like a standards board, and if you do not meet Canadian standards as it relates to violence and so forth in the movies, then they are not allowed to enter Canada’s market. I think we need to establish something like that locally.

I think that in 2000, for instance, the music, as Sen. Hinds would have said in his contribution—Sen. Rabindra Moonan probably would have missed that since he chose to pick out only the things that he spoke about today. Madam Vice-President, back then, growing up in the 1980s, the kind of reggae music that we listened to then was music of substance; it was love music, and now the kind of music we hear on the radio, I call it fight music. It is music that gets you hyped. The beat is nice, so it is easy to listen to.

3.05 p.m.

But when you actually listen to the words, you think about yourself as being independent and strong, and if a man “mash your shoelace” or come too close to you, you are ready to fight. That is the kind of music that we listen to. I know the Caribbean would have started to ban artistes, who sing those kinds of songs, from doing concerts in their jurisdictions.

Madam Vice-President, this whole issue of violent reggae music started in Jamaica, of course. There is this huge turf war where one side is gaza and one side is gully, and that has infiltrated the school system and the young people throughout the whole region. The violence had gotten to a point where the Prime Minister of Jamaica had to step in and have a meeting with the two sides to come up with ways to treat with that.

I remember the PNM banned Movado from performing in Trinidad and Tobago; I think we did that in 2006. It was very, very surprising to see that the People’s Partnership has lifted the ban and allowed Movado to perform in Trinidad and Tobago. If you know anything about Movado or his music, it is very, very violent fight music. So I was really, really surprised when the People’s Partnership lifted the ban and allowed Movado to perform here on March 30 or 31 of this year.

I was pleased, though, to know that only about 100 persons showed up for the concert. I do not know if the promoters made the money, but that sent a clear signal that we are taking some kind of responsibility as a people. We are saying that we are putting our foot down; we are not standing nonsense; we are not going
to subject ourselves to that kind of music. [*Desk thumping*] So even though the Government did not show any fortitude as it related to having values to keep that ban and keep that kind of violent music out of our jurisdiction, at least the people on the ground knew better and said, “You know what, I am not going to attend this concert; I am not going to subject myself to that kind of violent music.”

The other common issue is poor parenting. This does not necessarily mean no father in a home, or that kind of thing. Right now there are a lot of people who are too busy working. The hours that we leave here at night, some of us do not know where our children are or what they are doing. I recognize that in the UK Parliament they have adjusted their time. They have meetings from in the morning, so they can get out at four o’clock. I am thinking probably that is something we could consider. Some of us do not know where our children are or what they are doing, some of the staff in the Parliament. These days you have to be careful who you are leaving your children with. [*Desk thumping*]

I know in Tobago it is still practised, where, if you stay late at work, it is okay to leave your child at the neighbour’s house. But now we are moving into a time where children do not feel they can trust adults anymore, and even we as adults do not feel we could trust other adults. Some of us do not even speak to our neighbours. So these times call for parents to be more responsible and be around and know what your children are doing.

There has been a breakdown in the family, a breakdown in even community parenting. Community parenting or what I call “village parenting”, where the whole village would raise a child, is still very alive and well, though not as strong as it used to be in Tobago. I want to say I would like to see more of it, but the rate we are going, where people do not even speak to their neighbours or everybody thinks their neighbour envies them for some material thing, I do not see that coming back any time soon.

Another thing is that there has been a breakdown in role models for young people to look up to. Even now as you look at the Parliament Channel, especially in the Lower House, it is ridiculous. We have come a long way in trying to raise the level of debate, but just the conduct of parliamentarians, the way in which we conduct our business on the television in front of the children looking at us, if we can sit here as parliamentarians and lie about things and pay off people to do this, pay off people to do that and get involved in all kinds of nefarious activities, that we are being accused of in the Parliament, then the young people are looking at us and saying, “Okay, if they are supposed to be the good people; they are supposed to be the people we are looking at, then what do you leave for me to do?”
So parenting and the whole issue of having positive role models are very serious concerns. These are the three issues that I have found, looking at different studies all over the world. Something that is very, very specific to the Caribbean is that, by our very location, we are more vulnerable to crime. We are more vulnerable to criminal activity as it relates to drug trafficking and trafficking of illegal arms. As the study says, this whole issue of gang violence is fed and fuelled by our illicit drug and arms trades.

Madam Vice-President, we are wedged between the cocaine or drug-producing south and the marketing in the Americas in the north, so we are a transit point. By being in the Caribbean, this comes with the territory; we have to prepare ourselves. Knowing that, we have to be ready to stand up and face and fight this whole issue, especially youth crime, gang violence, the trade of illegal drugs and that kind of thing.

There could be no half stepping in the enforcement of legislation. We cannot just simply come here and speak about legislation, because legislation on paper is just that, black and white legislation on paper. If we do not do the necessary things to back up all these wonderful things that we are saying and to back up all these provisions that we have sat for over eight weeks to agree upon, then we are going to be just wasting time.

This takes me, Madam Vice-President, to the kind of responsibilities that the enforcement agencies are asked to carry out in this Bill. When you read through the Bill, the police have strong responsibilities and a great deal of discretion in treating with who they think is a gang leader and who is not. A lot of responsibilities, in Bill after Bill that we bring to this Parliament, depend on the police.

In order for the police to do their job properly, we have to treat with some of the issues in the police service. Right now as you read through the newspapers, there are concerns about wages, and the police feel that they are not being paid enough. There are disputes within the police service on promotions and those kinds of things. Sometimes I read the newspapers and I listen to the police service and all those involved in security going back and forth. I am wondering if they are fighting each other or fighting crime.

I listened to the news last night and saw Mr. Anand Ramesar, the President of the Police Service Association, asking for the Commissioner of Police to be removed, that it was time for him to step down. I was wondering, “What craziness is this?” I am looking at the television night after night, and there is all this
confusion within the rank and file of the police, and there is serious crime going on, on the ground. Criminals are looking at the police, and they are like, “They are not focused on us. If they are fighting among themselves, then they do not have the time to deal with us.” We really need to clear that up, if we are serious about sending a clear signal to the criminals out there that we are serious about police business, that we are serious about national security. We cannot be seen fighting each other while they are having a field day.

Madam Vice-President, it is very important for us to solve these issues and get the police service back on track, so they can do the work they are being paid to do. I know a part of the People’s Partnership’s manifesto spoke about having a strong police presence in the community and community policing, but right now the police service is struggling to man the areas they are accustomed to, so spreading them out into the communities would be a challenge.

There is a serious issue with this whole OPV situation and the protection of our coasts. I am not saying this to bring up old issues or to fight any political fight. At the end of the day, I am thinking about public safety; I am thinking about our security as a people and as a nation. Our borders, the coastline in Tobago, the coastline in Trinidad, are very porous, especially in Tobago. I read in the newspaper last week that prostitutes were coming in from South America. If prostitutes could pass, then drugs could pass and arms could pass.

I should not say, “could pass”; these things are passing through our borders freely. In getting prepared for this debate, I spoke to some people within my village. I questioned some young men who people might want to point out and say, “Well these people are troublemakers.” I live in Bethel Village, and some people like to identify it as a hot spot. Anyway, I spoke to some of the young men and they were laughing at some of the things said when the Attorney General was talking about the anti-gang legislation.

He said, “We seem to be very out of touch with what is going on with the young people.” He also brought up the whole issue of firecrackers. At one time we had debated that firearms and firecrackers were illegal. He said, “Do you know it is easier for me to get my hands on a firearm in these streets that a firecracker?” You are worried about firecrackers? It is so easy for us to get our hands, as young people, on these illegal arms at a cheap, cheap, cheap, cheap price.

These are things that we have to look at. You cannot think about fighting crime on land only, we have to also look at how these guns are getting into our country. We do not manufacture guns here. How are these guns getting into our country? It brought me back to the Trinidad Express of September 30, 2010. I
quote my Prime Minister making this very unfortunate comment that hurt my heart. This is what the Prime Minister said to the country:

“The country is not at war out in the seas; the country is at war on the ground, in our streets and in the towns within Trinidad and Tobago.”

I wondered; this does not make any kind of sense whatsoever, because for me to shoot somebody I have to have access to a gun. How are the guns getting into this country?

So this whole issue of talking about people who are addicted to drugs and all these activities, gun-related activities, crime, gangs, whatever you want to call it, the illegal ammunition and narcotics are not getting into our country by guess. We have to protect our borders. I am not saying that to be mischievous.

The whole issue of CCT cameras—I remember that question coming up in this Senate and we did not get a clear answer. The people of this country are very concerned about national security. Every single area, every single topic as it relates to national security, we are very concerned about it, because that is one of the reasons this People’s Partnership was voted into government. They claimed that they had the answers to national security, to all our national security issues; now we are here almost a year after and nothing has happened.

We are passing legislation, and Sen. Rabindra Moonan spoke highly about that. We are passing legislation, but on the ground we are not feeling it. We are not seeing all this improvement that this Government is speaking about.

Madam Vice-President, again, on the issue of the police having so much discretion when it relates to this Bill, I think it is in clause 12—I could be wrong clause 12 spoke about the police being able to enter people’s houses without a warrant, if they feel some gang activity is going on. It gives certain responsibilities to the police that are above normal.

**3.20 p.m.**

And I am saying if we have rogue police officers in our police service, Madam Vice-President, then we are going to have a problem. We have to find a way to root out these delinquents as the Commissioner of Police would have called them earlier last year.

Now, when the legislation allows the police to have such latitude in determining what is wrong and what is right, what is a gang, and what is not a gang, what is gang-related activity and what is not gang-related activity, you have
to make sure that the people that you are dealing with, the police officers who are out there enforcing these laws, are enforcing them in a very non-discriminatory fashion, Madam Vice-President. Or else we could end up with a situation like in Chicago and California, where, using these suppressive measures to treat with gangs has actually exacerbated the whole situation of gang violence and made it more severe; making the gangs now having a grudge with the police and in addition to fighting each other they have started fighting the police. I refer to the *NWA v LAPD* in the U.S. and there is this popular case of the *City of Chicago v Morales*, dealing with how the police would have misinterpreted the legislation and treated the victim unfairly.

So, Madam Vice-President, if you have police officers who are having problems at work, who feel that they are not paid properly, who feel that they do not have enough resources or the proper technology to do their work, they feel that they do not have the basics to work, we are going to have a problem, because as I have said sometime before in this House, “hell has no fury as a frustrated policeman”. They take out all their anger on innocent people, Madam Vice-President, so we have to treat with the issues of the police and find a way so that they can execute their jobs properly.

We have to look at strengthening police patrols in strategic areas. We have to look at strengthening the Crime Stoppers programme, the witness protection programme. People have to feel safe that I could pick up the phone and call Crime Stoppers and say, “Hey I have seen something” and know that by the end of the day or tomorrow my name would not be out there, somebody would not be looking for me. There are some officers, there are some people within the system, who are providing information to criminals, so that people do not feel safe to pick up the phone and call anymore.

**Hon. Senator:** The hon. Prime Minister did it with the SIA.

**Sen. S. Cudjoe:** Madam Vice-President, that brings me to the SIA indeed. The issue of secret intelligence is supposed to be that, secret. After November 10, you have the police complaining that the criminals are not using their cellular phones anymore. So, when you think that you are tuning in to hear something, you are not hearing anything because now they are carrying their messages in person. We have alerted the whole nation, well, “Hey, there is some secret intelligence agency going on and they are listening to our phone calls”. I listen to my little brothers and sisters and they, “Oh, I am not using my phone, the SIA is listening and in my mind, nobody has time with you. But if your little brother or
sister could think like that, imagine how the criminals are thinking. Nobody is talking that kind of thing on their phone anymore.

So, Madam Vice-President, we have to find a way, I do not know how, since this Government has already made a big mess out of this secret intelligence issue. I do not know how we could find a way to tighten that up, so that we can really use secret intelligence to our benefit to really get out there and catch criminals, but, that is something that we need to work on.

We also have challenges within the Judiciary system and that brings me to the Bail (Amdt.) Bill, dealing with this whole anti-gang legislation. I recognize that time after time we come to this Parliament and we discuss having people in remand for a longer period of time, no bail, we have moved from eight to 28 days. At that time we were asking, why eight to 28 days? What kind of research did you conduct to move from eight to 28 days? How do you know that 18 days were not enough? How do you know that 28 days is enough? What if you need 30? And those were the kind of questions that we were asking.

Now, Madam Vice-President, instead of simply extending the number of days or in this case we would have extended the time from 60 to 120 days for some of the people in remand. Now, we need to come up with a way to improve our ability to detect. Our evidence collection, we need to improve our evidence collection, we need to improve our investigative capabilities so that we actually get evidence within those 20 or 28 days or 128 days, because we come here year after year extending the days we hold people in remand, and then at the end of the day you have nothing to work with.

Then you will come back next week and extend, next year and extend it again from 120 to 240 and you wonder, what kind of improvement, what is taking place. What are we doing to improve our ability to collect evidence and really solve these crimes within a proper time? And sometimes you hold people for 120 days and 60 days and that is the wrong person. So what are we doing to try to improve our judicial system, our judicial process, Madam Vice-President?

Now there are three ways to treat with dealing with crime, and especially as it relates to gangs. You have prevention strategies, intervention strategies and suppression strategies. The prevention strategies are just that, you come up with ways to prevent people from getting involved in gangs. The intervention strategies, you try to get those who are already in gangs to leave gangs. And the suppression strategy, this is where on the other hand you arrest people, you
prosecute people, there is serious incarceration and people are incarcerated for a long period of time and go through all these measures.

Madam Vice-President, as I said before, legislation is only that, legislation, because when young people commit crime or if you decide to fight somebody or kill somebody or whatever, at that time you are not thinking, “You know what, maybe I am going to jail for the rest of my life or maybe I will be denied bail for 120 days”. Young people and criminals are not thinking about punishment, we are thinking that we may not get caught. Criminals are thinking, “Well I go out there” I kill this person, I may not get caught because there are several people who did not get caught before, so, why me?” So that we have to come up with a way to show these criminals that, hey, you are going to get caught. We have to improve our law enforcement, we have to improve our judicial process and really bring some truth to justice.

For instance, Madam Vice-President, I am now being reminded of the Greens’ case in Tobago, where the whole case has just now been thrown out the door, and nobody knows whether or not the real criminal is still out there, we do not know if the person who was relieved of the charge, we do not know if it is him. We do not know if somebody else is out there, but the whole case just got thrown out the door, so we have to find a way to really bring these persons to justice.

As it relates to prevention and intervention, I want to congratulate the Minister of National Security and all the other Ministries that are involved in the mentorship programme. [Desk thumping] I went to the launching of the programme at NAPA and I was very, very proud. I am always very proud to be—

Sen. Hinds: Of NAPA?

Sen. S. Cudjoe: I was proud of NAPA too, that is right. I am always very proud to be a Trinbagonian and on that day I sat in NAPA and felt extra, extra, extra proud, Madam Vice-President, so I want again to congratulate the Minister of National Security and all the other Ministries involved. I want to congratulate all the other divisions of the Government which are working on strategies to come up with prevention measures and intervention measures. I want to also congratulate the Tobago House of Assembly which is now executing a 100 youth leaders programme where they are training young people to go out there and help other young people to treat with issues that affect youth.
3.30 p.m.

There is another programme by the Ministry of National Security, the “Bring your sons and come”. I think it is the Saturday before Fathers’ Day. We are happy about that, but I think there needs to be a way for us to bring out the young men who do not have fathers, those who did not grow up with fathers, who do not have somebody to bring them out. We also need to come up with a programme to treat with the young women, because at the end of the day this thing goes hand in hand. Young women at a certain age, some women look up to the bad boys. To have a boyfriend who is a bad boy is cool, so the boys want to be a goon or a “gunta” and you want to be the little “chopper” on the side, so it goes hand in hand. [Laughter]

I know from being a young person from hanging around young people. It goes hand in hand, because some people get involved in gangs not just for criminal activity but for—I ask some of the young men and they say, for the respect, for the ratings, the bad boys get the girls. So we have to also treat with these girls who are attracted to the gangsters. So, on one end you have the guy who is the goon or the “gunta” and then you have the girls saying, “I’m the shorty, I’m the chopper on the side”, so it goes hand in hand. The girls ride with their foot up on the dashboard. You know them when you see them, Madam Vice-President. So there has to be a way to treat with the men, yes, and to treat with the women also.

Do you know what is interesting, Madam Vice-President? You know Sen. Rabindra Moonan sat through these discussions last week and he did not remember any of those things. He went all the way back to 2006, telling us what Sen. Hinds did and I am still waiting the hear him speak about what this People’s Partnership Government has done and what they are doing. [Desk thumping]

Madam Vice-President, one critical point: this whole murder rate in Trinidad and Tobago, I checked the figures today. Every time I come here I try to check the figures to see, okay—

Sen. Hinds: Which is the norm, 136?

Sen. S. Cudjoe: No. Last week when I prepared for this debate it was 116 in Trinidad and two in Tobago.

Sen. Hinds: When it reaches 136 they would celebrate.

Sen. S. Cudjoe: Then I came back here today and I checked before I came into the Parliament and it is 122 in Trinidad and still two in Tobago. There has to be something that contributes to this. Over the years I do not ever remember Tobago having a murder rate over—I cannot recall a time when Tobago had a
murder rate over 10, or let us say over 15 to be safe, but Trinidad finds itself going into numbers.

I read a contribution by the Minister of Tobago Development that sometimes scholars in Tobago or the policymakers in Tobago wonder whether we should try to advertise Tobago separate from Trinidad just to get away from those statistics of the high murder rate. Now, Madam Vice-President, it tells me that Tobago is doing something different from Trinidad. I think we need to do some kind of study and figure what it is, apart from the whole of Tobago is one family, everybody is related to each other, we stay in each other’s business whether we want to admit it or not.

Everybody has a “maco”, whether you know it or not, so, somebody is always watching you, watching your children or looking out for you whether you like it or not. If my little brother is somewhere right now where he should not be—I should not even say by the time I get home my mother knows—she already knows because somebody would have already called her. So we look out for each other whether we like it or not. I think that is one good thing about Tobago because we have worked over the years—and I think it is just a part of our nature as Tobagonians to try to create an environment that makes it hard for criminals to thrive there.

Because in order for criminals to succeed at doing whatever they are doing and living a criminal life, then they have to have a place where they feel safe to carry out those criminal activities where they think nobody is watching and they would not get caught.

Madam Vice-President, I think in Tobago we have been somewhat successful. I am not saying that we are crime free because we have a few isolated—

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

Motion made. That the hon. Senator’s speaking time be extended by 15 minutes. [Sen. F. Hinds]

Question put and agreed to.

Sen. S. Cudjoe: Thank you, Madam Vice-President, and thank you colleagues. While I am on Tobago, I remember listening to the debate in the other place and I heard the Attorney General mention that Trinidad has some high number of gangs, I do not remember if it was 80-plus or 100-plus; I do not remember, but I remember him saying that Tobago had five gangs, and, Madam Vice-President, ever since those words escaped the doors of his lips I went and I
tried to do some research. I contacted the police department, I went to different villages and I was asking—there was even a question on Facebook where somebody had asked, “Is there a gang in your community. If so, let us know, because we do not know anything about that.”

I called the police and they put me on to another department that deals with statistics and that kind of thing and nobody could tell me where I can find one of these violent gangs, Madam Vice-President. So I am wondering, where did that come from; if it was some sort of independent study that the Attorney General would have done or some kind of information they would have provided. People sat there wondering: are they talking about CEPEP gangs, URP gangs? What are they talking about? Because, really, we do not have that kind of thing in Tobago due to the very same explanation I gave here before. Our community, our environment, just does not allow that kind of thing, Madam Vice-President.

I think it is important to say that over the years the PNM, in collaboration with the Tobago House of Assembly, worked very, very assiduously to try to ensure they establish programmes for young people to get involved in and to keep themselves busy, for them to learn a trade, for them to learn to do something, for them to be educated in some way possible just to keep them out of trouble and to keep food on their table. I would like to say, Madam Vice-President, if you are not working in Tobago, it is because you do not want to work and if you are not educated in Tobago, it is because you do not want to be educated. [Desk thumping]

Over the years we have gone through tremendous, tremendous pains and we have worked very, very hard on establishing programmes for people to get trained, open up their own business, do different things with their life and if you do not want to live that kind of life—if you are not living that kind of life in Tobago where you are educated and working, educated or working, then that is because you do not want to and somebody is minding you, or you find it is okay to get some bananas, some plantains, something from your neighbour every now and then and just lay down on the beach.

Now, Madam Vice-President, as I was speaking about CEPEP and URP, those were two of the—the PNM in collaboration with the Tobago House of Assembly, which is also a PNM administration, we ensure that in Tobago we establish those programmes. We have the OJT programme, the programmes where people could learn agriculture, hairdressing, you could learn different crafts; how to do plumbing, even cookery, we have a programme where people could learn to cook and go and cook in the hotels and that kind of thing, Madam Vice-President. You
name it, we can claim it.

So, do not mind, Sen. Rabindra Moonan, he would not bring up these things because he had just joined the seagulls. [Desk thumping]

Madam Vice-President, he went from a balisier tie to a seagull tie.

**Sen. Hinds:** Well put. [Laughter and desk thumping]

**Sen. S. Cudjoe:** Madam Vice-President, speaking about CEPEP and URP programmes, those two programmes would have been detrimental in providing jobs for the—some may want to refer to them as the unskilled or the people who do not have the like qualifications, degrees and that kind of thing, those who would have contributed significantly to providing work for them.

I think that over the years we have managed to maintain these programmes and to keep people employed and to keep bread on their table. But, Madam Vice-President, since this People’s Partnership Government came into power it has become increasingly difficult to maintain those programmes for Tobagonians, because they have been working very, very hard to try to starve the Tobago House of Assembly of funds for these programmes. Let me give you an example. [ Interruption] Sen. Panday say it is not true.

In September of last year, $8 million was allocated to the CEPEP in Tobago and we have not received one red cent for that programme; not a cent for that programme. Since September that money was allocated in this Parliament and to date we have not received one cent for that programme, so it then puts the Assembly in a position, “Do I spend money on trying to finish projects or do I take money and give it to these programmes to try to keep bread on people’s table?” You see, the People’s Partnership do not talk that. You come here and talk all kinds of other things but you do not speak about that. Eight million dollars allocated and not one red cent to this day.

Now, Madam Vice-President, the Tobago House of Assembly—[ Interruption]—yes, Sen. Moheni, what is your view on that? I want to know. Madam Vice-President, for the last 10 years we have managed to maintain an unemployment rate of 5 per cent or less, and all of that is at stake right now. Now, Madam Vice-President, the devil finds work for idle hands to do. So, if people are unemployed and they do not have a means of putting bread on their table, then it may lead them to go to a life of crime—and not just CEPEP. As we all know, our tourism sector is going through some serious difficulties and I want to put on record that the tourism industry in Tobago employs at least 15,000 people and the provision of luxury rooms is very much linked, it is tightly linked to the survival
of our tourism sector.

Now, Madam Vice-President, the Government seems to have a—as we know, over the years the Vanguard would have “run down” as we call it in local parlance, and the Vanguard is the same luxury hotel that was built by the UNC administration by its very own UNC financiers, Ishwar Galbaransingh and others, and every time I see Ishwar Galbaransingh on television, Madam Vice-President, anyway—

Madam Vice-President, I heard them saying in several circles that it does not make economic sense to restore the Vanguard Hotel and many times I hear the seagulls on that side get up and say, “Oh, we have wasted money on the Vanguard”, not reminding us that it is the very same Vanguard Hotel that they built in the wrong location with the wrong material, paying the president of Tidco at that time and the other members of Tidco at that time, salaries of up to $100,000 per month to build that same Vanguard Hotel that they refused to fix.

But anyway, Madam Vice-President, the Minister of Tourism had agreed with Virgin Airlines that the Vanguard Hotel would be ready by the winter season of 2011 and we would have heard Minister Cadiz come to this Senate and answer questions saying that it would be ready. Now, Madam Vice-President, the Government have gone into—a request for proposals—RFPs to try to get operators to fix the Vanguard Hotel. Now the first round when they went out to get RFPs, they got about four and the Government felt it did not meet their standards; they went back again and they got one, they decided it did not meet their standards, and this time they have gone out a third time to get operators/financiers. Now, Madam Vice-President, if you did not get an operator, you expect to get an operator/financier?

**3.45 p.m.**

But anyway, Madam Vice-President, they said that they promised the Virgin Atlantic that this hotel is going to be ready by November 2011. Madam Vice-President, we are in April and it will take at least three months or so to get that operator/financier, if we have not gotten that person yet. And then we have to think about the time to get the hotel ready in time for November 2011.

Now, the commitment made to Virgin Airlines is that, if we have the Vanguard ready, they would provide one more flight to Tobago. Right now they have one and they would provide another one. If we do not get the Vanguard ready by winter 2011, then there stands the case of Virgin Atlantic pulling out that one flight. So when you hear us continuously asking questions about the Vanguard, it is because our whole tourism industry is linked to the provision of
luxury rooms and the Vanguard alone provides 200 of those rooms and 15,000 employees are linked to that tourism industry.

So, Madam Vice-President, if the Government is not serious about tourism in Tobago we stand the chance of having 15,000 people left unemployed, left to trod around or getting into crime. So, Madam Vice-President, I would like to tell you that the legislation alone is not enough. So we could come here and sing and dance and say: Anti-Gang Bill done, Bail Bill done, all these things done, but at the end of the day the crime rate is still high, people are dying every single day. If you count 116 last week to 122 this week, that is six days, since today has not passed as yet, that is one person per day—116 plus 6 is 122. And if this is the rate that Trinidad is going—I cannot say Trinidad and Tobago—if this is the rate that Trinidad is going, we are in a serious mess.

So laying the legislation alone cannot be it. If you think that laying the legislation and passing legislation is performance [Crosstalk] that is a mess, Madam Vice-President. That is a serious mess. So we really need to get down to work and get serious about fighting crime, get serious about anti-gang, not even legislation, but anti-gang measures.

I want this Government to prove Mr. Basdeo Panday wrong, prove Mr. Basdeo Panday wrong because Mr. Panday said that you have no crime plan, you have no idea what you are doing—[Interruption]

Sen. Panday: I will prove it just now.

Sen. S. Cudjoe: You are fooling us. You are going to prove your brother wrong. [Laughter] You are going to prove the other Panday wrong.

Now, Madam Vice-President, with that said, Sen. Rabindra Moonan, again he boasted about passing so many pieces of legislation and when the People’s National Movement was in power we did not get to pass a lot of these pieces of legislation. I want to remind Sen. Rabindra Moonan that a lot of this legislation that you brought here could not have been brought if it was not for the People’s National Movement who drafted these pieces of legislations. [Desk thumping] And many of these Bills you brought to this Parliament, just dirty, and we need to clean them up, Madam Vice-President.

We come here and we sit for hours, late in the night, cleaning up the same Bills that they sent to joint select committees. So they turn the Parliament into a joint select committee trying to clean up your mess [Desk thumping] and helping you to pass your legislation so you could say, “We pass this we pass that.” Many
nights we could say; “We are not going to sit in a Joint Select Committee and help you to clean so you could boast”, but you know what: the interest of Trinidad and Tobago rests heavy in our hearts, and we are dedicated [Desk thumping] to the business of this country. So whether we are in Government, or in Opposition, the PNM is dedicated to the work of this country. We are not about PR, Madam Vice-President; we are about serious work. Madam Vice-President, performance beats “ol’ talk” any day, so the UNC cannot test us with that. With that I thank you.

Sen. Helen Drayton: Thank you. Madam Vice-President, the Independent Bench in previous sessions has called for anti-gang legislation on many occasions, especially the former Independent Senators: Dana Seetahal and Prof. Ramesh Deosaran. I too called for anti-gang legislation. So let me say that, in principle, I support anti-gang legislation and I commend the Government for the initiative in bringing this Bill.

Before I go into that matter, I think it is important to also extend the commendations to the Minister of National Security for the introduction of the National Mentorship Programme. [Desk thumping] It is very timely, very timely, because it represents the softer and social side of what is a very draconian piece of legislation. I look at it as Government’s recognition that a more holistic approach and broader options are necessary to deal with spiralling criminal activity and that we must have effective intervention programmes that stem the tide of vulnerable youth migrating to criminal gangs. The mentorship programme is not only one such intervention which, if it is supported with adequate resources, would certainly have a very profound effect in assisting youth who are marginalized, who are alienated. So I see it as an investment in prevention and I certainly hope that all the necessary human, technical and financial resources will be put into this programme, because it is such mechanisms that will undoubtedly yield a greater social benefit than all the laws that we can bring.

Now, all the experts, including the criminologists, and psychologists, will agree that governments must go beyond law enforcement and criminal justice in order to deal with the sources of crime. And it is why I laud the programme, and I do hope—it is a special plea—that the Minister would also seek out the voluntary efforts that already exist.

3.55 p.m.

We have the Heroes Foundation, a big brother, big sister programme. It is a mentorship programme that has been operating for five years now in our institutions for children, and I want to say that the nation in indebted to all these
volunteers who go beyond the call of duty every single day. They are working people just like us; they have families, yet they reach out to the less privileged voluntarily and without any hope of reward. So that I hope that this social programme is only a start of the Government’s national social programmes and that the Children’s Authority and the systems that would support the package of children’s legislation still to come will soon be fully operational. That is a vital mechanism with respect to the protection of our children.

We need to establish a comprehensive national plan to mitigate the incidents of violence and to integrate violence protection into social, educational and health programmes. I think we need to get our priorities right with respect to primary causes of youth criminality and shut down the engine room of crime. Unless we are prepared to make the investment in primary health care and the investment in primary education in a very holistic way, and define the critical links in the value chain of criminality, including the very poor and debilitating physical environment, I am not sure that we will be getting very far.

Whilst this topic has nothing to do with anti-gang legislation, I hope that whichever government Minister is responsible for the upkeep of the Savannah, that they would give it due and urgent attention because it is really deteriorating in a very bad way.

We have to strengthen our response systems for victims of violence and for reporting criminals and persons belonging to criminal gangs, and I will address that matter in more detail a little later, because it is a feature of this Bill. I think these things, together with aggressive strategies to improve the detection rate and prosecute criminals under tough but just laws, are steps in the right direction.

I think it is such a sad state of affairs that our governing institutions over the years have allowed crime to reach where it is, and what that means now is that we have to apply very drastic measures to remove the poisonous limb, and based on this anti-gang law it appears that the limbs, regardless of the level and seriousness of the crimes committed, will all be thrown into already overcrowded jails. You need tough laws, because crime occurs.

There is a desire; there is a motivation on the part of the criminals that the gain from illicit activity is a stronger motivator to commit crime than the penalties of law. That is why I want to admit and submit that tough sanctions are necessary, but I think in applying tough sanctions, it is important that the laws that we devise
and pass are fair and would create an opportunity for fair and just application.

The skills and tools needed to commit crime are readily available. So that if 70 per cent of homicides are gang-related and if 80 per cent of murders are committed with a firearm, then two things are necessary. We have to shut down the criminal gangs and this is why, notwithstanding the serious concerns I have with this piece of legislation, I am prepared to support it. We also have to pull the plug with respect to the sources of firearms, and shutting down the gangs does not necessarily mean that you would shut out the source in terms of firearms.

Crime occurs because of opportunity and such opportunity can be minimized by increasing surveillance in the hot spots and increasing the opportunity for detection, and if we have been reading recently what has been happening in Jamaica, they seem to be meeting with some degree of success, and that is because they have implemented curfews and increased visibility of police forces and security forces in the hot spot areas. I want to add here that it is noteworthy—it must be mentioned—that in our case from 2007 or thereabouts, there was a significant decrease in the incidents of kidnapping. That was through aggressive surveillance, intercept and detection methods by a much maligned interdepartmental agency called SAUTT. [Desk thumping] It would appear that kidnapping is on the increase again.

Now, just to get to the Bill before me and some specific details, the definition of “gang” states that it is a combination of two or more persons, whether formally or informally organized that, through its membership or through an agent, engages in any gang-related activity. Now, even though the definition of “gang” is circumscribed by the defined criminal activity—and not even necessarily so, because I want to interject here that when I look at the schedule of “gang-related activities”, I see a whole list of activities, but then I looked at item 8: “Participation in criminal activity in association with a gang”, I got a little confused there, because all the activities in the Schedule are deemed to be gang-related activities. So when you say “Participation in criminal activity in association with a gang”, the criminal activity there certainly cannot refer to the list of criminal activities here, because if you go down to item 26, it says: “An attempt to commit any offence listed in this Schedule.”

So it would appear to me—and I did seek, let me say, very expert advice from more than one source, and I think the best experts we can find—that item 8 certainly makes the list totally redundant, because what it says, in effect, it covers every single crime, carte blanche. So I think it needs to be examined, and if I am wrong and the experts are wrong, then I hope it will be clarified as to what exactly
Now, I think the definition in itself is very nebulous. I think that it is useful to hear what the British Parliament had to say about the word “gang”, that is, “gang” is not a precise or legal term. We are concerned at its potentially wide application in the future beyond the category of people currently envisaged to be covered, and the broad discretion which it gives to those seeking applications at the courts as to how the term is interpreted. We consider that in the interest of legal certainty, the term should be defined specifically. It should be clear; it should be detailed; it should set out the boundaries of the term, including the groupings, not just the activities that are gang-related, but the groupings of individuals which the term will not encompass, because we do have a very fluid society.

Again, the expert advice, when you say “two or more persons formally or informally”, that can just about be interpreted to mean anything. If two or three people who “lime” together; they have a history; they may not have any crime involved in their record; they are in a club; they got into a fight; the one who got into a fight, enticed, coerced the others; they left the club; they beat up—somebody got a broken limb, I am told that could be defined as a gang, and the penalty could be up to 20 years or 25 years in this case, so that I do have a serious concern.

The Government did say that it paid attention to the South African legislation. I think the South African legislation, the Canadian legislation and all the legislation that I have looked at were very careful to specify that they are talking about criminal gangs and they gave a detailed explanation as to exactly who they are targeting. What interested me in researching other legislation is that criminal gangs are scourges worldwide and that they have grown phenomenally over the past five years, and that countries which implemented anti-gang legislation, not one defined a gang as being a minimum of two persons, which they deemed to be a partnership, or whatever you want to call it. And every single Bill sought to make a distinction in the sentencing between violent gang crime and other crimes without aggravation and bodily harm, that is, in giving the sentence guidelines in the law.

Now, we already have a very serious piece of legislation with respect to kidnapping, and kidnapping, for all intents and purposes, when you look at the sentencing guidelines it is more or less treated as capital punishment, and rightly so. So that is there. We already have a very aggressive Bill with respect to firearms, so now we are dealing with anti-gang legislation. Just to further drive
home the point, Canada makes all murder, for the benefit of or associated with organized crime, automatically first degree. Once it is associated with organized crime it is subject to a mandatory sentence for life without eligibility for parole.

So that it would seem to me that the drafters of the foreign legislation—and I am not for one moment suggesting that we copy and we contrive and we take things, but I think what we tend to do is to take foreign pieces of legislation and do exactly that; cut here and cut there and leave out certain things that really gave meaning to the foreign legislation, but by leaving it out it really does not give any meaning in our context.

So I think the drafters of the foreign legislation were obviously mindful that there is a need for drastic action in proportion to the specific primary crime and to leave room for reform. I know when you ask questions one would say, “Well, okay, the judges will have discretion”, but that, in a way, is talking on the two sides of your face, because when you brought the Bail Bill and you wanted to increase it to 120 and some of us said, “Well why not let it be judges’ discretion”, we were told, “No, we want it to be consistent”. So that it would seem to me that there is very little consistency in the context of all the crime Bills that are coming before us, but I know that they have a dedicated purpose.

So that under clause 5(b), if a stupid young man, just by saying that he is a member of a gang—now, he is not a member of a gang; he said he is a member of a gang to intimidate you—and he wants your phone, he can be subject to a maximum of 10 years, and depending on the case, maybe if he had petty larceny or something before, it could be 20 years. Now let me hasten to add that I am not for one minute playing down the seriousness of such a situation; I am merely questioning the prescribed draconian sentences carte blanche in the Bill, and at this point I am not dealing with whether a judge or magistrate would use discretion under the guidelines in the law.

So that I believe that the prescribed maximum sentences carte blanche in the Bill is disproportionate, for instance, when you compare it with the Terrorism Act 12:07, which states that a person who commits a terrorism act is guilty of an offence and is liable to imprisonment for 25 years, and we have people who might have assault with aggravated or bodily harm, who could be given the same sentence as a person who commits a first-degree murder or manslaughter.

A person who acquires or possesses terrorist property is liable to up to 20
Anti-Gang Bill

[SEN. DRAYTON]

years, the same—as the distinguished Powells, as they described the marginalized youth without any social skills; he, too, will get 25 years for the cellphone, maybe with aggravated assault. A person who commits rape, the law states 25 years; justly so. Now hear this one. A person who commits fraud on depositors, they destabilize the whole financial system, putting the entire country at risk, is liable to 10 years in prison. Now, they say he also has to pay $10 million, but having squandered so much money, $10 million to him is like the $500 to the little guy who is looking to steal the cellphone. Under the Prevention of Corruption Act, a person who defrauds the taxpayer of millions of dollars, acting in concert—gang—with some other agent, could be jailed for 10 years, with a fine of $500,000, similar to clause 8 in this Bill.

So it was last Monday that the national mentoring programme was launched. We listened to the distinguished Powells. They spoke about bringing up children in a nurturing and caring environment; having someone else to care for the child, for them to listen to, to have a model, someone to re-enforce positive behaviours.

4.10 p.m.

And they spoke of children at risk. And I just want to come back to that; the little guy and the cellphone because, what do we mean when we say “children at risk”? It could mean many things, that the family that the child belongs to is at risk, family dysfunction; that the community in which the child lives, he lives in a house, and the house opposite him is a gang, the house behind him is “weed”, those on both sides, “coke”. The school which the child attends is a risk environment; the low parental education, children born of children—a major risk factor, low esteem, development problems and a whole range of quantifiable risk factors including diet, poverty and welfare dependence.

I have heard a lot of talk about poverty, but there are thousands of studies linking an environment of poverty and crime. It is the poor and depressed areas where crime is most visible, and note, I said “most visible”, I did not say most prevalent, because I have a feeling that behind the gated communities, it is where it is most prevalent.

So as the Powells said, in the absence of a loving child, meaning the home people who care, good parenting, what happens is, they get a sense of belonging with the bad boys on the block and migrate to the gang.

So he could hardly read, this is the guy with the cellphone now, low esteem,
grew up in violence, he wants a cellphone “I is a gang member, give me your cell phone.” He is just over 18 years, so he is an adult. He could be jailed for 10 years on the first offence. And I am not too sure that the judges could apply discretion in the context of this Bill with respect to the Community Service Act, I think of 1997, which means that the judge will not have any discretion with respect to non-custodial sentences. And all the foreign legislation I have read they have made allowances, because they understand the environment in which these young people operate.

So that, should he be punished? I say yes. Should he be punished severely? I say yes. Should he be punished very, very severely? I say yes. What therefore is the boundary of severity? And that is the litmus test. The answer has to be proportionality and this Bill does not cater for that. Should there be an opportunity for reform depending on if it is a first-time young adult? Yes there should be an opportunity for reform. And this is a dangerous piece of legislation because of the high potential for abuse. Why? And I am reliably informed by experts. For the first time there will be legislation that in effect says the police does not have to have any evidence against a specific individual for a specific crime, but could take that individual to jail for 72 hours without charge if the police deems him to be a member of a gang, who committed a gang-related crime.

Now, when you read this in conjunction with the Bail Bill, we say 72 hours, but in conjunction with the Bail Bill depending on what the crime is, it could be 120 days without bail, and depending on the crime, it might be no bail at all because it has to be read in conjunction with the Bail Bill.

So given the definition of “gang” and reading clause 4—which incidentally, I was told is a total waste of time—because this says that it is not necessary for the police to show that a particular gang possesses, acknowledges or can be identified by name, and a whole set of other means like tattoos, insignias and things like that, as long as they have evidence reasonably tending to show or demonstrate the existence of membership in a gang. Of course the big question is: how are they going to do that? Maybe intercept, I do not know but clause 12(1) states that: “A police officer may arrest without a warrant a person whom he has reasonable cause to believe to be a gang member…”

So a person can be arrested based on a third party crime if the police deem him to be a member of a gang and who committed a crime. Now probably he once belonged to the gang, and probably he left six months ago to reform himself, we do not know. But we know a lot of things happen out there, so that it is his word
really against the police. Now normally in the law, mere presence on the crime scene is not sufficient evidence that a person committed a crime. This Bill turns that on its head. Because this legislation says in effect you do not have to be present, as long as they have evidence that you were a member of the gang that committed that crime, you can be arrested. So you will be charged anyway. And as I said, if you look at item 8 on the Schedule, which I deem to be a catch-all—whilst, they have given gang-related activities, item 8 really catches you in every single crime, including pickpocketing.

So clause 10, I mentioned the quantifiable factors with respect to youth at risk, so what plans does the Government have in place or will be putting in place to support parents who want to make an effort to rehabilitate a child, and who they know is a member of a gang? Because outside of your volunteered system which is your NGOs, really there is nowhere to go. Forget it; there is nowhere to go.

As has been said before by this Bench, it is a tragedy that no government, no government in this country, has ever seen it fit to build an institution for children—that is true, a home for children, orphanage, no government. So we are talking draconian measures, and I have not seen in any budget any government building any orphan home for our children, children who need to be taken away, to be removed from danger. It is the private sector, it is your churches, it is your NGOs, it is your volunteers. So when the Powells talk about volunteerism it has been going on in Trinidad from the time—history, unrewarded.

Now it is fair to say that the governments have supported children’s homes and supported children’s homes substantially. They make substantial contributions to the orphan homes: Tacarigua and Lady Hochoy Home. And I am aware that this Government is spending $2,000,000 for a children’s home, and laudable. I commend them. They say they are building a children’s hospital hooray, very commendable. I hope it gets done.

So what protection will be offered to persons who want to report a gang or a gang member in their community? I think that we need to reflect on the way we are bringing these laws, because the foundation is not there to support, the infrastructure is not there to support these measures. Reasonable grounds for fear of life is a critical factor, especially when dealing with criminal gangs. I am not convinced that the infrastructure is there to protect the life of parents and the other children from the gang member.

The gang member in the family is probably terrorizing her in any event, but at no point in time has her life or the life of the other children been directly at risk.
So usually in a number of homes you are dealing with one parent, and what will happen to the other five children while the mother is serving a sentence if she is found guilty of not turning the child in, and there is insufficient evidence at her efforts in rehabilitation?

Madam Vice-President, in closing, I have tried to articulate the draconian nature of this legislation—I understand the situation is so grave that we need to be drastic—and the huge potential for abuse in a justice system that is not just imperfect but riddled with many complex, unresolved administrative problems. The innocent person is already under siege of the criminals, and it is why I believe that in making laws we need to be meticulous in ensuring that legislation itself is not weighted to disadvantage innocent citizens in certain sectors, who do not have the financial resources to clear their name, to fight their case.

4.20 p.m.

The white-collar criminals operating in gangs in boardrooms, that prey on the Treasury and the taxpayer, who steal development funds from the less privileged, poorly parented, angry, illiterate youth, and who are better known as well-educated, upwardly mobile, gated-community, green card, well-parented professionals, they have the means to clear their name when charged under a draconian piece of legislation.

Be that as it may, in supporting the legislation I would recommend that the Government implement a committee to monitor the operations of all these pieces of legislations—a good thing about this is that it has a five-year sunset clause—so after two years you will have an idea as to whether it is functioning, it is meeting the stated objective of the law. If it is not, then you know to come back to tweak it and to bring something that would make sense. So that, maybe, a few retired judges just monitoring the operations so that comprehensive reports at the end of the year—and that way they would also be able to report if there is abuse and the level of abuse that is taking place.

Now, I believe that you are listening. I believe you are listening because you have been soliciting wide input into finalizing your Bills for Parliament, so I do hope that you take this on board. I commend you, as I said, for bringing it. It is not perfect. A lot is wanting and, in fact, what you are asking us to do with this piece of legislation is to trust that there will be no abuse. Of course, you know there is no guarantee on that. I also ask that you reflect to ensure that you are acting justly, fairly and equitably when you are producing these documents.

I thank you, Madam Vice-President. [Desk thumping]
The Minister of Public Administration (Sen. The Hon. Rudrawatee Nan Gosine-Ramgoolam): Thank you, Madam Vice-President. I take this opportunity to thank you for permitting me to join in this debate. This is an important milestone in the history of our legislative agenda. I repeat, our legislative agenda [Desk thumping] and legislative administration. I say legislative agenda because for far too long, since I arrived in this Senate, I have been hearing about we have no legislative agenda. [ Interruption]

Hon. Senator: Still do.

Sen. The Hon. R. N. Gosine- Ramgoolam: Well, the other side keeps harping that this Government has no legislative agenda, but we want to remind the opposite side that our legislative agenda focuses on the immediate issues—[Interruption]

Sen. Cudjoe: Where is it?

Sen. The Hon. R. N. Gosine- Ramgoolam: Madam Vice-President, if the Senator on the other side gives me a chance, I will explain—challenges when we came into office we were confronted with. Therefore, the first thing you do is to look at all the pieces of legislation that were there in cold storage, while crime and criminal activities were taking place. So this Government in its wisdom, its agenda focuses on the immediate issues and then those issues that are less threatening to the society.

You would realize that the Government came on the platform and came into office as a result of gangs, crime, kidnapping activities stalking the land and, therefore, if we just take a cursory look, we will see that we have dealt with the Anti-Gang Bill, something that troubled us for years—somebody said we have 100 gangs. Was it 100 gangs, Minister? Right! We are treating with that. [Interruption]

Sen. George: You have to ask Martin Joseph.

Sen. The Hon. R. N. Gosine- Ramgoolam:—the Bail (Amdt.) Bill, the Firearms (Amdt.) Bill—we talked about illegal firearms—the Evidence (Amdt.) Bill, the Miscellaneous Provision, Kidnapping, Bail Bill.

Madam Vice-President, you would recall in the newspapers before 2009 the issue of kidnapping. Where was the legislation then when the other side thought that they needed to curb it? Where was it? Well, we are bringing them out and ensuring that we pass them, Electronic Transactions Bill, the Data Protection Bill and many others. After that, we will bring out the second part of the agenda.
Enough said on that issue.

Madam Vice-President, these Bills experienced a very long, long journey and, as a result, went through an entire process. Having experienced this long journey, today this Senate is now asked to approve two Bills which were introduced in and debated by the House of Representatives, referred to a joint select committee—a very long journey—fully considered and passed by the House of Representatives. What are these two Bills? They are the Anti-Gang Bill, 2010 and the Bail (Amndt.) Bill, 2010.

The question needs to be asked: why is it after a mere 10 months in office this People’s Partnership Government—it is the People’s Partnership Government. I think some of us in this august Senate do not seem to understand English. It is the People’s Partnership Government, or either we forget very quickly. Probably we need to take some ginseng.

Yes, we have been able to introduce measures which go to the heart of the problem of escalating crime. Crime is one of our major problems in this society. The first thing is safety and security of a nation. We are not only introducing this Bill, but we are also here to listen and work with the Opposition and the Independent Senators, in the interest of the public. Yes, we are not like the other side who claim ownership of all knowledge. I heard Sen. Hinds last day speaking about they had to teach us. We do not own information and suggestion alone. This is a Government that believes that every group, every creed, every race has a positive contribution to the development of this country. This is why we have a coalition of many parties.


Sen. The Hon. R.N. Gosine-Ramgoolam:—five parties. We embrace all, even those on the opposite side. Sen. Hinds, where are you? Missing in action. Sen. Hinds is of the view that information and knowledge are only privy to one person or one group of persons. Well, we are not of that view, and this is as a result of our Government’s commitment to governing in the interest of all the people in our country, to listen—through you, Madam Vice-President, Sen. Hinds, to learn as well—to learn, to give and receive feedback provided by others. This Government believes that many groups’ input is better than the input coming from one person or from one group or from one source, and that is what we are here about.

This approach is in stark contrast to the previous administration which said,
“It is my way or the highway”, one of the major reasons why these Bills are still here before us this afternoon and why they are stalled on the highway, pushed aside and never to see the corridors of power again. Never! This country is too schooled and educated, and very wise.

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

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

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

**Madam Vice-President:** Senators, before we left for the tea break, Sen. Ramgoolam was on her legs. You have a remaining 37 minutes for your first 45 minutes. Go ahead.

**Sen. The Hon. R. N. Gosine-Ramgoolam:** Thank you, Madam Vice-President. When we broke I was at the point of indicating that this Government, in engaging in any activity or bringing a Bill to this Senate, would normally listen, learn, give and receive feedback, and we believe that this is what this Parliament is about. Various views coming from diverse groups when pulled together always give us a sound document, and I was indicating that this is in stark contrast to the previous administration who operated in a way that reflected, “It is my way or the highway”. I am pretty sure that I indicated too that the citizens of this country are too intelligent to conform to any kind of dictatorial approach to managing them and, therefore, this Government is about consensus building, about listening to the views of others and coming up with the best possible solution.

Madam Vice-President, I now turn to congratulating and thanking all those who have participated in the process of formulating these two Bills up to this stage, that is, Members of the Government, Members of the Opposition, as well as the Independent Senators. I take this opportunity to support these Bills, since I believe that they will assist in a number of ways. These Bills will really help us to maintain law and order in our society. We believe that our behaviours in the society are not what they should really be, and it is really bringing back some sanity to the way we behave and our approaches to obeying the laws of the land.

These Bills will help to ensure safety and security of our citizens, and we know that the first function of any government is the safety and security of its nation and the citizens of the country. Safety and security, as I have said, is the number one mandate of any government, and this is why this Government is bringing to the Senate the legislation that treats with safety and security of
Enacting these Bills will facilitate the investigation and prosecution of persons involved in gang and criminal activities. These Bills would outlaw aiding and abetting in gang activity. These Bills will support persons who wish to leave gangs and seek to rehabilitate themselves, for they too need a chance and we know, particularly in the adolescent age, sometimes our children just find themselves in the wrong place at the wrong time, doing the wrong things.

5.05 p.m.

And therefore, we must put mechanisms in place to help these youths who probably would have gone there not knowing what they would have found themselves in. These Bills will also assist in deterring persons from enlisting in a life of crime, that is our young and our vulnerable, Madam Vice-President. But most importantly, in my view, these Bills will begin to touch on the issue of parental responsibility—critical—and I heard Sen. Drayton and others speak to the harsh penalty that the Bill proposes on parents.

The role of parents or guardians in upbringing and guiding their children is critical and parents must take responsibility for their charge. Madam Vice-President, while we all understand and I understand, as a mother, that parents in these hard economic times must all work to provide for their family—that is part of our job, if you want to call it our mandate—but we must also remember as well that we have a major responsibility and duty in the upbringing of our children, and we just cannot leave every aspect of a child’s upbringing in the hands of the State or neighbours or friends. We have to take responsibility, in spite of the fact that we also have to work every day to make ends meet, and I think some of us too often can give excuses for everything under the sun, and it is time we stop making excuses to the extent where they are not really serious. So, we believe that parents, having to work, must also take responsibility of their charge.

Parents are viewed as godlike figures in their children’s childlike eyes and therefore, parents are seen as role models. Therefore, these parents must take the responsibility and set the example so that their children can follow. Children live what they see, they do not live what they hear, Madam Vice-President, and they do not live what they are told to do. There is a saying that goes like this: “What you speak sounds so loudly in my ears, I cannot hear what you are saying.” What we are saying action speaks better than words. Basically that is what we are saying. And therefore, parents, it is what you do, speaks so loudly in my ears that I cannot hear what you are saying. So our children are looking at our actions, that
is what they are looking at, and they emulate and mimic our actions. Therefore, as parents, we have to be very particular in what we do and in the way we act with our children.

And if I cite some newspaper articles of the Trinidad Guardian, April 04, 2010, page 14. One person indicated, and I quote:

“A parent from birth knows their child…As mother and fathers we must see the road your children are going down and curb it. If we wait until our child reach a certain age to curb it, it will be too late… you cannot bend tree when it old.”

Another quotation from, this time the Newsday, April 04, 2011 and I quote:

“We welcome the Bill's intent to hold to account any parent who aids a criminal son/daughter. While English law generally does not hold a citizen liable for failing to act to prevent an offence, we are glad to see a new law that is ready to pounce upon anyone, including parents, who give young criminals the slightest inkling of support.”

It continues:

“If you turn a blind eye or ought to know that the child is involved in crime under your own house then you better watch out!”

So, some of the writings in the daily newspaper are really supporting the issue of having some kind of sanctions for parents. Madam Vice-President, therefore, we see parents have an uncompromising responsibility to set the example and monitor their children’s daily lives.

Madam Vice-President, while all these issues identified are in themselves important, we need to ask ourselves some serious questions, and if I recall, I think, Sen. Cudjoe asked one of those questions and also Sen. Dr. Balgobin. And the questions are: How did we get to this place, Madam Vice-President? How did we get there? Where did we go wrong? What circumstances or combination of circumstances conspired against our people to permit so many of our children, our youths, our brothers, our sisters, our grandchildren, our nieces, our nephews, our neighbours, to find gang activity an acceptable way of life?

In retrospect, Madam Vice-President, if we are not aware of where we came from, I am sure we will not know in any meaningful way where we are, and as a result, we will not know where to go and how to get there. And further, Madam Vice-President, how did all of our institutions of socialization fail to arrest the
descent of so many persons, and in particular, young persons in anti-social behaviour? So, we are asking the questions, how did we get there? And we are asking how did our institutions, particularly our social institutions, fail us in this regard?

I believe, Madam Vice-President, that the single most important cause of this exponential rise in gang activity in Trinidad and Tobago is the culture that has been imposed upon us by successive administrations, and in particular, the immediate past administration, that is, a culture of entitlement. And it is time we really confront this issue and stop sweeping it under the carpet. It is a culture of entitlement. It is a culture based on the concept that a plaster is better than a cure. It is a culture of free among many, not all—I want to repeat that—among many, not all. It is a culture of little work for plenty money. It is a culture of “gimme gimme”. It is a culture that promotes the use of State resources to distribute handouts to supporters and hoping that that is development. It is a culture that giving handouts will lead to national development. It is a culture of giving a man a fish, and, by extension, I guess, a woman too.

While this action is important—I am not saying it is not important—it is important to the most vulnerable, Madam Vice-President. We also need to ensure that we create an environment where these persons are taught how to fish themselves. So, side by side, we assist the vulnerable but until such time we create an environment where we can remove the dependence syndrome, and that calls for proper planning, proper organization and identifying your target groups.

5.15 p.m.

It is a culture which promoted and perpetuated what has come to be known, in this country, as the “gimme gimme syndrome” or the dependency syndrome. When you nurture young minds into this dependency syndrome, it is very difficult to reverse the process. How can we blame our people when they reach that stage? We inculcate the habit and the culture. It is very difficult. We have institutionalized in the young brains this culture of dependency. As a result, this Government has the daunting task to deprogramme the minds of our youths, I say deprogramme, who believe that life is about free and, therefore, there is no need to work hard. This Government has the challenging task of redirecting the minds, hearts and souls of these young youths of our nation to productive endeavours and we are up to the task.

Last year, the people of Trinidad and Tobago, on May 24, rose against this
culture that has grasped our land, and said no to a culture of entitlement; no to a dependency syndrome; no to a “gimme gimme” culture; and yes to a culture that addresses the holistic development of our people, our hardworking people. That is what this country voted for; yes, to hard work. It is a gift from the Almighty. It is hard work. That is why we have health and strength, and we have to guide our youths to use that health and strength in productive endeavours. To work hard is our sacred duty from which we must not falter. To work hard must be the mantra for our young generation.

Coming from what I said earlier, I want to indicate together we aspire, together we achieve; together we perspire, together we receive. That is the kind of behaviours and culture we want to inject. I repeat, together we aspire, together we achieve; together we perspire, together we receive. We all have to work very hard, and that is the culture we want to embed in the society.

We should not be proud today as we consider these Bills. This is not a very proud moment for us. The fact that we must address these matters at all should alert the national community that our society is in crisis. Our society is in serious crisis. Our young people are at serious risk. Our male youths, in particular, are at risk. We are losing them to drugs, gangs, the roadways, the street corners and to seasoned criminals.

Many of us may have read the book *Men at Risk*, written by a Jamaican author. The picture painted is one that we should all be concerned about. I believe—[Interruption]

**Sen. Rammarine:** *Male Underperformance*.

**Sen. The Hon. R. N. Gosine-Ramgolam:** That is another one. Our males in Trinidad and Tobago, and probably the Caribbean, are at risk. Those of us with daughters have to be very concerned about what is happening to our male youths in particular, as the probability of finding appropriate and good partners diminishes. Mothers in general are also concerned about their once loving sons. We must do something about this scourge that has engulfed our land, and do it now. We cannot wait. Time is running out on us.

What about our productive human resource capacity and capability? If we do not attempt to arrest this situation, we would be heading for serious trouble, in terms of competencies and skills required to develop this beloved nation of ours, because we would be losing the youths to the gangs and the roads. We would not have the kind of skills required to run our organizations and our nation. The way
we have gone, we have to engage in immediate steps to bring this situation under control. What is even worse is that this time the country needs all its valuable human resources, because we ourselves are challenged in finding competencies to man our organizations: private sector organizations, public sector and even NGOs.

Apart from that, we have to expend large sums of money on the criminal justice system, to treat with criminals and to ensure that these institutions are able to operate efficiently. What a waste of resources. Rather than using resources, financial and otherwise, to build a country, to build a nation and to feed it citizens, we have to spend billions of dollars to build jails to place our citizens. One gramme of prevention is better than a kilogramme of cure.

Since I am on the criminal justice system, unless the criminal justice system is overhauled in its entirety, none of the measures we in this Parliament pass every week, including these Bills, will be of much effect. Some of the previous contributors spoke to that. We are saying that some of the reforms to the criminal justice system which are necessary, and which this Government is currently addressing, are additional Magistrates’ Courts. We need those. Apart from these Bills, we need additional Magistrates’ Courts.

We assure this honourable Senate that this Government is engaging the attention of additional magistrates’ courts; upgrade to existing courts; specialized courts, for example the Family Court and Gun Court; the introduction and use of ICT in all levels of the court system from Magistrates’ Court to High Court. There is a pilot project in Tobago, using ICT. That is going to help us. It continues: modernizing the administrative arrangements in the offices of the Clerk of the Peace; introduction of remand courts in the national prisons; abolition of the need for preliminary inquiries. All these issues are being addressed and are currently focusing the attention of our Government. All these administrative arrangements are needed if these Bills, when enacted, are to achieve the intended objectives. Sen. Cudjoe did speak to that; these Bills are not going to achieve anything. We agreed, by themselves, they are not going to achieve anything. There are other support mechanisms that we must put in place in order to achieve the desired effect. The Government is committed to doing just that.

It is also important to note that this debate started so long ago. I feel sure that hon. Senators understand that the causes of our present challenges and difficulties accumulated over time include, among others, I think I was very happy to hear Sen. Dr. Balgobin speak about it when he spoke the last time. I was looking at my list and I said: “My God, I wonder if we copied from the same book or we had the
same dream.” These are: breakdown in family life; indiscipline and violence in schools remaining unchecked; absentee parents, particularly fathers and now even mothers; a failure of the management of the education system to identify children who, for whatever reasons, were not doing well. They went through the system from standard one to standard five. It continues: low or no remedial action; low and no intervention; and most of all, even if there was a way charted, the passion, the dedication, the will and the commitment probably were not there.

I recall, on the last day, Sen. Deyalsingh admonished Sen. Abdulah for saying that the education system failed our students and Sen. Deyalsingh went on to give us some anecdotes, about 12 examples. Well, those anecdotes are approximately 0.000000001 per cent of the population. But, more importantly, I do not think—I have the unrevised version of Sen. Deyalsingh’s contribution, as well as that of Sen. Abdulah. Sen. Abdulah indicated, I want to quote from the unrevised Hansard:

“Then, Madam Vice-President, we had the school system. I am not saying that it was intentionally created to fail our young people. I would not put that responsibility on anybody. However, it is very clear from all the evidence about the system we created in our junior and senior secondary schools with young people being unsupervised for long hours.”

While he spoke to the education system, he was pinpointing a particular area of students not being supervised. I believe one speaker—I do not know if it is Sen. Helen Drayton, or Sen. Cudjoe—spoke to the issue of students not being supervised. [Interruption]

Sen. Cudjoe: Not me.

Sen. The Hon. R. N. Gosine-Ramgolam: Sorry it is not you, probably it is Sen. Drayton, but I recall it was said earlier this afternoon. What I think the gist of Sen. Abdulah’s contribution was, there are certain things in the system that have caused failures, and if you really look at the junior secondary system, when you start at 7.30 a.m. and finish at 11.30 a.m. with a 15-minute break, you do not have four hours of teacher time. Therefore, think about a student who has half the amount of time as a child in an all-day school. I think what the goodly Senator was pointing to is that some of the arrangements in the education system would have caused some serious problems with our youths. I think that is the gist of the issue that the Senator was talking about. So, I do not want others to believe that Sen. Abdulah was literally saying that the entire education system failed; far from that.
We all got an education system in Trinidad and Tobago and we are all proud of it, but we do need to tweak certain things to ensure that we can make it better. I think that is the point Sen. Abdullah was focusing on.

Do these Bills address all these areas? No, not at all. The answer is an unequivocal no. But these Bills are important if we are to deal with some aspects of gang activity. They are very important. We must have the ability to dismantle gangs, and the Bill affords us that. We must try to prevent persons from joining gangs.

Clause 6 of the Bill points to:

“A person who, by any means, coerces, encourages, entices, aids or abets another person to be a gang member commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years.”

I will not quote clause 11, it is in the Bill for all of us to read.

5.30 p.m.

We must encourage those who, for one reason or another wish to drop out of gangs and that pertains to clause 7 to the Bill. And I quote:

“A person who prevents or attempts to prevent a gang member from leaving the membership of a gang, whether by coercion or otherwise, commits an offence and is liable on conviction on indictment to imprisonment for twenty-five years”.

So that these Bills do serve a serious purpose, Madam Vice-President.

We must encourage parents and guardians to pay regard to what their children are doing, and that is clause 10 of the Bill, and I guess we can read it. We all have the Bill. We must send a clear message to all gangsters in the making that we mean business now, these two Bills are examples of taking preventive measures, so as to curb the scourge of crime and criminal activity in our country.

Madam Vice-President, you need to know that with these two Bills Trinidad and Tobago is closed for business. If you are found guilty under the Anti-Gang Act [Inaudible] it is open for business? Closed for business, yes. We are not tolerating that again. If you are guilty under the Anti-Gang Act, there are serious consequences ranging from 10 to 25 years in prison, and we hope that is going to act as a deterrent. It also provides for forfeiture of property if it is shown that the property was utilized for the benefit of gang activity, and that is clause 14.
Anti-Gang Bill

[SEN. THE. HON. R. N. GOSINE-RAMGOOLAM]

These measures articulated in the Bills have been described by persons who have their own agenda as “draconian”. We have to fix it one way or the other. I think one of the Senators previously said that desperate times need desperate measures. You be the judge.

The truth of these Bills have in them what is referred to as a sunset clause and this is great; after five years we will be able to review and see where we are, whether there is need to withdraw certain things, whether there is need to have other pieces of legislation, and therefore, these Bills will be reviewed after this period, Madam Vice-President, to determine the efficiency and effectiveness of them. What have we achieved? What do we need to do next?

So, therefore, there is accountability as a built-in measure in these Bills and we propose to revisit them after five years to ascertain whether or not the measures contained in them are effective by reducing gang activities, or did it do the reverse. Have they increased gangs? So, from now until then, let us look at a trend analysis and see what these two pieces of legislations would have done.

Our Constitution, Madam Vice President, section 53, provides in part that:

“Parliament may make laws for the peace, order and good government of Trinidad and Tobago...”

Today, this Government has brought to Parliament two Bills which clearly speak to the mandate of our Constitution. These Bills will undoubtedly positively affect the peace, order, good government and good governance of this country. It is time for all of us to stand up and do the right thing, the church, the State, the family, the schools, both Government and denominational, non-governmental organizations, citizen-based organizations and the like.

So, Madam Vice-President, these two pieces of legislation are lending support to these institutions, so that they may be able to conduct their work in a more efficient and effective manner. We hope we have given them some strength to continue doing their work. It is time for action. Let us join in this enterprise to take back our country from those who are determined to destroy the very social fabric of Trinidad and Tobago, by:

(1) passing these two pieces of legislation;
(2) providing support and guidance through our various institutions;
(3) parents and guardians taking full responsibility of their charge in
serious ways.

And therefore, Madam Vice-President, as the Trinidad Express, of April 03, 2011 stated very nicely and I want to quote a bit, it said:

“Thanks to the exemplary work of this committee, which met every week for two months, new versions of the bills…As a result the public can look forward to the bills now having an equally trouble free passage through the Senate so that they can be implemented swiftly. If successful, they will reduce the numbers of youths affiliated to gangs, and cut down the numbers of bandits and the numbers of gun crimes.

The smooth working of the joint select committee system in this instance is also to be celebrated if it helps bring about this commendable aim.”

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

Sen. Dr. Lester Henry: Thank you. I hope I could live up to such expectations. [Desk thumping] And also I hope I can continue having your support.

Sen. Panday: “Not after what happen on TV6 yesterday.”

Sen. Dr. L. Henry: Or, you watched a good show.

Thank you, Madam Vice-President. I will like to make a brief contribution to the debate on this whole issue on gangs. I will use some international examples as some of the previous speakers have alluded to, and then I will turn to some of our issues and looking at this particular problem of gang violence in a social context and also from an economic point of view.

Now, the gang issue, as many others have mentioned before, is a very serious regional and international problem, and it came home to me specifically when I was in Nevis two years ago. The island administration invited me to do a talk over there, and a speaker before me made reference to the increasing gang violence in Nevis; I almost fell off the chair, because I could not believe that Nevis, a place with one main street and less than 10,000 people, actually had gang violence, and they were not joking. There were imitation crypts and bloods and so on with 9,000 on an island. And, of course, I think it was Sen. Hinds who referred to the situation in St. Kitts which is obviously part of St. Kitts and Nevis, and the violence there was intensely worse than what anyone would imagine on such a small island. So it is a serious problem and it shows us again that there are no necessarily easy solutions to such a widespread and difficult challenge.
Anti-Gang Bill

[SEN. THE HON. R. N. GOSINE-RAMGOOLAM]

Now, one of the most gang-infested areas in the world is Central America. In fact it is actually quite serious for all of the five Central American countries, particularly in El Salvador. While I was reading up I found the case of El Salvador to be particularly interesting in the sense that they had this tremendous murder rate, some to the point—we hear people talking about the murder rate in Trinidad and Tobago and people keep saying. “Oh, it cannot get any worse”, and every year it gets worse.

5.40 p.m.

In the case of El Salvador—I am reading from an Economist article from 2007—there were 57 violent deaths per 100,000 people. The murder rate went up, from 2006 to 2007, from 3,779 to 3,906. This confers upon El Salvador, the article points out, the dubious distinction of being one of the most dangerous countries in the world.

What has obtained there? One of the major contributors to the situation in El Salvador has been the issue of deportees. Just like in Trinidad and Tobago, we had people playing the blame game and so on. The police would usually blame the Judiciary for not putting away the people after they caught them and then the politicians, the Opposition would blame who was in government and say: It is your fault, and so on.

Sen. Panday: We are feeling the blows.

Sen. Dr. L. Henry: So the deportees have played a major role. In fact, the President at the time, President Saca, pointed his finger at the thousands of deportees who were being sent back to El Salvador after spending time in the US. Many of the parents of these people left during the 1980s and went to places like Los Angeles and different parts of the US and set up gangs there because they had little option in terms of work or education. Some of them went very young, at five years old, so when they are caught by the American authorities as adults in their 20s, they are sent back to El Salvador and they go into a foreign country about which they know nothing regarding what is happening and they have no options.

During that time for which I quoted the murder rate going up significantly, 2006 to 2007, there was a 26 per cent rise in the number of Salvadoreans deported from the US between January and September, 2006. So the murder rate, while it is just a correlation and not conclusively a causality, it was clear that the President himself was ascertaining that this was partly responsible for the viciousness and increase in the murder rate in his country. What happened in El Salvador is
happening throughout Central America and other parts of the Caribbean.

I remember a case in New York, in Brooklyn, when I used to live there, where this young man came with his parents from St. Lucia when he was about three years old and he got caught selling cocaine at age 27/28 and was deported back to St. Lucia despite the fact that he had lived in America 90 per cent of his life. Of course, when he went back to St. Lucia, he ended up in all kinds of violent activity because he could not fit into the society.

Strangely enough, the person who implemented this deportation exercise is a President when many people in this country admire, President Clinton, the one who was supposed to be more sympathetic than other Presidents, such as President Bush, to international causes. He was supposed to be the liberal.

We are dealing partly with a problem of our own making, as many of the speakers have alluded to, but it is exacerbated by these external factors. We have had our fair share of deportees and if we do not deal with the law—for example, one of the problems in El Salvador is that they do not charge people for crimes not committed in El Salvador. Once the deportee lands back in El Salvador from the US, they are free to go. That is one of the problems that we must look at and check what our situation is here.

Let me get closer to the Bill and state my major concern. I am worried that the Bill is biased towards the lock-them-up attitude. Some have said draconian and many people have supported it in the sense that—as Sen. Gosine-Ramgoolam just alluded to—difficult times need drastic measures.

Implementing drastic measures is okay at times, but you have to be sure that it works. What is the available evidence that draconian measures really work? We all feel strongly about crime; we want something done and we might be willing to support just about anything; but what drives the implementation of these things should be logic and empirical evidence rather than emotion. We should all think about the economic impact, to which I will get into detail in a little while.

What we have with this Bill and the long jail sentences is that you would have, most likely, a proliferation of arrests in a year or two and, as happened in places like El Salvador and other parts of the world, you would end up with an overcrowded prison system and then gang violence tends to get worse because the gangs are breeding and multiplying in the prison system.

There is another dimension as to what obtains in the USA where the prison system becomes an industry and you have, I think, over two million people incarcerated, one of the most highly incarcerated populations in the world.
Anti-Gang Bill

[SEN. DR. HENRY]

America is somewhere at number one in putting people in jail and giving them extensively long sentences—200 years and 150 without parole. That is not unusual.

What I am warning against in terms of the years down the road as Sen. Gosine-Ramgoolam just alluded to in terms of looking at it five years later, we may not have to wait that long. Once these prisons become overcrowded with these youths, who could be very productive if otherwise engaged, you could have pressure to build new prisons because you are running out of space.

As I was saying, in the Economist article, in the case of El Salvador, a prison that was designed—they were talking about it—to hold 800 people had 2,500 or thereabouts. Of course, there is the serious warfare that takes place and they also identified a number of deaths that occur in prison fights, sometimes as many as 150 people could die in one prison fight between rival gangs.

We could run into the situation where there are proposals for private prisons. Given the trend, the Government may not be able to keep up with holding all these people in our established jails, Frederick Street and Golden Grove. With the establishment of private prisons, we run the risk of going the American way of encouraging the incarceration of young people, especially certain types of young people.

We have the case, in Pennsylvania, where a judge was found to be taking bribes from a private prison company to put people away. He deliberately sent to prison hundreds of young men just because he was taking kickbacks from the prison. These are some of the things I am warning against in terms of where we might be headed.

Most of the speakers spoke about current concerns, with which I am also concerned, but I am also concerned about the direction in which we are headed. If we see it as just a crime problem without looking at the social dimension and at the true solutions, which are not easy—I am not saying that we can just wake up in the morning, our side or the Government side, and find the solution to this serious problem; however, there are some facts and research that could point us in the right direction.

Presently, we do not have the space, and all of the countries that adopted the zero tolerance approach to gangs, of course you saw the requisite spike in arrests and build-up of people in the jail. Of course, part of the economic factor in all of
this is the cost of maintaining the prisoners. Since my time in the US, there was a saying among African Americans, who were constantly pushing it at every opportunity, that it cost more to keep one person in prison in the US than to send the same person entirely through university.

This established fact continues today, from my understanding, to be the case; but it has not deterred the authorities from still pursuing the lock-them-up approach to gang activity and to petty criminal activity; sometimes not even serious activity such as murder and drug dealing. Very young people, 18 and 19 years old, are put away for five to 10 years and when they go into the prison, they mix with hardened criminals and you get a worse output at the end of the day.

While we support the Bill in terms of getting something done—of course, there was input from our side—I wish to emphasize that we do not see this as the end-all. I know you know that. We would like to emphasize social solutions as well and also send a few messages. Before I get to the end, I will mention quite a few more things.

When we are dealing with the problem of gangs, we have to understand what we are dealing with; what we are competing against as responsible people in this society. One of the interesting books that you can get—and I encourage the Minister of National Security in particular, because of his mentoring programme, to look at Countering the Conspiracy to Destroy Black Boys, Volume 3, written by a guy called Jawanza Kunjufu, an American, who spent a lot of his life touring all over the US trying to motivate young people and trying to find out what causes them to do what they do. This is Volume 3, very small books but very informative.

Kunjufu lays out a typography in this way. He says if you look at one side of the ledger, you have gangs, drug dealers and the media; a strange mix, but very practical. On the other side he has parents, teachers and concerned community citizens. He said: What do we really offer the youth? If you look at the side with gangs, drug dealers and the media, you see two to eight hours spent together. As age increases, involvement increases. They spend a lot of time with one another. If you look at the parents, he concluded there was an average of seven to 34 minutes spent with the parents as opposed to eight hours with their friends, their gang members.

5.55 p.m.

The gangs, the dealers and the media, they listen to each other. The parents, teachers and so forth, they talk at each other. The gangs; dealers and the media
Anti-Gang Bill

[SEN. DR. HENRY]

offer instant gratification; on the other hand, we promise long-term gratification. Gangs, dealers and the media offer materialism, designer clothes, bright colours, “the bling”. And what are you offering on the other side of the ledger—morality, integrity and honesty. That is what you are competing with. [Crosstalk]

**Sen. Cudjoe:** It does not pay the bills.

**Sen. Dr. L. Henry:** As my colleague is saying, it does not pay the bills. Now I am saying this just to emphasize the depth of what we are dealing with. Of course, the media, the gangs and the dealers, they advocate money, via drugs, sports, music, crime and of course, the lottery, “Play Whe” and so on. And we on the other hand offer money via good education and working hard.

So when confronted with this type of choice, somebody who is in a desperate situation, who does not have or seem to think that they have options, they come down—well on the page here, they would come down on the left side very often, that is the side of the gangs, dealers and the influence of the media. So if you promise—even adults—that there is a possibility that you could earn significant amounts of money—not that you actually will, just a promise—many of us will go for it. So how can we expect these impressionable youths to not fall for it? Even as adults, they will try to go for the instant gratification, the materialism and so on.

Now with that said, I also want to point out that we have had deportees—and as I mentioned before in Trinidad—causing gang violence or at least partly the cause, but we also had gangs back in the 50s and 60s. [Crosstalk]

**Sen. Panday:** Marabuntas.

**Sen. Dr. L. Henry:** I am sure the Minister of National Security, the Hon. Brig. John Sandy would probably remember and may even have had some first-hand knowledge of it, given where he is from. [Interruption]

**Sen. Panday:** That is the first PNM gang.

**Sen. Dr. L. Henry:** No. Steelband clashes, you remember that? “When one steelband coming in one direction and the other one coming and they would pull out; right?” It is immortalized in Blakie’s Steelband Clash, remember? I am sure Prof. Watson would know the words of the calypso quite well. [Crosstalk] [Laughter] [Singing]

“Quite on top d lady bed, dey pelt ah bottle and…”

**Sen. George:** Let him sing.
Sen. Dr. L. Henry: I know I cannot sing, but I want to emphasize the point that we have had these problems before so it is not—[Interruption]

Sen. Karim: Is that in the 1950s “ent”?

Sen. Dr. L. Henry: “Yeah”.

Sen. Karim: Right. That was not in my time.

Sen. Dr. L. Henry: Yes. And we had the social programmes, the much maligned Crash programme and then the DEWD and then some of these programmes helped put an end to that. It may not have been the only cause, but some of the programmes initiated by the then PNM government certainly contributed. Because I know of several actual characters from that era who became gainfully employed and so on and later on gave up their gang activity or their crime, and many of those people insisted on sending their children to university and stuff. There was a rather drastic change.

But I think the salient message, probably, was that you gave people hope at the time. Earlier on they probably had no hope for a better future. And what we need to do is to make sure that these youths have a sense of the future. Because, as you know, many of them feel that they will be dead before they reach 25 or 30, and that contributes to the, “I do not care” attitude, which I will mention something about further in terms of the economics of it.

So a lot of the PNM programmes contributed to that initial thing. And many would argue that it actually brought an end to the steelband violence, organized the thing, put it into Panorama and form a serious competition where you can get a prize. And this became a good distraction away from the fact that when you go to Panorama with your band you had to walk with your cutlass, and knife and dagger. I was very little but I saw some of it. I did not get the full experience, thankfully, but I saw a little bit of it.

So the social programmes instigated back then by the PNM did make a dent. And that is what the PNM also tried in the earlier part of the last decade between 2001-2006/2007, especially.

I just want to give the Attorney General, in his contribution in the Lower House, some kudos for a rare moment of inspiration and confession in which he is on record as saying:

“Once you join a gang it is a life time of crime. I want to appeal to the young people in this country that there are enough social programmes in this country,
technical, vocational, otherwise, from Civilian Conservation Corps, technical and vocational opportunities; help and assistance in every conceivable form. I think it is difficult to find another country in the world where there may be so many social programmes and opportunities for citizens.”

You hear that, or are you all sleeping? Or you hear loud and clear? [Crosstalk] This is the Attorney General. Now how did this get—[Interruption]

**Sen. Cudjoe:** Repeat, because I do not think they heard it.

**Sen. Dr. L. Henry:** No, I would not bother to repeat it; I think they are fully aware. And that the social programmes implemented by the past government ran into the tune of billions of dollars. I am sure they are in Government now they could go look at the figures, they could have access to the data and see the tremendous amount of money that was put into these social programmes. At one time, I counted over 120 or 130 different programmes that citizens could have access to. [Crosstalk]

**Sen. Karim:** That is just money, what about the results?

**Sen. George:** What about the results?

**Sen. Abdulah:** Did the gang activity decline?

**Sen. Dr. L. Henry:** “Free education, you all just trying to pretend that you do not know.” I do not need to tell you, you know.

Contrary to what many people believe, and even despite what I quoted from Kunjufu’s book dealing with gangs and young men, and so on, one of the strange things is that the proceeds of being in a gang tend to be very highly overrated. When you look at empirical research on gangs, which there is not much to go on, you find that the average earnings of the basic gang member is quite minimal contrary to what we think, because the media, for example, as I alluded to before, it glorifies the successful drug dealer.

So in studies done, in the US, by Dr. Steven Levitt, the same guy who wrote *Freakanomics* for example, he found that in Chicago a street trader, in a crack cocaine gang, earned about $3.50 cents an hour, which is about less than the minimum wage.

**6.05 p.m.**

If he remains on the street selling coke for four years, he has a 25 per cent chance of dying. These are horrifying conditions but, of course, the potential payoff down the road, if he happens to survive, then it becomes somewhat
So, when you actually go and research the gangs, you find that most of the people in the gangs—in fact, one of the other findings is that they have employment as well—they work somewhere else and then they are gang members at another time. So, the average income of a basic gang member is not very high.

As we see, by the same author in a previous article from the *Quarterly Journal of Economics* in 2000, a rather serious journal; not a blog, by the same Levitt and Venkatesh, one of the things they concluded after a very detailed survey and analysis of the data, they found that many of the drug dealers, the youths recruited, did not do very well. In fact, they seem to be making some very stupid decisions. We know that, but we always assume that they are doing it for money and somehow it might make sense.

So what they have concluded from the *Quarterly Journal of Economics* was that after they looked at the analysis, they said the data implied that for the gang, drug dealing is not particularly lucrative, yielding average wages only slightly above those of the legitimate sector; quite astonishing. Wages for those in the lowest rung of the gang hierarchy are no better than the minimum wage. The wage structure within the gang is highly skewed because, obviously, the gang leader, the boss or the don or whoever takes most of the proceedings. So, maybe one of the things that we could do is to let the public and the ones who are not involved understand that it is only glorious in the media. On a practical level it does not make sense.

They also found that gang wars were extremely costly in terms of injuries, deaths and even profits. Nonetheless, fighting takes place over roughly one-fourth of the sample. The willingness to accept a risk of death among gang members appears to be extremely high. Taken as a whole, the result suggests that even in this financially sophisticated corporate gang, it is difficult to reconcile the behaviour of gang members with an optimizing economic model. In other words, they are saying, based on what they found, even from an economic perspective, it did not make sense, when most of us assume that is why they are in it.

So when you actually examine the gang as a whole, and not just the successful survivor, we could tell the youths from empirical evidence, it does not make sense. Your returns could be much better or at least no worse by just going and doing a normal minimum wage job. But, of course, the authors admit that you could have the problem of non-economic factors, and the problem of people wanting to belong and so on.
Anti-Gang Bill

I do not like to end or examine any issue without looking at potential solutions. Now, given the economic impact, what we have observed in looking at many of these gangs and the empirical research done on those gangs is that the most fruitful strategies—this is from a study from California State University at Northridge—for dealing with gangs are those which emphasize prevention and intervention instead of suppression and enforcement. Most social scientists and criminologists agree and they cite a lot of the sources; Goldstein and Huff 1993; Conley in 1993 and so on.

The fortress mentality does not necessarily work, which is what I started off my contribution alluding to; neither stepped up police surveillance nor short-term incarceration does much good. In fact, as we know, incarceration sometimes gives the individuals credentials. So they would come out and boast, “Well I did a five years here, I did a 10 years there or “I just come out.” If you listen to the radio programmes and so on, you would find that it has become a badge of honour to say, “You make a jail”. So whereas putting them in prison might seem like a punishment to us rational adults, it actually might be playing into their hands. They would say, “Well, I doh care, I would make a jail, when I come out I big. I only large now, but I will be much bigger.”

As they pointed out in some of the observations, they said these young people like to hear their names “on papers”. They actually look at it, because it satisfies a need for attention. So, the reporting of these crimes and so on gives them a thrill, and when they make the news and so on they could go back and boast among their friends that, “I am important and somebody actually paid attention to me.” So, what we have is the need to respect humanity and the communities.

Some of the studies also point to the fact that when we use the big stick, aggressive approach in terms of the police invading the communities and so on, you basically bind the people together and cause the exact opposite reaction that you are trying to achieve, and the result totally ends in failure. Tough-on-crime measures tend to fail because of an overly aggressive police and state approach to the problems, and they just force the gangs underground to some extent, and they actually become more violent.

I have a whole bunch of solutions that were tried all over the United States of
America and other parts ranging from compulsory education for people over the age of 14; jailing their parents which we talked about; and after-school programmes and a whole list of them. What we need to do is to get the best combination of these things if we are going to have any chance of bringing this problem under control. With that, Madam Vice-President, I thank you. [Desk thumping]

Sen. Prof. Harold Ramkissoon: Madam Vice-President, my gratitude to you and to fellow Senators for giving me an opportunity to make a contribution on this yet another crime Bill. I believe this is the eighth such Bill on crime to be brought to our Parliament in this session, and I believe it is approximately a half of the total Bills that we have had to deal with.

Given the fact that crime has been and continues to be the number one problem facing our nation, I do not think that we would have any objection to this strategy with respect to fighting crime. The Bill specifically focuses on gangs which are certainly not unique to our society. They have been a menace to a number of societies through the centuries dating as far back as the 13th century.

Sen. The Hon. Brig. Sandy has mentioned the names of some of these famous gangs, and I wish to add to that list. We have, for example, in China, the Chinese Triads; in India, the Indian Thugs; in Japan, the Yakuza; and from the United States of America, the Latin Kings and the Vice Lords. I wonder, Madam Vice-President, if in Trinidad and Tobago some of our gangs have such colourful names. I leave it for the Attorney General to enlighten us.

Mexico and Brazil are also infested by gangs. Gangs in Trinidad and Tobago date way back to the late 1800s. They had their origins in the form of stick-fighting bands before the battle between Desperadoes and the Marabuntas and other steelbands.

In my time as a boy growing up in rural Trinidad, that is many moons ago—Madam Vice-President, long before your time—the gangs had a completely different connotation. A gang in those days meant a group of workmen, hardworking as such, who at the break of dawn would proceed to undertake a task and by mid-morning when the task is over, they will go home and have a mid-morning break, and then they would proceed to farm the lands and grow food for their families. They were employed by the county. So gangs had this connotation. You always looked up to the gang members.
Madam Vice-President, let me now turn to gangs in our Republic and let me give you some statistics. According to the hon. Attorney General, there are 110 gangs with an average membership of 12. This means that there is approximately a total of 1,320 gang members in a population of 1.3 million people. That works out to be approximately one gang member per 1,000 persons. Let us compare this with some of the other countries, and let us go to neighbouring Jamaica.

Jamaica has 300 gangs. If we assume they have a larger membership of about 15, that gives them a gang density of about two gang members per 1,000 persons. If we go to the United States of American, the average is three per 1,000 persons; if we go to California where there are very progressive laws dealing with crimes, it is six per 1,000; and if we go to Los Angeles County, the gang capital of the USA, it is 12 per 1,000. My conclusion is that the gang population in Trinidad is not dense.

What about the impact of the gang population on our society? Again, I go to statistics. Records of gang-related murders started in Trinidad and Tobago in 2001. In that year 54 of 151 murders were gang related. That is approximately 33 per cent. That percentage peaked to 63 per cent in 2008, approximately twice the number. In 2009, however, there was a marked decline to 31 per cent. What is most interesting is that in 2004, it was at its lowest at 12 per cent. Why was that? I do not know. Now, if we take the average over the 10-year period 2001—2010, then we get a mean of about 33 per cent or one out of every three murders committed was gang related. So the impact on society, although the density is not large, the impact is significant, hence the need for drastic action is justified.

6.20 p.m.

Madam Vice-President, the Government of the day has declared its measures in the Bill before us, to which I now turn. [Interruption]

PROCEDURAL MOTION

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Hon. Senator, now that you are beginning to turn to another point, may I kindly seek your indulgence?

Madam Vice-President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the completion of this matter and maybe a portion of the other Bill, the Data Protection Bill.
Question put and agreed to.

ANTI-GANG BILL

Sen. Prof. H. Ramkissoon: Madam Vice-President, let me first and foremost commend the Joint Select Committee for the work they have done in producing this Bill. My main concern is on the rather non-scientific and nebulous definition of a gang member, which is done through the definition of a gang.

Let me go through the definition again in clause 4. It says that a gang means:

“...a combination of two or more persons, whether formally or informally organised that, through its membership or through the agent, engages in any gang-related activity;”—end of definition.

Gang-related activities are then defined in the First Schedule, and a gang member is then defined, crudely speaking, as someone who belongs to a gang.

Madam Vice-President, I now make the following observations: defining a gang has challenged many and to date there is no universally accepted definition. However, all definitions that I have encountered defined “gang” as a group of three or more, even the definition of the US Federal Government, on which ours seemed to be based. The question is: why is our definition going with a combination of two or more? Obviously if the other definitions talked about three or more, there must be a reason. I would like to know why we are going with two or more.

It seems to me that a gang must have some sort of structure. A gang must have some sort of membership and some sort of continuity with its programme. I cannot see a gang of two achieving these objectives. I would like to know the reason we are going with the definition of a gang being a group of two or more, rather than three or more. There is concern that a young individual who has some casual passing relationship with a gang, knowingly or unknowingly, may get arrested for an offence that is then upgraded to a gang-related offence, even though the gang may have not played any role.

I now turn to clause 10 which deals with concealment and harbouring of gang members. I wish to bring to the attention of this honourable Senate an article in the Newsday of April 08 titled:

“YMCA fears new anti-gang bill”

This article makes four points. Number one, some young people who may be offenders or even gang members turn to the YMCA and other similar non-governmental organizations for help, advice and guidance. These offenders
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confide in them. These NGOs can be considered as unknowingly harbouring gang members. This is not a problem, as I think it is not an offence; however, they may be charged for concealment, and this is an offence. Hence what these NGOs would need to do is a background check on all. Madam Vice-President, these NGOs do not have the wherewithal to do these checks; moreover they are providing a service for the community. Why should they have to do this check? Could the hon. Attorney General respond to this in his winding up, even though he may have addressed some aspect of it earlier on? Just for information, the gang laws in the USA have had varying degrees of success.

I turn now to strategies. Like every law-abiding citizen in our Republic, we want to see a major dent made in our crime problem. We want to recapture our country from the criminal elements and recapture the freedom we once enjoyed. While punitive and sometimes drastic measures are necessary, they are not sufficient. This is the point that I have made in previous contributions on crime and this is the point Sen. Drayton made earlier. Punitive measures alone are not going to do the job for you.

You put one gang member behind bars and in no time at all another gang member would replace him. As I said in this honourable House, we need to identify and treat with some of the basic root causes of crime in the country. Unfortunately, and to the detriment of sustainable development, these call for long-term measures. Politicians do not normally want to hear about long-term measures.

Sen. Dr. Balgobin and other Senators talked about some of the root causes: the breakdown in the family life. We have moved from an extended family to a nuclear family and to a single–parent home. We have talked about the problems in schools, in our education system. It is not meeting our expectations or the needs of the society.

Our leaders are, in fact, also to be blamed for not providing the kind of leadership we needed at the time when crime started being a problem in the society. So there are a number of causes.

A Swedish researcher by the name of Townsend estimates that an ordinary gang member in Trinidad and Tobago earns between $30 and $200 a day. That is an average of TT $115 a day. Of course, the gang leaders earn much, much more. The question I want to ask is: what would drive young people to lead lives, to quote Thomas Hobbes, “that are poor, nasty, brutish and short”, for TT $115 a day? I put it to you that it is poverty combined with a lack of education and a flashy lifestyle. These young people have nothing to live for; no purpose in life
and no dreams.

I do not know if you have heard it, Madam Vice-President, but a Jamaican expression captures this quite well. The expression is “Born fi dead”. This means that the misguided youths from the depressed areas are born, not to live, but to die. Gang members operate mainly in depressed areas. Upgrade these areas and those breeding grounds would disappear.

I have, in a previous contribution, established a strong correlation between poverty and crime, poverty and violence, and this includes gang violence. Extreme poverty and extreme wealth side by side produce a society that is not at peace with itself. It is not a tenable situation. We must, therefore, intensify our effort in trying to create a more equitable society. This must be one of our objectives in our fight against crime.

My advice to the Government of the day is to use a multipronged attack in trying to solve gang violence, the crime problem in the country. This should include punitive measures, and that is precisely what they are doing. The point I made earlier is, that alone is not going to do the job. Coupled on to punitive measures, we must talk about social amelioration. We must talk about saving our youths—and I am going to come back to that—and we must talk about effective rehabilitation programmes. Sen. Dr. Henry mentioned earlier that we are going to have an increase in the prison population, and I mentioned that in a contribution sometime in the past. You need to work out how you are going to cater for this increase in prison population.

With respect to social amelioration, let me remind you that man has the capacity to do good and, equally, he has the capacity to do evil. What determines whether he or she does is, to a large extent, dependent on the environment.

With respect to our youths, this would be a major area of focus. We have got to bring them back home and give them a dream. So much needs to be done in this area, but it would take a long time before we see results. We need to closely monitor our youths and ensure that they do not fall behind or fall into cracks. Here is where I want to commend Sen. The Hon. Brig. Sandy for the very successful launch of the National Mentorship Programme. [Desk thumping] I was very, very impressed with your programme. A lot of thought and planning would have had to go into it. It was quite a successful event. I was very impressed with the addresses and I wish you well with the programme.

But, hon. Senator, I had one major—what should I call it—disappointment. I am sure you share this disappointment with me. One of our goodly colleagues in
this Senate, also a proud product of Laventille, did not lend the support. We did not see his presence there. I was a bit disappointed. I am also sure that you were disappointed that he did not make an appearance. I want to assure you that even though he was not there in the flesh, he was there in the spirit.

Madam Vice-President, as I said earlier, the gang population in Trinidad and Tobago is not, in my view, dense and entrenched as it is in other countries. In 1998, I would not say that I had the honour, but I would rather say I had the experience of being one of a group of three, which included a sociologist, that had a meeting with one of the lead well-known gang leaders in Jamaica. That was years before others were meeting with gang leaders.

For the uninitiated, a gang leader in Jamaica is called a “Don” and the turf or physical territory that he or she controls is called the “garrison”. I had the experience of visiting a garrison. So you see, before I talk about my experience with the “Don”, I have had in my life the experience of being to the high places, of being to the low places, of being to the mountain top and, yes, being to the depths of the valley.

6.35 p.m.

After making three security stops, and passing a few funeral parlours, we arrived at our meeting place with the “Don”. The “Don” was on time. Fielding questions from us, the “Don” claimed *inter alia* one, that the garrison came into existence because of the long neglect of the area by politicians who would only turn up around election time—sounds very familiar. The “Don” provides jobs and training for the young people in the garrison, and in fact the “Don” ran a school, one of whose teachers is a university graduate.

So after about 45 minutes meeting with the “Don” and discussing a number of problems that the “Don” had and what they were doing in the garrison, the “Don” apologized and said he had to leave because he had another appointment, and he left with his bodyguards. But he was kind enough to leave behind his deputy who took further questions from us.

The point I am trying to make, Madam Vice-President, is that the garrison in Jamaica is a well-structured organization and it is well entrenched in the Jamaican society. We saw recently the battle between the Jamaica armed forces and members of a garrison in trying to capture Dudus Coke. That exercise cost 76 lives in Jamaica.

Again, Madam Vice-President, the gangs seem to be fully entrenched in the Jamaican society. It is my view that in Trinidad and Tobago that is not yet the case, that our gangs are not fully entrenched in our society. Hence, with the right
measures short and long term, hard and soft, I believe we can control the gang situation in Trinidad.

The legislation, proposed in this Bill here embodies some of the measures that I talked about earlier and consequently I support this Bill. However, before ending my contribution, let me state that it is my fervent hope that maybe someday, some government with respect to social amelioration, that someday that some government would take one of those depressed areas and transform it into God’s little acre.

Thank you very much, Madam Vice-President.

Sen. Dr. James Armstrong: Thank you, Madam Vice-President [Desk thumping] Thank you colleagues. Madam Vice-President, I am very pleased to join this debate and in general to support this Bill, although I have problems with it which I will elaborate on a little later. I would also like to commend the Joint Select Committee for the excellent work that they have done on this Bill. As well, I would like to join colleagues who went before me in congratulating the Minister of National Security on the excellent launch of the mentoring programme.

Madam Vice-President, as indicated, I have some problems with aspects of this Bill, and it reminds me very much of the situation in which these days you are expected to take medication for certain ailments, and it is necessary to take that medication all right. So I am seeing the Bill as something that is necessary, something that we have to do, but I am also seeing some dangers in it.

For instance, you go to your doctor—and I had a recent experience of that, some pains, I do not think it is anything major, and he decided that he will give me a prescription, and I said fine. It did not work, I went back and he said, “I can give you one of three things”, but he said that “I want you to go home and read up on it”. Why, if it is something that is going to relieve the problem that I have? He said, “Because there are side effects”. And if you look at your TV these days, a lot of medications that you see on TV that you can take for this problem, it is necessary that you take it for this problem, it can also kill you; it could give you a heart attack; affect your kidneys. And this is the way in which I am really seeing this legislation, that it is necessary but it can also have some serious problems in that the very thing that we are trying to solve—this Bill, if we are successful at some of the things that we are talking about in here, we may inadvertently be creating a larger problem.

Therefore I started off by asking myself, what are we interested in? Are we interested in getting rid of gangs or are we interested really in safety? I think the
problem we are really interested in solving is one of being safe, and one of the things we think that we have to do in order to achieve that is to get rid of the gangs. That presents a dilemma.

I listened attentively to the AG when he introduced this Bill, and one of the things that he indicated is that gangs had actually increased from 93 to 110 between 2008 to 2010, and what that suggests to me is that we know where the gangs are. If you can say, “Look it has increased from this number to that number”, it would suggest to me that we know where these gangs exist and we know a lot about these gangs.

I decided to do a little research in this connection, and I saw a report in the Guardian of April 11, 2011—the source was from the Crime Prevention Analysis Branch of the police—and indicated that gang-related murders in 2001 were three, and that started increasing; 2002 it went to 17, 2003, 42, 2008, 278, 2009 it went down to 179 and 2010 it went down to 75. No actual reasons were given for that, but it aroused my curiosity immensely.

The other thing I looked at, Madam Vice-President, gang-related murders by police divisions between 2001 and 2010.

6.45 p.m.

When I looked at that I felt that, I had to look at some other contributions that were made. For instance, Sen. Abdulah, in his contribution, which I found to be quite interesting, except that I would not join him in advancing some of the reasons that he advanced, but I certainly agreed with a number of the points that he raised, and he referred to a number of things. He kept talking about urban areas.

He mentioned that, the blocks, and that suggested to me or reinforced in my mind that perhaps, again, we could be specific about localities, and if we could be specific about localities it would suggest we could look at communities, and that is important. We could very well destabilize individuals and communities.

So I continued digging and I discovered that gang-related murders by divisions between 2001—2010, in Port of Spain division, 429 gang-related murders; in the southern division, 16; in central, 14 and in eastern, 18. We are going to have a serious problem if or when we implement some of these measures which a lot of people, including myself, find very, very drastic, and I would tell you why.

Madam Vice-President, I raised in this Chamber sometime ago that there is a
significant amount of disparity in this society. The Attorney General talked about not leaving anyone behind. The Minister of National Security, when he spoke, mentioned the fact that we have lost a generation. That is true. Where? It is locality specific. So what did I do further? As I suggested earlier, there are certain indicators that can suggest to us how well we are doing as a nation and how well we are doing in certain communities.

And as I indicated earlier, Madam Vice-President, the conditions that we have subjected some of our citizens to are such that a gang becomes attractive, but again the question is, where? Why? And how are we going to deal with that? Because we know we lost a generation already. I agree, and we have lost certain communities, and why am I arguing this point consistently?

I suggested some indicators in a contribution that I made earlier and I am still working on that project, except that I have changed some of the indicators slightly, and I want to give you an idea of the indicators that I am looking at right now: education and a number of persons here mentioned that. There was quite a debate on it. Sen. Abdullah mentioned it and other colleagues mentioned it. But I am looking at education really from the point of view of performance or underperformance, all the levels; preschool, elementary, secondary and tertiary.

So I got some statistics from the Ministry of Education and I must thank them publicly for that, because they responded within a very short period of time. I started looking at those statistics really to see how they relate to the areas that I have identified where I think there are these crimes and there is a strong correlation between the performance at all levels—429 gang-related crimes in Port of Spain, so I looked at Port of Spain, and excluding the prestige schools and so on, and I looked at the schools that are underperforming and I can locate those with some precision, there is a problem.

Female-headed households, where are they? We have some indicators that could be locality specific. We have a problem. Substandard housing, limited access to water, limited access to proper health care, unemployment, underemployment, poverty, undernutrition, land tenure, security of tenure, and I might add, we are being very fast and loose with land use in this country. That is going to be another problem.

So that when I looked at all of these things and I tried to locate them in a particular area, there are certain commonalities that I am seeing, so that what we are now saying is that, despite the fact that we have certain communities that manifest these deficiencies, these difficulties, what we are now going to do is to lock you up for 20 years and we are going to lock up your aunty and your mammy.
too, and my colleague, Sen. Baptiste-Mc Knight, indicated some concerns about what happens if the only breadwinner, the only person who could provide some guidance in that household gets caught in this, we have another problem. And that is why I say, it is essential but you have to take some consequential medicine.

Madam Vice-President, the youths in this country are angry. They are angry at themselves, they are angry at their parents, they are angry about tomorrow, so you have these communities where you cannot do anything but be angry, because conceptually somebody “already gang up on you” and that is a serious problem. When you sit in a community and you say, “Listen I am here in this community, somebody already gang up on me”, and you have this idea that “My situation in life is because somebody gang up on me and nobody cares about me”, you are angry. I am not sure that the only way of dealing with that anger is by doing what we are proposing to do, because once you have that situation, Madam Vice-President, it sets up really certain types of—a sort of antagonism, lawlessness, a lack of commitment to anything that would uplift oneself; these disparities, this lack of caring, lack of understanding, lack of a conscience.

You know, Madam Vice-President, as you are probably aware, I spent my entire career working at the United Nations, and that gave me an opportunity—I was checking sometime ago about going somewhere on a vacation and I discovered that I visited about 140 countries around the world because of my work with the UN, and more than half of those are countries in which I did a significant amount of development planning work. But what came to mind is that, despite that exposure, perhaps because of that exposure, this country, Trinidad and Tobago, is one of the best. We have everything going for us here; the resources. I have worked in some countries where we do not have those kinds of resources. We never did, so you are planning, and you are planning and you cannot implement; you cannot develop because you do not have the resources. Those countries have many disparities.

I had a stint in Sudan for instance. I spent three years there working on a programme and I told my principals, “This place is going to blow, you are making an effort—Libya is going to blow, Tunisia”—and we are seeing it today. And my fear is that if we do not adopt a different approach in this country we are going to go down that same road.

7.00 p.m.

We cannot lock up everybody. We cannot take only punitive measures. Yes, that medicine is necessary. What I am saying is that we also have to look at the
side effects otherwise we are going to run into problems. And the reason that I am saying that again is because, as I said sometime ago, it is not simply abject poverty, it is really disparity. “People sitting down and they seeing—they say “All right so you want to come and take me out”? I am going to take you out first. I don’t care, I have nothing to live for”. And that is a problem.

Therefore, as Sen. Panday asked earlier when Sen. Cudjoe was speaking, what are some of the suggestions or recommendations? I want to make some proposals before I actually get to some specific concerns I have about the Bill. The legislation is necessary, but I want to see us—if we are dealing with legislation, legislation is an input, it is not an output. We cannot look at legislation and say “Done”, “Done”, “Done”. What we have to say, is, this is a start. We are now starting. It is an input. It is on the input side not the output side.

The other bits of legislation that I wondered about—and I went back looking at some of those, for instance, there is one that I found quite interesting. I think it was the Children Bill which lapsed in April of last year. It is important. I was looking at some other bits of legislation apart from the Children Bill, one that has to do with the responsibility of parenting, of fathers.

We as fathers have failed our children to a large extent, many fathers. We have failed our wives, and what are we doing? We are going around still having more children and then what happens? I was listening to Sen. Gosine-Ramgoolam talking about the “gimme, gimme” syndrome. If you have a child or if you have children, you have to be responsible for them. But we are not doing very much about that.

So we have these mothers running around as we say; “female-headed household”, maybe three fathers, four maybe, sometimes five. And the reason she gets into that trap is because the first one takes off and gone. And somebody comes now and makes a promise again. Then the State has to take up that responsibility. Now we have to go after that guy. That has contributed to the destabilization or the weakening of the family and community.

Sen. Cudjoe spoke tonight about the situation in Tobago. She says well, the Attorney General says five gangs in Tobago. You cannot find the five gangs in Tobago. There are two murders. We have to find out why. My suspicion is, the community is still intact. The community is still intact and in Tobago, community is family. So that sort of interpersonal kind of environment does not exist to the same extent. And therefore, what I would like to see is that plans are put in place really to deal with some of these issues. So let us look perhaps at the Children Bill again. The other one I was looking at is the Family Law Act, Chap. 46:08. Go
The Attorney General also made reference to social programmes and what we have discovered is that people have not accessed these programmes. But why? We talk about education and there are schools. I hear the Minister of Education saying schools are underpopulated. So the building is there, the building is there and maybe some people are going inside the building but they are not being educated. I am not sure I understand exactly why but the statistics are showing me that people are underperforming in certain areas. So when you ask yourself, but why do people join gangs? In fact, the police themselves identified a number of reasons. And this I found in the Guardian on April 11, 2011:

- “Recognition;
- Acceptance;
- Power;
- Money;
- A substitute family;
- Respect;
- Security;
- Protection.”

The Police themselves cannot deal with one of these things here, not one.

So there is a role for the police but there are other things that we have to look at. And we have to find out how we are going to deal with these things here that are actually encouraging our youths, given the problems that they have and given the attraction of some of these things here that they are actually moving to join gangs. So that it is not sufficient, simply to have a school, to have a social programme if something is wrong in terms of the impact that it is having on those communities. We need to find out why, despite the fact that we have a school and we have a social programme, that nothing is happening.

We need a crime plan indeed. In fact, I heard the Senior Superintendent, one, Mr. Glenn Hackett, indicate that there was a significant decrease in serious crimes in 2010—went down by 33 per cent.

[SEN. PROF. PATRICK WATSON in the Chair]
Overall in 2011 to date, it has gone down by 23 per cent. But again, what is
interesting—okay, it went down by 23 per cent and I said, let me look at locations: Besson Street, 204, so far in 2010. So I said, let me look at St. Clair Police Station, 70 in 2011, Besson Street, 184. I say let me make a comparison again; I am just at random selecting these communities. Now if you are telling me that you have a crime plan for, let us say, one division—which is what he is referring to—we need to find out if it is decreasing in certain areas, what are the reasons, where, why is it happening there and perhaps try to replicate best practice if it has to do with effective policing.

7.10 p.m.

I was hearing recently calls for what is now commonly referred to as the “million-dollar man”, the Commissioner of Police, to account for performance and, if not good, to leave. That seems to me to be a bit of a joke, in that we need to ascertain, really, what is the work programme that this man was given. I have never been able to find out; I do not know why, and if we are able to find that out, that is what we need to measure, whether there is a work programme, and when you look at the objectives, you can say, “Okay, here is the output; the activities and so on, and here is where you fall short; you did not do so and so.”

So that I think there is really need for more effective planning in terms of how we are going to deal with gangs and crime. More importantly, I think there is a need for more effective planning, in general, because the problems that I am seeing here are problems that would require intersectoral, interdisciplinary approaches to resolve. This is why I said sometime ago that I am really seeing Sen. King’s ministry as the engine room for solving some of the problems that we are talking about here; not only the police; not only the courts. That is after the crime has been committed; after the gangs have been formed, then police got work to do—the courts.

Minister King’s ministry, by its title alone, dealing with gender, social transformation, reengineering and—as I said sometime ago that is complicated; it is no longer what it used to be, what we were doing 20 years ago. In fact, I am not even sure you have the staff, the disciplines, to deal with what we are talking about here; and if that does not work, Minister Sandy next to you is going to have a lot more work to do, and we cannot leave it to him alone.

I want to make another suggestion here with respect to Minister King’s work, and I know that it might not be well received because I have listened to some of the comments in the past about Vision 2020. Planning is going to take a long time. It takes a long time, and there is no government that I have ever worked
with that said, “You know what? We are going to wait for a plan in order to implement or to do development.” None! What I would like to suggest is that there is some work that a number of us did under the banner Vision 2020; it was done by the last regime—that is not my problem; I am not a politician; I am a technocrat. I would suggest, strongly, that rather than trying to reinvent the wheel and start the whole process over again, that you look at the sectoral reports. I think there were 28 or 29 of them.

Sen. King: Twenty-eight.

Sen. Dr. J. Armstrong: Twenty-eight? Good. Have a look at them.

Sen. King: We have looked at all.

Sen. Dr. J. Armstrong: Good. Because those reports, if you will, in my view, were not partisan but interdisciplinary, as I said, and included a number of people of different political persuasions and involvements. I worked in one committee. Sen. Gosine-Ramgoolam chaired my committee. We did excellent work, and I really do not want to see that started again. So take it and say, “Look, you see this part; you see this part; you see this, we can make use of that now.”

There is one document called the National Strategy. That is the one I was talking about. The second one, put that aside; the 2007—2010 Operational Plan, I know you would not go with that. I would not go with it either, because that one, there was a disconnect between the sectoral reports and the operational plan which was helter-skelter. But go back to those reports—never mind that it was the previous regime—and use that to fast-track what we have to do, because we looked at all the sectors. We had, I think, crime, housing, everything, and when it was compiled—I enjoyed reading it and I found aspects of it to be very useful. So that would be my suggestion.

I now want to quickly look at the Bill itself, and I actually circulated last week, when I thought I was going to get in on the act, to speak, a proposed amendment and unless I do not quite understand the language in the Bill, this is what is really going to prevent me from voting for this. So that I hope that either there would be some clarification or that there would be some amendment. I want to draw your attention to clause 5(1) of the Bill where it talks about:

“It is hereby declared that gangs are unlawful and any person—”

Then it goes (a) and (b). If you look at (a), in my view—and if my understanding of it is incorrect then enlighten me please. But when you go to (a), it says:
“who is or attempts to become a member of a gang;”

Now that seems to me to be two very distinct persons, because one is already a member of a gang—one who is a member of a gang. That person is now lumped in with one who attempts to become a member of a gang. All right? And when you go down to the penalty you see that you are supposed to get 10 years for everybody in (a) and (b). So that if you attempt to become a member of a gang—10 years; if you are a member of a gang—10 years.

**Sen. Panday:** Hon. Senator, could I respond to you on this? What it says here is:

“It is hereby declared that gangs are unlawful...”

So the objective there is to make membership of a gang unlawful. And when one looks at (a) you will see it is separated in two sections, as you have rightly said. You are a member of a gang; that is unlawful, or to attempt to become a member of the gang makes it unlawful also. When one looks at the general law, the attempt to commit an offence and the commission of the offence, in general law, carries the same penalty.

**Sen. Dr. J. Armstrong:** Thank you very much, Sen. Panday. I am sorry, but there is something that I am not understanding here. Perhaps it is the language, maybe in legal terms, but I do not know whether anyone else is seeing what I am seeing, that if you attempt to be a member—I am agreeing with that, fine; I am not saying it is not an offence, you know; I understand that if you attempt to become a member of a gang, that is an offence. I am not disputing that, but if you are attempting to become a member of a gang—let us say, you know there is a gang in your neighbourhood, I do not know; maybe they might have some form you have to fill out or you have to do something to demonstrate, and you are making enquires, and maybe you go to a meeting or something like that and, you know, your cousin is in the gang and you are trying to gain access—

**Mr. Presiding Officer:** Hon. Senators, the speaking time of the hon. Senator has expired.

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

*Question put and agreed to.*

**Sen. Dr. J. Armstrong:** Thank you, colleagues. So that what I am seeing here, really, is a youngster, you know, who wants to figure, well, “I have arrived”,
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[SEN. DR. ARMSTRONG]

so he is attempting to become a member. Maybe he would not become a member; maybe he is not successful, and my understanding, I guess from reading—I do not know—the English language, is that “who is or attempts to become a member” and you are putting those together.

Then when you go down now, “who in order to gain” and so on, and it goes on, that person is also getting the same 10 years. I am saying that, look, if somebody wants to become a member and you are on the periphery, and so on, then that person, really, in my view, we should be mentoring.

7.25 p.m.

That is the person we should be trying to assist. That is the person that we perhaps would have caught in time, because that person is not as yet an actual member of the gang, and engaged in the activities of the gang and for that attempt you are going to get 10 years on summary conviction. When you go further down a person who is a gang leader and who commits an offence is liable on conviction for 25 years. In fact, in my copy that I have here I have reduced all of these, because to lock up for 25 years—and I remember we debated some Bills earlier, and we were giving people 20 years for more serious crimes.

So that perhaps my colleagues in here who are actually lawyers—and if I have misunderstood the language of the legal fraternity, I will be guided accordingly, but in my view, from the way in which clause 5 is set out, I would really like to break that down into someone who attempts to join a gang, say okay, that is an offence and not imprison that person. I want that person to go for counselling, to report to a professional social services officer, to be prescribed a rehabilitation programme for self-improvement. “What you sending that person to jail for?”

Now if in the first instance, as I have suggested in (a), you say counselling, professional reporting to social services officer, maybe even training, skills development, whatever, if after that there is still some transgression with respect to the same offence, then I will say okay, fine, consider jail upon conviction. But even so my proposal really is for two years. Why 10? Now if, as we proceed, the other person who in order to gain an unlawful benefit, professes to be a gang member, I see that as being different as well, and perhaps being more severe. And then we get to one who is actually the gang man so, as I said, I would be guided, Mr. Presiding Officer, by my colleagues who are versed in this language.

If the way in which it is set out in the legislation it does not mean that someone who, for bragging rights or whatever, someone who wants to feel, “Well I am now a man” or “I am in” and expresses some desire to join a gang, makes
some effort to actually join a gang and is caught in the net, he would not be given
the kind of jail terms that I am seeing here. And as I said throughout, I personally
find that a number of these punitive measures are too harsh, but let me conclude,
Mr. Presiding Officer, by reiterating that somebody said these are serious times,
and therefore we need serious measures so I agree that we have to take the
medicine but at the same time.

[Madam Vice-President in the Chair]

I want us to be aware of the fact that there are side effects and that we also
take those into consideration. So that in the long run we can achieve the
objectives as stated in the preamble to the Bill, and that we do not at the same
time destabilize our society, our country, and make the situation worse than it
already is. I thank you very much. [Desk thumping]

Sen. Penelope Beckles-Robinson: Thank you very much, Madam Vice-
President, I join this debate on this Anti-Gang Bill and the Bail (Amdt.) Bill, and I
am happy that I am coming after Sen. Dr. Armstrong because, I think some of the
issues he has raised I have had some serious concerns with, and the more I read
this Bill I must say my major concern is that somehow we seem to have been
developing a philosophy over the last couple of Bills that have come before this
Parliament of believing that the best way to deal with persons who are criminals,
or who have tendencies to be involved in criminal activities, is to put them all in
prison, and that is going to solve our problems.

We have all agreed that we are in very trying times and it requires us to take
some very hard decisions, but in doing that, Madam Vice-President, we have to be
careful that we are not making things worse. Because I believe that in dealing
with these critical times, I have no reason not to believe that Government,
Opposition and Independent, that the intent is not genuine to deal with the crime
situation, and that may account for some of the very draconian measures that we
find in the Bill. But my concern is at the end of the day, are we going to be able to
ensure that these pieces of legislation are effective, and, more importantly, that
they are going to achieve the objective?

I say that because coming on the heels of Dr. Sen. Armstrong’s contribution
about the whole issue of “attempts” and clause 5(1)—and that clause has me
concerned, because of how the clause is phrased now it says:

5(1) It is hereby declared that gangs are unlawful and any person—
(a) who is or attempts to become a member of a gang;…."

and if I go to the end, is liable on summary conviction to imprisonment for 10 years and on any subsequent conviction to imprisonment for 20 years. Now when we read that particular clause and then we go to clause 7:

“7. A person who prevents or attempts to prevent a gang member from leaving the membership of a gang, whether by coercion or otherwise, commits an offence and is liable on conviction to an imprisonment for twenty-five years.”

7.35 p.m.

But you know—my colleague, Sen. Panday was right—when you look at most pieces of legislation, attempting to commit an offence and committing an offence very often carry the same penalty. But we are looking at, of course, how draconian the measures are in these particular instances.

Sen. Panday: Senator?


Sen. Panday: Thank you very much. There was an errata circulated today. If you could put your hand on it, in clause 5(1)(a) delete the words “or attempts to become”.

Sen. P. Beckles-Robinson: I have it in front of me.

Sen. Panday: You have it? Okay. So, they have deleted the area of “attempts”. Sen. Dr. Armstrong, they have deleted the word “attempts” in the errata. Thank you so much, Senator.

Sen. P. Beckles-Robinson: Whilst it is deleted in relation to clause 5, it is not deleted in relation to clause 7. So I think they need to look at “attempts” in relation to clause 7 as well. When we look at paragraph 5(4), this for me is where I have my major concern. Madam Vice-President, if you would allow me the liberty to read this part, because it says—I think that Sen. Dr. Armstrong’s concern is highlighted even more because of this particular section:

“For the purpose of the Act, it shall not be necessary to show that a particular gang possesses, acknowledges or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure,
leadership or command structure, method of operation or criminal enterprise, concentration or speciality, membership, age or other qualification, initiation rites…but any evidence reasonably tending to show or demonstrate the existence of or membership in a gang shall be admissible in any action or proceedings brought under this Act.”

Madam Vice-President, even those who have not spoken here would be concerned about this piece of legislation, or would have done some research, or are very concerned about this particular Bill because of the draconian nature of the Bill. Now, a lot of us who have been watching television over the years and have become accustomed to our Texas movies—and even now the various movies and so from Latin America—when you think of gangs you think of the tattoos. You think of gangs that over the years you could easily identify them as gangs.

We know that Mexico, in particular, is one of those places where being a gang member is almost a celebratory thing. Some of them feel that as we pass legislation—that there are some young people who are afraid of crime. We think some of them are afraid of going into the prison, but I have news for some people. For some strange reason, there are some young persons, and even others, who do not mind going into prison, who do not mind getting involved in a life of crime. I think Sen. Dr. Armstrong’s point about the counselling, about the family issues and about understanding the complexities of these matters is what makes it so serious.

So, in essence, we are saying that the traditional perception of the gang member, where you have a tattoo, you have a teardrop, you have a particular way of dressing and so, this legislation is saying, “Well, you do not need to look at those things, but any evidence reasonably tending to show or demonstrate the existence or membership in a gang shall be admissible. Now, if you have eliminated all of these things here, for me, I am wondering, what is this evidence that would reasonably tend to show or demonstrate the existence of or membership in a gang and that is going to be admissible? I hope that my colleague, Sen. Panday, or certainly when the Attorney General is wrapping up, can give some indication as to what is this evidence that would reasonably tend to show and demonstrate the existence of membership in a gang. If you have removed everything, the tattoo, the insignia, the flag, the belief, the structure, the method of operation, the membership, the age, the qualification, the boundary, the unifying mark, the manner, the protocol, what is it then?
Sen. Panday: I will help you.


Sen. Panday: During our discussions and deliberations, this came from intelligence that the police has. So when you said that there are no signs, no marks or anything, that is so. But our gangs are unique, and because of the size of the country and the location of the gangs, the police have intelligence, and that is what came out in the deliberations.

Sen. P. Beckles-Robinson: You see, it goes on to say, I left out this little part, “boundary or location”—[Interruption]

Sen. Panday: You set me up, then?

Sen. P. Beckles-Robinson: No, no, no. I did not want to go through the whole list for obvious reasons. So I sort of read some and went down to the end, but I am saying that if the police have this special knowledge, which I think they do to a large extent, it means that there are particular areas in the country where they probably know you have this concentration. I am saying that this here says that these are the things you are eliminating, “boundary or location, unifying mark, protocol, methods of”. I would have thought that those are things that would help you to decide that these people are part of gangs, but in truth and in fact, they have been eliminated. They are saying you do not need to use any of these things; all you need is any evidence that is reasonably tending to show or demonstrate the existence.

I would like to know what will qualify this evidence to reasonably tending to show, to demonstrate that you are a member of a gang. I would like just one example. Just one! If you have eliminated all of these things that would normally at least give the impression—because if you are saying that somebody is attempting to be a member of a gang—okay, we have eliminated that, but clause 7 still talks about “attempt”. I would think, Sen. Panday—[Interruption]

Sen. Panday: Sorry, Senator. If one looks at the section, it is not really eliminating. It is saying that you do not have to have that in order to say you are a member of a gang. So it says, “For the purpose of this Act, it shall not be necessary...” You can use “necessary” to show that a particular gang possesses, acknowledges. So they are saying you are not confined to the fact, that if you do not find an insignia, name, et cetera, that you cannot define the gang. So they are saying you could use it to define the gang, but it is not necessarily—[Interruption]
Sen. Bharath: It is not comprehensive, it is exhaustiveness. [Inaudible] may at some point in time find something else that—[ Interruption]

Sen. Panday: So that is the argument.

Sen. P. Beckles-Robinson: I understand what they mean to say. When you say it is not necessary to show any of these things, I am just saying if it is not necessary to show any of these things and all you have to show is “evidence reasonably tending to show or demonstrate the existence of or membership in a gang shall be admissible...”, I am just asking for one such example because it is not necessary to show any of these things.

I am saying in the normal course of things, these will normally be necessary things that you would show to lead the court to believe that somebody is a gang member. I find it a very interesting point for the purposes of legal arguments, and I am hoping that between now and when we have the next debate they will be able to show that, because they have listed so many of these things, Madam Vice-President, that it is not necessary to show.

Madam Vice-President, in doing my research—I think the hon. Minister of Public Administration and some others referred to this—there is an article “Gangs in the United States” that I looked and it says:

“Some have argued that increasing gang activity is directly related to decreases in adult mentors, school failures, decreases in after-school programs and similar failures by the adults in the lives of children. While kids from more affluent neighborhoods may turn to other less dangerous alternatives, children from poorer neighborhoods often turn to gangs both as protection and a place to find love and understanding.”

I think that is why it is so important for us, as we seek to deal with this problem, to understand that there are a lot of people who have done research on it. I guess that is why my main concern is the issue of the draconian measures that in a sense tend to be locking away most of these persons and probably not looking at the cause.

Sen. Gosine-Ramgoolam spoke, of course, to the whole issue of morality. Because I think, to a large extent, a lot of the problems that we have in Trinidad and Tobago relate to issues of values and morality, but at the same time, it also relates to the fact that when you look at the profile of a criminal, in many instances we are talking about a lot of young people who are illiterate, and a lot of them who have not completed even primary and secondary school education. I saw an article by Fr. Clyde Harvey in the Newsday of December 12. He raised
some very interesting points and I would like to refer to a few of them. He says:

“How does one legislate, not against gangs, but against the gang culture which exists even when the gang is curbed or eradicated? What would such legislation look like? Whom would it target? Parents? Teachers? Policemen? Priests? Absentee Gang Lords?

Some anti-gang matters will need, not a criminal court, but a family court. A shooter or watcher of 11 or 14 may be as deadly as an adult, but he is still absolutely a child. The ease with which he is satisfied by food and trinkets bears witness to his childlikeness. We desperately need more residential accommodation for boys at risk, especially those who are so identified after SEA. I have found principals to be very accurate in their assessments of such risk. We need to listen to them and act before the boys are criminalized by the gang or by the State.”

He goes on to say and I am just going to read a couple more lines:

“Many of our gang leaders have reading disabilities which were not recognised at school, left them at the back of the class and then saw them compensating through other natural abilities for leadership, etc. NO CHILD SHOULD LEAVE PRIMARY SCHOOL UNABLE TO READ AT THEIR AGE LEVEL. If they cannot, schools must ensure proper assessment of the child's reading capacity. Every teacher and principal should see this as their moral obligation to which the society must hold them.

We also need urgently a school suspension programme. Children are being suspended from school every day. I have known one small ‘gang’ of four 13-year-olds, going to different schools, who deliberately behaved on planned days in ways liable to lead to suspension so that they can return to their neighbourhood for unsavoury activities We need centres to which children who are suspended from school must report...We also should have a special transport service for these children. At such centres, proper evaluations should be done and some corrective measures...so that they are returned to their usual school environment with the problem confronted, if not resolved. Too many children are suspended, are at home waiting for trouble to come their way...”

Madam Vice-President, I raise this issue again, because as a society, as politicians and as parliamentarians, as we get involved in solving the issue of crime, I guess the question that would be on all our lips and the concern would be whether these draconian measures and putting them in prison for 10 and 25 years,
and for life, are we really satisfied and comfortable in our minds that we have adequately dealt with the problem? I raise that issue because those of us who have been following closely some of the countries that have a really serious problem with gangs, will realize that what some of them have done is to shift the issue of the gangs being on the streets and in the schools and shift the gangs into the prisons.

7.50 p.m.

In other words, some of the same persons that we are removing as gangs by putting them away for 10 years and 20 years, they then go into the prison system and develop a very sophisticated gang culture, and it can be worse for us, and I raise that as a genuine concern. Those of us who know what happened in Mexico, in Guatemala, in many of the Latin American countries—and I dare say, I think it has reached to Trinidad and Tobago—where you have gangs in the prison that are, in truth and in fact, operating in such a way where they can call a hit on somebody inside, and when somebody commits a crime on the outside so they can go on the inside and meet some of the other gang members.

So let us not be naive and feel that putting them in the prison is going to solve our problem; and not be very careful that what we could actually be doing is developing a whole prison gang culture, which I dare say already exists, but to a large extent can be exacerbated by some of the other pieces of legislation that we have passed.

I think Sen. Dr. Armstrong’s point about some persons who, for some kind of reasons, maybe because of the society where you live, sometimes the socialization, when you look at the definition of “gang”, and you look at the definition of “recruitment”—you know, Madam Vice-President, I must say to you that I have a concern that if we do not spend a great deal of time educating some of our young people—those in schools and those who have a tendency and feel that on a Friday night, on an afternoon after school, that the practice is that you leave home with your clothes, and you leave home and you actually have decisions made to go to certain streets, and you go to certain places and you congregate. And some parents are not aware that sometimes you do not leave home with any books in the your bag, you leave home with clothes and other things to meet other persons, not always to do criminal things, but there may be one amongst the group who may have a different intention from others, and it is very easy for you to get caught by this piece of legislation. I think that we have a responsibility as parliamentarians, having passed these serious pieces of
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[SEN. BECKLES-ROBINSON]

legislation—because the decision is a joint decision of Government, Independent and Opposition, and we need to educate them to the ease with which they can find themselves in trouble.

It is one thing for the police to be able to prove some of these activities, and in my humble view, when I looked at the legislation, it is not very easy, but they have been given certain powers of arrest, very easy powers of arrest because of the crime situation in Trinidad and Tobago they can easily come to your home, and remember they are the ones who are forming the opinion, based on what I just read here, as to what is a tendency to be involved in gang-related activity.

So we need to—as parents, as aunts, as uncles, as grandparents—probably spend some time going to communities and ensuring that young people understand that these pieces of legislation are being passed at a particular point in the time in the history of our country where we are taking measures with the hope that we can eliminate a great deal of the criminal activity and make Trinidad and Tobago a safer place.

Madam Vice-President, this legislation, of course, cannot be dealt with alone, we have to now read this legislation together with other pieces of legislation we have passed recently, where remand has now moved basically from 10 days to 28 days. What that means—[Interruption] Right, what that means is that you have to combine that with the fact that they can now hold you for 60 days and 120 days without bail.

When you think of what is likely to happen in prison because many of these people who we are targeting are people that are at the lower level of the socio-economic structure of Trinidad and Tobago, people whose parents do not have property, and even if they can apply for bail after 60 days and 120 days, as Sen. Panday will tell you, in most instances, the bail cannot be taken because they simply cannot afford it. Having regard to the seriousness of the offences, it is highly unlikely that you are going to get bail for probably less than $100,000 or $200,000, and the professional bailors charge 10 per cent of the value of that bail.

I mean, we are talking serious, serious issues when we deal with these situations, and the practical situation is that when you think about how serious the offences are—10 years, 20 years, 25 years—the magistrate or judge granting bail understands very well what is the intention of Parliament, so you are not going to get any $5,000 and any $10,000 bail, you are going to get substantial bail.

We look at the consequences of that, which is, the court grants you bail of
$150,000, $200,000, and you have to pay the bailor 10 per cent which is $20,000. So that you look for that $20,000 then you have to pay the lawyer, and it becomes—[Interrupt] Well, fortunately, I do not know that the criminal lawyers are charging those kinds of fees that I saw from the Uff Commission, but the bottom line is that—[Interrupt]—I will ignore that. But the bottom line, Madam Vice-President, is that I hope we appreciate what is happening.

You would recall, Madam Vice-President, that I filed two questions earlier in this honourable Chamber, and I think that crystallizes the point that I am making. Because most of the time when you talk about kidnapping and you talk about gang-related offences, you know that there is a gun or some type of exhibit, or utilizing some other exhibits that would certainly cause probably additional delay in the matter. And I asked a question: “Could the Minister indicate how many firearm-related offences are presently before the Courts in Trinidad and Tobago?”

The hon. Attorney General indicated that according to police records, between January 2005 and December 2010, there are 4,117 firearm-related cases before the courts. Of those cases, 301 or 7 per cent were completed as at December 2010, leaving a balance of 3,816 cases pending before the courts.

So, Madam Vice-President, my point is that in a five-year period, we have completed 7 per cent of the cases. Now, let us take that information, and let us put that together with what we are debating here today. In essence, we are saying that, of these 4,000 cases, only 7 per cent was completed. And we are saying that if you are charged with these offences—no bail, 60 days, 120 days—the likelihood of your matters being completed is extremely remote, Madam Vice-President. Then you go to the question that I asked about the number of court exhibits related to firearm offences that have been forwarded to the Forensic Science Centre for testing for the years 2006, 2007, 2008, 2009 and 2010.

8.00 p.m.

I was able to get that data, based on districts. Just to share with you some information; let us look at Chaguanas, 2006, 26; 2007, 20; 2008, 20; 2009, 26; and 2010, 41. If we go to Arima, 2006, 53 exhibits were submitted for testing; 2007, 59; 2008, 64; and 2010, 51. If we go to Port of Spain, 2006, 66 firearms submitted for testing; 2007, 109; 2008, 99; 2009, 163; 2010, 228. That is the figure for submitted for testing. I asked the average turnaround time for providing firearm case results by year for the magisterial districts. You would recall that the hon. Attorney General said, based on the data, they were not able to give us
准确信息。

现在，在与枪支有关的案件中，我正在考虑使用大约两到三件在多巴哥2006年，它花费了39周的平均时间让展品返回。我们正在谈论大约10个月和2008年，15周。它们平均需要一个合适数量的时间。在2006年，它是33周；2007年，9周；2008年，18周；2009年，33周。这意味着在平均情况下，它大约需要一年，如果它大约需要一年，它告诉你发生了什么在我们的法庭系统。它是不同的，我可能会说，而不是在与毒品有关的罪行。

当我们做出这些决定时，我们知道重要的是我们必须看看在法庭系统中正在发生什么，并看到可能性。到这个阶段，我们正在严重关注的是，我认为，检测和定罪，而且这是一个赛事在特立尼达和多巴哥过去两到三年内，它的原因很多。在某些情况下，它可能与一些证人被杀有关。我们现在正在清楚地谈论时间，它需要一些展品以获得至多和一些其他问题。

我们要做的是，当我们通过这些立法时，它将向潜在的罪犯或真正的罪犯发送一些信号；我认为，我们真正要送的信息是，当它们被逮捕和起诉时，它们需要在合理的时间内被定罪并被判处。我认为，这是我们所有人——当我说我们所有人时，我是在谈论我们所有人都坐在这里，那些已经付出了额外努力以参加联合委员会的那些人，以便我们可以提出一个立法，其中我们都非常舒适。我认为，要达到下一步，问题就是现在确保定罪在一个合理的时间内。

如果我们只打算在五年内解决7%的案件，而它将花费我们超过10个月的时间，而且对展品进行返回的平均时间，这意味着它将是一个非常艰难的任务，为了对这些罪犯的内心产生恐惧，他们将被定罪并在合理的时间内被定罪。

夫人副参议长，我还想分享一份名为《Gang Activity and Social Injustice in the Caribbean》的文件。那篇文章由Cornelius, Collin, Christine, Ann, Richard撰写。它在其介绍中说：
“The phenomenon of gang activity in the Caribbean has impacted greatly on the society. This level of activity has been shown in the rise of crime and violence throughout the region.”

The countries they mentioned are Trinidad and Tobago, Bahamas, St Vincent and the Grenadines and Barbados. Their definition of a “gang”, which is a little different from us:

“The term ‘gang’ has been used and bandied about in the local media without any clear idea as to its meaning. In this paper ‘gang’ refers to a particular group of individuals or a collectivity possessing some common aims and values, which might be formally as well as informally organized to engage in certain activities which can be deemed illegal or unlawful.

The FBI also defines a gang as ‘a criminal enterprise having an organizational structure acting as a continuing criminal conspiracy, which employs violence and other criminal activity to sustain the enterprise.’”

Our definition of “gang”, Madam Vice-President, as you know, is not anywhere close to that. When they think of dealing with gang activity, they have been looking at gang activity that has had some very, very negative effects.

In this research document, they gave their own reason as to why they think people join gangs. It said:

“Most studies suggest two basic variables, structural factors and psychological factors. In our local context the structural factors would consist of minorities, young and mostly male whose lifestyles are characterized by poverty, high crime, under-education and underemployment.”

It goes on to say:

“Social disabilities generally range from poor table manners to poor conversational skills. These social disabilities have the effect of lowering an individual’s self-esteem, withdrawal from school, law and a total rejection of the values of adult authority and an increased dependency on acceptance by the gang.”

Madam Vice-President, this document gives some very interesting recommendation, as it relates to how one might deal with the situation in relation to gangs. I would give a few. In their recommendations for combating gang activities they talk about:

“1. Introduction of and sustained youth and self-awareness development programmes within the school, community and church.
2. ...leadership, peer-counselling...
3. ...adolescent development programmes...
4. ...on the job...programmes...
5. ...hotlines and gang anonymous groups for gangsters who desire to transform their lives. Centres similar to rehabilitation of drugs and substance abuse…”

Prof. Armstrong’s comment:

“6. Counselling and consultation by professionals should be made available to assist individuals who are directly or indirectly affected…
7. Support systems and pressure groups…
8. Media should be sensitized by the public.
9. Financial and social support…
10. Stringent measures by the powers that be and pressure groups should be implemented to deal with delinquent parents.
11. Religious denomination should have a pastoral plan.
12. The Government, in addressing this problem, must look at ways of alleviating extremes of poverty, wealth distribution and empowering of people especially along the East/West Corridor.
13. Better training must be given to law enforcement agencies and those involved in education so that there can be a proactive approach to the problem of gang activity.”

The measure implemented by the hon. Minister of National Security is in keeping with the recommendations of combating the gang activities. But, of course, they gave a number of other suggestions. I too would want to add my congratulations, like many others before me, on the mentorship programme that the hon. Minister of National Security has started and to wish him all success in that programme. [Desk thumping]

As I close, I had the good fortune of attending a lecture given by hon. Justice Deyalsingh a couple of years ago. His lecture focused on the profile of a criminal. He, as you know, is one of the senior judges who has been around for a long time and has had a very distinguished career. He was sharing his experience sitting on the Bench. He said, over the years, the profile of a criminal was a young man who is illiterate; who, in many instances, does not know his father; who has had very little love and care in a family setting; very often has little or no skills; and his
chances of employment, sustainable employment, are somewhat on a limited scale.

That remained with me, and it has remained with me, for a very long time, because I make the point that, as we seek to deal with persons who are involved in crime and who have, in some instances, adopted and accepted a life of crime, how much are we willing to do the kind of research that allows us to prevent other young persons from getting involved in the life of crime?

Father Harvey’s article is very instructive, because he is telling us that our criminals are becoming younger. This legislation, to a large extent, I think, is anticipating that we are dealing with a lot of people between the ages of 19 and 18, but our criminals, Minister of National Security, as you are aware, are in the range of 11, 12 or 13 years old. How are we dealing with those? Are we locking them away for the same 10 years and 20 years? Are we giving up on them to the point where we feel that there is no way that they can be rehabilitated? I am saying that in addition to the mentoring programme that the hon. Minister of National Security has started, many of those kids may fall out of the system. As a matter of fact, they may not even be willing to, maybe, attend because they do not have an uncle, they do not have a father or they do not have a brother who may want to take them or who may be minded to take them to that programme.

My question is: at the end of the day, what mechanism do we employ at an early age, or what intervention to go to the schools and, in a sense, to be able to pick out some of those supposed deviant young ones who, in a sense, we have labelled at a very early age and have decided that they are hopeless? Those are the ones who later on will come to harm the society, if we do not find a way to treat with them and if we do not take a very serious decision that says we cannot lock up all of them, we cannot put all of them in the prison, that there are some that we can change and there are some who we can counsel. How do we find a way to go in search of those persons, so that they may have an opportunity to change their lives if they so choose?

We are spending a lot of time, in essence, with a lot of the legislation that has been coming, to deal mainly with the penal side, to put them away; no bail; imprison; remand. That is the side of it that we have focused on. The more important side, to my mind, is the issue of the prevention; how is it possible that we are going to reduce the likelihood of all of them going into prison; the detection? Whilst we have had the joint select committees that have come up—as we have done, we have collaborated—with the measures that are very draconian,
are we going to, in a similar way, look at establishing committees that will assist us in dealing with prevention?

8.15 p.m.

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

Motion made. That the hon. Senator’s speaking time be extended by 15 minutes. [Sen. F. Al-Rawi]

Question put and agreed to.

Sen. P. Beckles-Robinson: Thank you very much. Madam Vice-President, as I wrap up, I must say that maybe, because I have had the opportunity as a lawyer to be in the system, and to see it maybe more than many other people that it is a matter for which I have not only a great interest, but a special concern. Sen. Brig. Sandy, Minister of National Security, who has often shared his experience in terms of his upbringing, and his area of origin which I think in the main is to encourage others to know what they can achieve, I suppose the difference then and the difference now is the extent to which so many of us live in what I call the “computer age” and the “fast food age”. And that is to say, most of us want to become criminals even very fast, if we can do it with a certain kind of speed where we can move almost to be able to get anything we want in the quickest possible time. That is how some of our children, I think, are being brought up.

As politicians it is always very easy for us to blame one government, or the next, but it is very important for us to send signals, as we debate in the Parliament, to parents about the responsibilities they have as it relates to ensuring that their children understand values. And some parents continue to believe that it is okay to tell their children to do wrong things. Some of us are not willing to spend the time to sit with them and have a simple dinner or breakfast, or to do simple things that would cause them to understand the importance of being loved, and avoid getting into criminal activities. Because as we debate these pieces of legislation, a lot of us in a sense are focusing on a lot of the underprivileged and others who, because of their socio-economic situation, are easily able to get away sometimes, those are the ones who continue to look as angels.

Madam Vice-President, and in a sense it really brings me to the disbanding of SAUTT, because when I read about SAUTT and the successes of SAUTT, and I listened to what Minister Panday said earlier, and that is that over the years the police in a sense have gotten a good understanding as to where some of the gangs
are, and I have, I think, information that has led me to believe that, that is what SAUTT was doing, we ask ourselves that, notwithstanding the efforts of the last government, and the efforts of this Government, we still have not been able to put a handle on crime.

But then again we look at the data that tells us that we have had a reduction in kidnappings over the last couple of years—and I cannot say about gang-related offences. I do not have the data on that, but SAUTT, to a large extent to me, assisted and gave certain comfort, because there was some specialization, some training that I think they got involved in that allowed them to be able to treat with that. I do not know which is the organization this Government will give the responsibility to specifically deal with issues of gang-related offences, issues of kidnapping and the like, but I am sure that the country will have a measure of comfort if at some point in time they say to us that this is the organization that will specifically treat with it.

Now, yes we have the police service and they have stated that they are giving them all resources, so that they can get us to the stage where we have a reduction of crime. But I think we all understand that when we look at all these countries in the world, Latin America, United States, whether it be Asia it does not matter that have successfully treated with gang-related and specialist areas of criminal activity, whether it be fraud, whether it be kidnapping, it is because you train officers in a specific way to deal with specific crimes. And I think that that is what, as far as I know, SAUTT was set up to do.

I must say that I do not feel any measure of comfort not having heard that there is any particular unit—maybe there is one that the Government has set up, maybe there is one that the Minister of National Security is thinking about. I certainly feel that there would be some measure of comfort and that all the training that the SAUTT officers have had over the years in these areas of expertise, I am hoping that it will not go to waste.

Madam Vice-President, as I close, therefore, I just want to say that my research in the area of gang-related activities has said that the involvement of drugs is very much related to that, and as we try to deal with the gangs we need to deal with drugs coming into Trinidad and Tobago. I am quite clear in my mind that the decision to renge on the contract with the OPVs, to a large extent, has opened up our borders, and it is going to make it a lot more difficult for the Government to implement successfully this piece of legislation.

A lot of people get involved—young people get involved in gangs because the drugs and the guns give them a certain amount of power and make them feel that they are larger than life. The only way, to my mind, we are going to successfully
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[SEN. BECKLES-ROBINSON]
deal with this scourge is to ensure that you have a multiplicity of approaches. So, at some point in time when they have probably revisited some of the measures of the last government that they would accept that we can pass all the pieces of legislation, but we must put in place measures that protect our borders and reduce the chances of guns and drugs coming into Trinidad and Tobago.

We do not make guns in Trinidad and Tobago. I am no expert at the cocaine and the marijuana. I know, yes, the marijuana is growing in a lot of other places, but we know this is a trans-shipment country and they skillfully have been able to bring it into Trinidad and Tobago and go to other places. The extent to which we are able to cut that off would help us to ensure that these pieces of legislations that we have been passing over the last couple of months could be successfully implemented.

So, Madam Vice-President, I just want to say that I am happy to contribute and I hope that some of the concerns that I have raised would be addressed by the Minister or the Attorney General. Thank you very much. [Desk thumping]

8.25 p.m.

Sen. Subhas Ramkhalawan: Madam Vice-President, thank you for giving me this opportunity to speak on the Anti-Gang Bill, 2010. It was clear to all of us, our citizens, that our society is an ailing society and, in that context, we as legislators are thinking to put in place measures which will, at the end of the day hopefully, create some dent in some of the social and socio-political issues that we face, one of which is the very critical issue of crime.

On that issue, we have an impatient society having been, over and over, the victims of crime whether by ordinary criminals or, in this particular case, members of a gang. That impatience of our society must be addressed and I expect that is the reason why we have come up with this Anti-Gang Bill to put in place measures to deal with the proliferation of gangs in our society.

My honourable colleague, Sen. Prof. Ramkissoon, has sought to make, in his intervention, a case that the penetration of gangs in Trinidad and Tobago is not as high as it is in Jamaica, Los Angeles and several other places. One gang is probably one gang too many with its own rules and regulations as to how crimes should be committed and who should be the beneficiaries.

I hope to establish today in my contribution, short as it may be, that we need to look very closely at some of the clauses in this Bill, which can lead to a level of inequity in terms of penalties that are being provided for persons deemed to be gang members, as opposed to persons who, shall I say, are ordinary criminals;
meaning criminals outside of gangs.

I think it is very important that, as we put in place this piece of legislation for the first time, as we have been doing in other areas, whether it be the Electronic Transactions Bill or the Data Protection Bill and so on, we set the stage and the foundation that even though we do not get it right the first time, we are close enough that some amendment, some tweaking would be sufficient to get closer to the effect we want to get with regard to this piece of legislation.

Speakers who have gone before me have spoken already to the matter of the low level of detection before one gets to the level of conviction. The old adage that prevention is better than cure should take root in the minds of all of us; but it does not seem as though we can achieve a high level of prevention because of the state of our society at this time with regard to crime. So, we are seeking to raise the bar of deterrence by way of increasing the level of penalties.

Other speakers have already spoken to the matter of increasing the penalties in certain of our legislation. On the one hand, the Firearms (Amdt.) Bill sought to lift the level of penalties by increasing the period over which someone can be incarcerated without bail. We have seen that in other areas. We have seen the Bail Bill itself adjusted for other reasons and today we are seeing the Anti-Gang Bill, together with a further amendment to the Bail Bill to expand the penalties and the period of time over which someone can be incarcerated without bail.

There is another phenomenon that is creeping into our legislation that is overarching, and that is that the onus of proof is becoming more and more the burden of the defendant rather than the prosecutor. We are seeing this in some of the legislation that is coming forward. It is a phenomenon that seeks in a sense to solve the problem by exacting greater penalties without addressing the question of prevention and the question of detection.

I want to put my contribution in that particular context. Other speakers have spoken to the need for a multi-pronged approach to the problem. A multi-pronged approach will start with some sequence of events, and if it be legislation to be followed by greater levels of prevention and detection, then so be it.

I would, therefore, like to add my voice in support of the notion of anti-gang legislation because it is necessary. Gone are the days when I can say that I am going out with the gang this Friday night. According to this piece of legislation, I will find myself in a very difficult position; probably be incarcerated that Friday night and not be able to get bail for 72 hours even if I could afford it. If I were an
ordinary criminal, I could get bail by getting the JP to come out late at night, and, hopefully, not be overcharged for such service.

In this case, I would find myself in prison because one of the players in this particular situation would be a police officer who says: “You have said that you are in a gang and, by dint of that, you cannot get bail.” This sounds rather funny but it is a very serious move in terms of where we are going. It is very serious because there is little room left for interpretation of the law by those who interpret the law. We, as legislators, must take that very point into account because we are seeking, hopefully, to solve our problem; to close one door without opening other doors where you can create an unjust and unequal society.

This does not mean that I am taking the side of anybody in the gang. I am simply stating that the legislation as it is configured may have issues and challenges that must be addressed as we go forward.

I want to take the example of two young men who, as it is couched in Trinidad, get together and decide to put down a “wuk”. Madam Vice-President, I know you do not find yourself often in these circles, but putting down a “wuk” in our parlance means that we are going to engage in some nefarious criminal activity for our benefit.

Let us assume that this “wuk” we are going to put down is to steal a car. So these two gentlemen—and I say it euphemistically—decide on Friday evening or whatever evening that they are going to steal a car. If they are caught, under ordinary circumstances they could get bail by getting a JP and they could get bail set immediately for them.

If a charge is proffered on the basis that these two persons, which according to our law can form a gang—in other jurisdictions, two persons cannot form a gang; it would be a higher figure and there would be a more stringent definition of what a gang is. However, in our case, these two persons can form a gang.

I take the example forward because if they are caught as ordinary criminals and the evidence is found and they are convicted, chances are they might get two or three years. In this case, if they are caught and are deemed to be members of a gang, according to the legislation it is not necessary for them to have any distinguishing marks, insignia or otherwise as Sen. Beckles-Robinson alluded to in her contribution. This must be demonstrated by a preponderance of other admissible evidence as set out in clause 5(4) of the Bill.

So we are developing a two-tiered system in that particular example where this person, for the offence of being in a gang and engaging in gang-related
activities—I say engaging in gang-related activities because if you look to the First Schedule, you will see that section 16, item 2, being the larceny of a motor vehicle, is considered gang-related activity by two persons.

I draw that example to show that we are establishing law that could really be used to the serious disadvantage of some of our citizens. Ordinary criminals though they may be, they are not gang members. I draw it to the attention of the administration to look very closely at this particular situation to ensure that we do not cause persons who are guilty of one crime, which is the larceny of a motor vehicle, to be caught in the milieu and be guilty of other crimes for which the penalties are much more serious and could result in the destruction of life in the sense that these persons would have to go into the prisons for a gang-related activity for 10 years according to clause 5 as compared to a shorter period. That is the first point I would like to make.

The other party in a matter of this nature would be the police officer. I have some level of confidence in our police service but I cannot say that the society as a whole has a full level of confidence in the police service at this time. A person can find himself on the raw end of this matter if a police officer of any rank deems that these persons belong to the gang. It is something that is of concern to me and while I do not necessarily have the answer at this time, I bring it to the attention of the authorities so that we can address this matter, when we go into committee, to ensure it is properly phrased and that we as legislators do our job to the best of our ability and leave the rest to the Executive. If we leave it this way, I suggest that there is a great lacuna in what we set out to do and we need to work assiduously to close that particular gap.

The other point I would like to raise in terms of the inequity in penalties is that a person who joins a gang and is on summary conviction under clause 5(1) finds himself in the invidious position of having to serve 10 years in prison; but the person who encourages another person; a person who just says: Come join this gang, that person is subject, on conviction, to 25 years by clause 7.

8.40 p.m.

So there is some inequity that is taking place in terms of the person who joins this gang to supposedly commit crimes and work in accordance with the rules of that gang. But the person who says, “Come and join the gang”, is now subject to ever greater penalties.

And when you look at clause 5 and you look at clause 7, I consider that there is inequity as far as that is concerned. And then again the burden of proof lies I consider that there is, more with the defendant rather than the prosecutor. These

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are two matters that trouble me.

Sen. Dr. Henry spoke to the whole question of the sparse economic benefits for which the gang member in other jurisdictions is a beneficiary. And he spoke of some of those benefits being less than minimum wage. But I think that what is clear is that there are other benefits that appear to come from being a gang member. And Sen. Cudjoe spoke to that, about being a “goon” and being a “chopper”, as the case may be—as the sidekick.

So I remember one of my colleagues saying to me that not everything is measured in dollars and cents, there is something called psychic income, where you get value and you get satisfaction through other means rather than just pecuniary income. And I think that is part of the culture, even though I cannot say that I know much about the culture. And so there are associated benefits, as far as that is concerned. And I suppose that is why we have the proliferation of gangs, young persons, children of Trinidad and Tobago who may not have been afforded the kind of parenting, who may have not grown up in a positive environment looking for role models, these are some of the things that happen.

But we are legislators, we are no sociologists. We need to make legislation so that, in local palance, “de time will fit the crime”, and the sociologists and the other members of our society will deal with those other matters that crop up in terms of seeking to build a better society. Mentoring is one of them and we have already congratulated Sen. The Hon. Brig. John Sandy on his particular initiative.

There is one another matter that I would like to bring to the attention of my fellow Senators—and this is a matter that continues to trouble me—and it is that we bring legislation for which we require a three-fifths majority, but the Minister, by Order, can make changes subject to negative resolution. And I often wonder why—and I know it has been raised over and over again in this Senate. I would certainly wish to suggest to Government that because of the seriousness of the penalties that are associated, that any adjustments to the First Schedule via clause 16—and I am certainly going to suggest this when we go into committee—that any such amendments to the Schedule, should be made via affirmative resolution and not negative resolution. [Desk thumping] This is not a simple majority Bill, this is a Bill which seeks to take away the property, the rights of our citizens and we have to do it the right way.

Those are some of the suggestions that I would like to make as we think in terms of getting a Bill that seeks to fit the situation that we face at this point in time. It must be balanced; it must not be shooting from the hip because we do
have a difficult challenge and problem. We must act, as we often do as legislators, to find the right balance to ensure that we protect society but at the same time, while we protect society we must ensure that we do not infringe unduly on the rights of other persons in our society who will be subject to this particular piece of legislation. And with that, I thank you, Madam Vice-President.

The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Fazal Karim): Madam Vice-President, I want to thank you very much for allowing me the opportunity to join the debate on the anti-gang legislation. I had not intended to speak this evening at all, but having heard some of the contributions, I thought that it is extremely important that I add my voice to the debate.

It is very easy for some of us, Madam Vice-President, to say that penalties are harsh, but it is not so easy to say they are harsh when you are the victim of gang warfare. I always tell people that I have had an experience that I can share, and I share it very often. Before we had any death in my family, and the only one so far has been my father, you would go to a funeral or a wake and you would say to that person: “I am here to extend my condolences and I understand how you are feeling.” That is a nice sounding phrase, but trust me, you never know what it is like until you experience it. And my father used to tell me as well that you never know what it is to be a child until you have children.

Madam Vice-President, sometimes when you listen to my friends in the Opposition, it appears as though they were never running the affairs of this country, they were never in government. And we are often given lectures, such as tonight, in terms of detection, prevention, rehabilitation. I want to agree with Sen. Ramkhelawan, you do the crime you do the time, and I want to support this legislation. I want to say we have complained a lot and we have passed judgment on many persons, and we are in this Government now and we are going to be determined to change this situation as best as we can. And if penalties are going to be one of those mechanisms, I am saying that we want to support this Bill in its entirety as one of the measures to eradicate and if not substantially eliminate and reduce crime in this country.

Madam Vice-President, as the Minister responsible for the University of the West Indies, I had a parent call me just yesterday to say that his daughter, along with a friend, was walking along the road in front of SPEC, the sports centre, on
Saturday after classes, on the evening in question it was not even dark, and there is a bridge that one vehicle could pass, you have to wait. And it was so organized that this vehicle ensured that when they were approaching the bridge that they almost took them into their own custody, to abduct them. Luckily they escaped.

Madam Vice-President, I want to just say that this Anti-Gang Bill combined with the Bail (Amdt.) Bill are both critical in suppressing lawlessness and therefore both pieces of legislation will be important and instrumental in the pursuit of peace, justice and democracy.

I have had the unfortunate pleasure of living through the coup, as many of us would have, and I can tell you that some of my friends after the coup told us that the best time they were able to sleep in their homes was during the coup because they were sure nobody was outside.

8.50 p.m.

I want to also say that as parliamentarians, we have an obligation to provide the legislative framework that would not only curb lawless behaviour, but also foster an atmosphere of personal safety and comfort.

Before I go on to respond to some of the issues that my dear friend, Sen. Deyalsingh raised, I just want to read one or two excerpts from the newspapers in terms of gangs and, more recently, the phenomena of gangs in schools. “Schoolboy killed by gang”. This is an article in the Trinidad Express newspaper dated February 04, 2011:

“A 15-year-old schoolboy was left to die on a street near the Mannie Ramjohn Stadium in Marabella Friday night after being chased, beaten and stabbed in the chest.

Damien Duncan, a third form student of Carapichaima Secondary School was attacked by a gang of eight youths.

The person who stabbed him is reported to be another teenage student of a school in Debe.

Duncan was in his school’s uniform when he was killed.

He had attended the Big 5 school InterCol final between Carapichaima and Presentation College, San Fernando

Duncan lived with his mother, Brenda Callender, 52, in Freeport. He was her
only son.”

“Gangs storm hospital

Warring gangs took their fight from the dancehall to the Sangre Grande District Hospital yesterday morning…”

This is dated November 14, 2010 in the Trinidad Express.

“…forcing doctors and nurses to scamper for safety and lock themselves in various rooms to avoid being injured.

According to the chief executive officer (CEO) of the Eastern Regional Health Authority…a group of men arrived at the hospital with an injured friend around 3 a.m.”

This is a hospital where we are supposed to go for treatment, not to “get beat up” there and seek more treatment right there. It continues:

“The man began behaving in a ‘rowdy manner’ and demanded that he be treated immediately. The man, whose identity was not given, was eventually taken into an examination room for treatment to several lacerations and cuts to his face.

However, as he was being treated another car drove into the hospital’s car park. Another group of men came out the vehicle and demanded to see the man brought in for treatment.

By this time the hospital’s four security guards approached this group and pleaded with them to show some restraint. However, the men then attacked the first group of men as they tried to get at the injured man.”

Madam Vice-President, we were talking earlier on about some of the causes. I have had the pleasure to be a teacher for several years, a dean of discipline and a head of department at a senior comprehensive school, at a time when parents did not want their children to attend a junior secondary school and then go on to a senior comprehensive school.

I have seen the evidence firsthand where, if you have two children in a home, and one passed for a junior secondary school and the other for a prestige school, you would find that the parents were very disappointed and they did not want the child to go to the junior secondary school. In fact, sometimes they felt embarrassed. Today, we have seen the products of the junior secondary and the senior comprehensive schools. They are now called east secondary and west secondary, depending on where they are located. They have produced
significant substantial academic graduates, and people in the pre-technician area and technical/vocational area.

“Tackle gang war in schools”. This is from the South Bureau and it is dated October 10, 2010, again in the Trinidad Express. This is with respect to a meeting by Commissioner Dwayne Gibbs, who was asked to tackle gang warfare in secondary schools. One of the persons who was speaking at the Siparia Community Centre that night that they were having this meeting said it was not the first time a teacher was threatened at the school.

“Ali said, ‘For some unexplained reasons, a lot of kids who attend my school, some of them engage in delinquency…by extension become inmates of the gangs and groups who terrorise students in the school and by extension community.’”

He goes on to say:

“‘He said some pupils in Forms One and Two had matters pending in court and cannot be disciplined by staff.’”

I have seen situations where teachers have tried to discipline students and parents came into the school to beat the teacher. I know we have said that before, but that exists and it continues to happen, because children have cellphones now, and they will call their parents and the parents will come in school. It continues:

“‘I have children who cannot read and when I say can’t read, I mean they do not know how to take the letter ‘a’ to make the sound ‘ah’ and how to put it in proper letters together to form a word like bat. They cannot read or write. Presently there are a couple of us trying to teach the children how to read.’”

Madam Vice-President, Sen. Beckles-Robinson spoke about the closure of SAUTT, the SIA and the OPVs and she said she was wondering about the impact of that on crime.

My dear friend, Sen. Deyalsingh, on the last occasion, spoke about this Government shutting down a number of programmes. He made reference to the BSc programme in Criminology at UTT. In some cases, he was attributing the increase of gang and gang warfare to the absence of some of these programmes. What he did not remind us about is that the previous government, of which he is a member, is famous for shutting down Caroni (1975) Limited with not only 10,000 sugar workers, but over 300,000 persons were affected by the closure of that.

We are talking about delinquency and deviant behaviour in schools and the
previous administration—he forget to mention this as well—closed down the Biche High School for 10 years, and the consequences of that are very alive for us. Students cannot go to school in the area in which they live; they have to get up very much earlier; and they have to go as far as Rio Claro or Mayaro to school as the case may be.

He spoke as well about other programmes, but I want to assure the goodly Senator, Sen. Deyalsingh, my friend, that the Government of the People’s Partnership is not about closing down programmes. We are about expanding programmes, and I will mention some of those in the near future.

Previous to election on May 24, 2010, there were many stories being peddled that GATE will be no more; OJT will be no more; the retraining programme will be no more; and MuST will be no more. All of these programmes were seen as social programmes that would assist persons who are either unemployed or unemployable and with the potential for deviance.

Madam Vice-President, I want to tell you proudly that the People’s Partnership Government has secured these programmes and have expanded them. [Desk thumping] We have gone beyond where they have gone and expanded GATE for vocational training.

Madam Vice-President, there was a report by Dr. Daphne Phillips, a very interesting report entitled, The Political Economy of School Violence in Trinidad Towards a Caribbean Theory of Youth Crime 2008. The aims of this study were to understand the real life conditions and experiences of children in the junior secondary schools in Trinidad, among whom the highest incidence of violence have been reported and to construct an adequate theory about the upsurge in crime among the youth population.

One of the things that she looked at was the impact of the shift system and the deshifting of the schools. The objectives of the research were to investigate the experiences of students in those schools and to enquire into their perceptions and experiences of the root causes, consequences and outcomes of youth engagement in violence.

The methodology was a sample of 14 out of 33 junior secondary schools in Trinidad and Tobago. It gives the data in terms of the number of persons who were sampled. What it found was that there is a poverty complex involving low levels of material resources, some of which we should have spoken about this evening as well.
Parents flirting with illegal drugs; in fact, as a teacher, you always have to rebuke students, remind them and exhort them to stay away from drugs, cigarettes and alcohol. When one looks at what is happening in the communities, some of these very children are being sent by their parents to shops to buy the very things that they do not want them to use—that supplies and fuels their habits.

Among the other things we are talking about in terms of the poverty complex is parental neglect. I think that Sen. Dr. Armstrong made reference to it this evening. He was very brave to say it, although he did not call some of the names of the places. I want to commend him for that. These are location specific and, therefore, studies need to be done to examine why they are there—physical, verbal and sexual abuse of children in the homes resulting in strong negative emotional responses from children which give rise to the hidden school curriculum. In these circumstances, and in the context of an increasingly robust market economy, youth violence becomes rampant.

Madam Vice-President, the following are some of the reasons given by Dr. Phillips’ report, again some of which are very familiar to us. Those of us who are parents live in communities and work in schools. The following reasons for involvement in gangs were outlined in the students’ statements. They said they engaged in gang warfare, deviance, violence and indiscipline for status. They did so for money, even though Sen. Dr. Henry indicated that sometimes it is for little money, but they did so for money—for protection, peer pressure—they were forced to join the gang or face the consequences; and to take revenge on parents. Could you believe that the students are saying this?

I recall when I was doing my diploma, there was a consultation on violence and school indiscipline called, “The small still voice of the child”, and that was at Chaguaramas. For the first time, we had students telling us about their stories; to take revenge on parents—a sense of belonging. Of course, there was frequent reference to the hidden curriculum where students wanted a way out to express their stress; to deal with their feelings of deprivation; their experiences of abuse and their intense need for money. The objectives of the hidden school curriculum are, therefore, acquiring money, ensuring a sense of belonging; attaining love and attention; and gaining a positive sense of self and resolving personal crises.

Madam Vice-President, we know all too well about the absence of parental supervision and the consequences of that. As a matter of fact, in some cases where you have the single parent or the absence of parents in this country—many of them living abroad—you often hear the phrase or the words used referring to these children as “barrel children”, children who are the beneficiaries of
remittances from abroad and who are left in the custody of their grandparents or uncles or aunts.

9.05 p.m.

Madam Vice-President, Sen. Deyalsingh is correct about the issue of our secondary schools being prey to criminal elements and, in some cases, training grounds for gangs. Very many times where you have some of these schools, and they are away from the main thoroughfare where students have to get their taxis, the students from these schools would take advantage of their own colleagues on their way to the bus stop or taxi stand. They would take away their cellphones, take away their money and beat them up.

We also commend the hon. Minister of Education for introducing ICT in the schools. It is an opportunity as well to get these students more tech savvy; that will give them an opportunity as well, in a diversified curriculum, to ensure that there is some measure of purposeful education in the schools.

I also recall, with great alarm, the issue of detection rates raised by my very good friend, Sen. Al-Rawi. According to our learned colleague, the detection rate for serious crimes in 2010 was 2,880 cases, out of a total of 18,235 cases. This amounts to a detection rate of about 15 per cent. That could never be acceptable.

Madam Vice-President, as we engage in pursuing mechanisms to address this very important, but very unfortunate, situation, I join with all my colleagues in the Senate who have extended congratulation to Sen. The Hon. Brig. Sandy for an excellent job, [Desk thumping] and we look forward to supporting this mentorship programme. Mentorship in its new form used to be done very many years ago, and reference has been made here to it as well. If you did not behave yourself well in your school or you are reported to your home, you were sure to get double the amount of punishment. You could not go and tell your parents at home that your teacher was unkind to you, but if you do that now there is a different result.

In terms of some of the opportunities we have engaged in to respond to this situation, they are as follows—because of time I will not go into them in great detail, but I will list some of them, for example: the shelter management training by the ODPM; domestic prevention training; child abuse prevention training. Eliminating Children’s Hurt only Enriches Society, that is the theme; introduction to counselling training at the University of the West Indies.

When we started these senior comprehensive and junior secondary schools we had guidance officers in each of them. There was actually one placed in each of
these schools. In those days you would find that the guidance officer was both a career guidance officer as well as a guidance counsellor. Within recent times, you had a shortage of these officers, such that you had one officer assigned to a cluster of schools. I wish to recommend for consideration, and I will do so to my colleague, the Minister of Education, that maybe the time has come for us to seriously consider the appointment of school social workers, so that you complement what is happening in the society.

In addition, we have training in conflict management skills and dispute resolution centres established. We also have the retraining programme, which comes under the Ministry of Science, Technology and Tertiary Education, and, very importantly, as part of that retraining programme, you have the rehabilitating of inmates of the prison. So while we are talking about detection, we are also talking about prevention.

The Multi-sector Skills Training Programme was developed to respond to persons 18 years—50 years old and particularly those who were idle and could not get jobs. We continue to have that programme and to expand it, and it is now repositioned to the Metal Industries Company.

In addition to that, one of the commendable programmes we have seen, and which has withstood the test of time for many years, is the Servol programme. I recall when I was teaching at Carapichaima Senior, some of the boys who were at that school at the time and who were not, in our view, performing very well and needed to have some additional attention. I met them afterwards at the Servol Life Centre in Chaguanas. It was amazing the kind of turnaround they had in their lives.

One of the things that is outstanding to that programme, which finds its way in most of the training designs in the programmes of the social sector, is what is called the “ADP programme” or the Adolescent Development Programme.

I want to also indicate that there is another programme, apart from the parent outreach programme, that we have great admiration for. It started with someone who is a citizen of this country and who went on to Jamaica to launch the Mustard Seed Communities Project (MSC). I refer to Monsignor Gregory Ramkissoon, a son of the soil. In fact, I do not know if he is related to Sen. Prof. Ramkissoon. He is a son of the soil, not only of Trinidad, but more particularly of Carapichaima, the village in which I live.

The Mustard Seed Communities Project is located in the inner city areas in
some of the most marginalized communities in Jamaica. The surrounding communities are characterized by residents who are very poor. I think maybe Prof. Watson may know Monsignor Ramkissoon, a colleague of his at Presentation Chaguanas, with little or no income, who lived in violent prone areas with high unemployment, many of whom are also unemployable. These areas are overpopulated, having a predominantly young population and a high level of illiteracy. There are few social facilities, poor or little social and physical infrastructure and amenities.

While we may have some similar types of programmes in Trinidad and Tobago, this programme is something I will commend that we research and read, because it has had some very high levels of success in Jamaica, to the extent where they now have branches in other parts. For example, they are affiliated with programmes in the United States. Some of the results of the Mustard Seed Communities Project are that it has created quite a number of jobs. It has expanded the Jamaican workforce and enjoys particular goodwill in that community.

As I conclude this brief contribution, Madam Vice-President, gang activities can be curbed significantly with the introduction of the proposed legislative framework, as well as through the introduction of a host of social and educational programmes that would provide viable alternatives to our youth. Violence is preventable.

In the Dominican Republic, the Barrio Seguro Programme has appeared to yield significant gain, by targeting high violence communities with a holistic approach to addressing violence, and emphasizing violence prevention directed at children and youth. The individual risk and environmental conditions must be considered in unison. Individual skills and competency building; building parental effectiveness; improving chances for youth to access and complete secondary education; improving the social climate at schools; providing second chances to school dropouts and promoting changes through peer group involvement, are all measures for consideration, which we practise in Trinidad and Tobago.

Similarly, community based programmes, like the Cease Fire Chicago Project, have proven to be successful in the fight against gang expansion. The project has engaged in dialogue with high-risk youths between the ages of seven and 24 years, before they become entangled in the gang’s social networks.

Madam Vice-President, one of the most notable interventions in the fight against gangs and gang-related activity was the clean-up of New York City under former Mayor Rudy Giuliani in the mid to late 1990s and to the beginning of the new millennium. That was done as well, in terms of very strong penalties. So
successful was his multilevel approach, that after his tenure he was consulted to assist in similar interventions in other major cities in the United States and elsewhere. We need to treat gangs like a cancer: you just cannot take pain pills; you need to go after the root cause. I think that is what this Government is about.

I conclude by saying that we must act now. We must bring this legislation into effect as one of the many strategies to counter the emergence of gangs in Trinidad and Tobago. Failure to do so will result in a significant risk to our collective security in the foreseeable future.

I wish to commend the hon. Attorney General, the hon. Minister of National Security and to support all my colleagues as we join together in supporting this Anti-Gang Bill.

I thank you, Madam Vice-President.

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Madam Vice-President, first of all I would like to thank all the Members of that Joint Select Committee who spent long hours trying to hammer out this legislation, and also to thank all the persons who have spoken on this piece of legislation. As a matter of fact, I think we have made history. Every single person in this Senate, save and except Sen. Moheni and my brother there, have spoken on this Bill. [Desk thumping] It shows that we are working and that time is really not a factor. We shall stay here as long and as late as possible to ensure that we all do the people’s work. I say congratulations to all the Senators for that. We have also listened to all the contributions. As a listening Government, we shall review all the contributions and address as we can, the many issues that have been raised.

In this debate we have seen the pendulum swing from one end of the spectrum to the other; those calling for harsh penalties, those who are saying, “No, it is too harsh.” We have listened. Sen. Dr. Armstrong sounded as a priest saying a prayer for a condemned man as he walks him to the gallows. We will listen and take everything on board. We have noticed also the amendment which he has put forward. We have also taken note of the legal arguments which have been advanced by speakers on both sides of the House, and to indicate that we shall address all the issues.

Many issues were raised about: why are we going with draconian legislation? Well, as we say, it is a lost generation and we are taking all efforts to protect the population from persons like that. But at the same time, as you are aware, there is the sunset clause. We are hoping in that period of time to do the social work that
is necessary, so there may be no need for us to reenact this legislation.

As such, Madam Vice-President, on the next occasion, I shall try to respond to all the issues raised by the Senators. At this point in time, I humbly ask that this debate be adjourned.

ADJOURNMENT

The Minister of State in the Ministry of National Security (Sen. The Hon. Subhas Panday): Madam Vice-President, I beg to move that this Senate do now adjourn to Tuesday, April 26, 2011, on which day we shall attempt to do the financial institutions legislation, trafficking in humans and also the Census Order. On that day we shall commence sitting at 10.00 a.m. and hope to complete the work.

I want to also thank Senators opposite, in that, that day was Private Members’ Day and my colleagues on the other side have kindly consented to the Government using it without any sort of objection. Thank you, Senators, for that. Therefore, the first Tuesday after that will be Private Members’ Day, by agreement.

Madam Vice-President, before I complete moving the adjournment, we would like to inform the national community that our sister, Allyson Hennessy, is in serious condition at St. Clair Medical Centre in urgent need of blood. The type is a very rare type of blood, O positive. [Interruption] You have it? I want to thank both Sen. Al-Rawi and Sen. Vasant Bharath—he has just indicated he was going to St. Clair now. I humbly ask members of the public who are looking at this programme if they could make themselves available. Let us save our sister. [Interruption] Thank you very much, Sen. Beckles-Robinson—the blood type is O positive.

Thank you, Members and Madam Vice-President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 9.22 p.m.