

Leave of Absence

Friday May 18, 2012

SENATE

Friday, May 18, 2012

The Senate met at 1.30 p.m.

PRAYERS

[MADAM VICE-PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam Vice-President: Hon. Senators, I wish to inform you that the President of the Senate, Sen. The Hon. Timothy Hamel-Smith, is currently Acting President of the Republic of Trinidad and Tobago.

I have granted leave of absence to Sen. Corinne Baptiste-Mc Knight who is ill.

SENATORS' APPOINTMENT

Madam Vice-President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards T.C., C.M.T., Ph.D.:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL
RICHARDS, T.C., C.M.T., Ph.D., President and
Commander-in-Chief of the Republic of
Trinidad and Tobago.

/s/ G. Richards
President.

TO: DR. LENNOX BERNARD

WHEREAS Senator Corinne Baptiste-Mc Knight is incapable of performing her duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(c) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, LENNOX BERNARD, to be temporarily a member of the Senate, with effect from 18th May, 2012 and continuing during the absence by reason of illness of the said Senator Corinne Baptiste-Mc Knight.

Senators' Appointment

Friday May 18, 2012

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 17th day of May, 2012."

"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: MR. JAMAL MOHAMMED

WHEREAS the President of the Senate has temporarily vacated his Office of
Senator to act as President of the Republic of Trinidad and Tobago:

NOW, THEREFORE, I, TIMOTHY HAMEL-SMITH, Acting President as
aforesaid, in acting in accordance with the advice of the Prime Minister, in
exercise of the power vested in me by section 44 of the Constitution of the
Republic of Trinidad and Tobago, do hereby appoint you, JAMAL
MOHAMMED, to be temporarily a member of the Senate with effect from 18th
May, 2012 and continuing during the period that Senator Timothy Hamel-
Smith has temporarily vacated his Office as Senator to act as President of the
Republic of Trinidad and Tobago.

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 18th day of May, 2012."

OATH OF ALLEGIANCE

*Senators Lennox Bernard and Jamal Mohammed took and subscribed the
Oath of Allegiance as required by law.*

PAPER LAID

Report of the Auditor General of the Republic of Trinidad and Tobago on the
financial statements of the Police Complaints Authority for the year ended
September 30, 2004. [*The Minister of Public Utilities (Sen. The Hon. Emmanuel
George)*]

WRITTEN ANSWERS TO QUESTIONS**Housing Development Corporation
(Land Earmarked for Housing)**

61. Sen. Fitzgerald Hinds asked the hon. Minister of Housing and the Environment:

- A. Would the Minister kindly identify and/or name the locations of the parcels of land, owned by or vested in the Housing Development Corporation (HDC) that are earmarked for housing, across Trinidad and Tobago and the anticipated start date for such housing development in each case?
- B. Would the Minister kindly provide the pertinent details as to this ownership and/or vesting?
- C. Would the Minister indicate those parcels at (A) above which are occupied in whole or in part, by farmers/squatters and are now under cultivation or other illegal occupation?
- D. Would the Minister also advise whether and when the HDC proposes to take occupation of the lands at (C)?

**Housing Development Corporation Housing Units
(Details of)**

62. Sen. Fitzgerald Hinds asked the hon. Minister of Housing and the Environment:

With respect to housing units under the purview of the Housing Development Corporation (HDC), could the Minister indicate:

- (a) the number of housing units owned by the HDC that comprise the entire housing stock;
- (b) the number of units of this stock that have never been occupied by tenants and those other than units for rental, not yet sold, and when such units will be made available to citizens; and
- (c) how many units have been allocated to beneficiaries between September 01, 2010 and the current date, and the addresses of these units?

Pineapple Crescent, D'Abadie
(HDC Compliance with Environmental Management Act of 2000)

63. Sen. Fitzgerald Hinds asked the hon. Minister of Housing and the Environment:

- A. Would the Minister kindly indicate whether the HDC complied with the provisions of section 35(1) of the Environmental Management Act of 2000, when it caused approximately 40 acres of land at Pineapple Crescent, D'Abadie, to be bulldozed?
- B. If the answer is in the negative, could the Minister explain why not?
- C. If the answer at (A) is in the affirmative, would the Minister provide this House with a copy of the relevant Certificate of Clearance?

Board of Management of the HDC
(Details of)

64. Sen. Fitzgerald Hinds asked the hon. Minister of Housing and the Environment:

Would the Minister indicate:

- (a) the names, academic qualifications and other certification of the members of the Board of Management of the Trinidad and Tobago Housing Development Corporation (HDC);
- (b) the date of appointment of each such member; and
- (c) whether any of these persons hold any other office within the said HDC or the Ministry of Housing and the Environment, whether on contract or otherwise?

Pineapple Crescent, D'Abadie
(Compensation paid to farmers)

65. Sen. Fitzgerald Hinds asked the hon. Minister of Housing and the Environment:

- A. Would the Minister advise whether compensation was paid to the farmers who were in occupation of lands at Pineapple Crescent, D'Abadie, which were bulldozed by the Housing Development Corporation (HDC) for housing purposes?

- B. If the answer to (A) is in the affirmative, would the Minister indicate how many farmers were affected, the amount paid to each, and for what specific loss?
- C. Would the Minister further indicate what has the HDC done to relocate, to what location(s)?
- D. Are the sums identified at (B) above the full and final settlement?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

The Minister of Public Utilities (Sen. The Hon. Emmanuel George): Madam Vice-President, I do beg leave of this Senate to defer the question to the Minister of Justice, that is question no. 84 for one week and to defer also question 86 to the Minister of Finance; and to defer question 89 to the Minister of Health.

Police Complaints Authority (Details of Reports Against Police Officers)

84. Sen. Penelope Beckles asked the hon. Minister of Justice:

With respect to the Police Complaints Authority, could the Minister state:

- (i) the number of reports made against police officers for the period January 2009 to March 2012;
- (ii) the number of resolved matters; and
- (iii) the number of officers that have been warned, disciplined or fired based on reports made to the Authority?

Multilateral Funding Organizations (Details of)

86. Sen. Penelope Beckles asked the hon. Minister of Finance:

- A. Would the Minister inform the Senate whether negotiations are currently being undertaken by the Government with the following multilateral funding organizations:
 - (i) World Bank;
 - (ii) Inter-American Development Bank;
 - (iii) European Investment Bank;
 - (iv) Caribbean Development Bank?
- B. If these answers are affirmative, could the Minister state the quantum and purpose of the loans or proposed loans?

**Infant and Maternal Mortality Rates
(Details of)**

89. Sen. Penelope Beckles asked the hon. Minister of Health:

Would the Minister provide the Senate with the infant mortality and the maternal mortality rates for Trinidad and Tobago for the past five (5) years?

Questions, by leave, deferred.

CHILDREN BILL, 2012

[Second Day]

Order read for resuming adjourned debate on question [May 15, 2012]:

That the Bill be now read a second time.

Question again proposed.

Madam Vice-President: Hon. Senators, the debate on the following Bill which was in progress when the Senate adjourned on Tuesday, May 15, 2012 will be resumed. The Bill entitled, “An Act relating to the protection of children and for matters related thereto.”

Those who spoke on Tuesday, May 15, 2012: Sen. The Hon. Verna St. Rose Greaves, Minister of Gender, Youth and Child Development, the mover of the Motion; Sen. Faris Al-Rawi; Sen. Corinne Baptiste-Mc Knight; and Sen. Lyndira Oudit. Any Senator wishing to join the debate may do so at this time.

Sen. Terrence Deyalsingh: Thank you, Madam Vice-President, for allowing me the opportunity to contribute on this Bill. I must state, for the record, that your ascension to the Chair places me at a distinct disadvantage, because it was my intention to engage in some of the contributions that you made, but I do not know what the rules are, and if I am so allowed. But, they were going to be good contributions anyhow.

Sen. Beckles: Just be careful.

Sen. T. Deyalsingh: Just be careful? So, with that caveat, my disadvantage, I do go on. [*Crosstalk and laughter*] Exactly. I know who is in charge. I do not know why you had to be sitting there today of all days.

Madam Vice-President, this Bill seeks to provide some sort of legislative framework to support Trinidad and Tobago’s position on the UN Convention of the Rights of the Child, and, hopefully, to give some more teeth to something called the Children’s Authority. But, as this honourable Senate meets here on a Friday—and it is strange because, normally, today is the day for our colleagues from the House of Representatives, so it is very strange to be talking here on a Friday.

But, this debate has to be one which must be framed from the point of view that it is a very sad debate; sad from the point of view that any society that has to bring this type of legislation to its Parliament, it speaks to the depravity of the human condition, which is not restricted to Trinidad, Tobago, or anywhere else for that matter. And, that adults could perpetrate such horrific crimes against children, very often, their own children, really speaks to a defect in the human condition.

There have been recent cases, as you may well be aware, the case in Austria where a gentleman enslaved his daughter for twenty-something odd years in a basement and had children with her. These types of stories are legion. So, it is really a sad debate. It really is a sad piece of legislation but a necessary piece of legislation. I state my case at the onset: I support the legislation; it is needed, and I will give my support to the hon. Senator, Verna St. Rose Greaves.

In giving my support to Sen. St. Rose Greaves, I also want to congratulate her on the manner in which she piloted the Bill. I would like to suggest to her other ministerial colleagues that they take a page from her book, in that, in piloting this Bill, she did not seek, as is the norm, to blame the PNM for not bringing it. She acknowledged that the Bill was the result of work of different administrations, and very often Bills of this nature will take a long time to come to the Parliament, because we are trying to balance the rights of children versus the rights of adults.

It is not every charge against an adult by a child that is proven to be correct. There have been cases where innocent men and women, especially men, have gone to jail based on false charges where an impressionable child may be coerced, forced, or under some circumstance, where they bring a false claim, and that has happened. So this Bill—one of the reasons this Bill would have taken so long, Madam Vice-President, is just that: how do you balance those types of rights? I say this so that when Government Ministers stand to say that the PNM did not bring this legislation, did not bring that legislation, I want them to remember the words of one of their own this week, and that is the hon. Minister of Health, Dr. Fuad Khan.

Dr. Fuad Khan, in a response to a contribution by Sen. Subhas Ramkhelawan on the advertising of miracle cures, has said in the newspaper, it will take years to bring the legislation. He has admitted that what could be or what some people may deem to be a simple piece of legislation, could take years, and that is the fact of the matter. That was the comment that you, Madam Vice-President, when you made your contribution, you referred to the laxity with which Bills are brought to this Parliament. And it is not that the past administration was lax. It is that the legislative process is, by nature, a long

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one. We have a Member of this Government actually saying now that what should be or what some people deem to be a simple piece of legislation could take years, and that is fine. It may not happen within this administration; it may happen for a subsequent administration to bring the legislation.

So, Madam Vice-President, as I move on to my actual contribution, the Bill before us is a very long Bill. It is a very comprehensive Bill. It is the work of a lot of people; a lot of man hours.

1.45 p.m.

In supporting the legislation, I will point to certain areas of the Bill that I think are noteworthy, but it will be remiss and irresponsible of the six Opposition Senators, if we did not point out areas of concern, but your support is guaranteed. I want to say that upfront. But we will be irresponsible if we did not point out some potential areas of difficulty and concern, which may or may not be able to be addressed at committee stage.

The first area of concern, Madam Minister, I turn to page 9 of the Bill, clause 6. Madam Vice-President, if I may borrow a term from another part of law, there is a term called—and I am sure Sen. Danny Maharaj may have used it this morning, because he had his law of trusts exam this morning—something called administrative unworkability. Sounds familiar, good. So we borrow the term administrative unworkability from the law of trusts. I will point out only two or three areas of this Bill, to demonstrate our concerns as to the workability of the Bill, and whether the intent of the Bill is being met.

The first clause I refer to is clause 6(1) on page 9, and if I may quote, it is under the rubric: “Exposing children to risk of burning”:

“Where a person who has responsibility for a child under the age of twelve years fails to take reasonable precaution to protect the child from the risk of being burnt or scalded, and by reason thereof the child is injured or harmed, that person commits an offence and is liable on summary conviction to a fine of ten thousand dollars.”

Now, I think we all understand the intension of the Bill. I think this clause speaks possibly to the deliberate burning of a child, however, as my friend Sen. Al-Rawi mentioned when he made his first contribution on a literal interpretation of this clause, a parent, a caregiver, a nursery school teacher under whose supervision a child is burned or scalded commits an offence, and that is the type of what I term “administrative unworkability” we are faced with in many clauses of this Bill.

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I will just highlight two or three for reference, because as Sen. Al-Rawi said you do not want a *Pepper v Hart* situation where you have to come back to *Hansard* to see what was the actual intention, because a literal interpretation means a parent under whose supervision his child is accidentally burnt commits an offence. I do not know if the hon. Minister gets the point I am trying to make.

Another example of what I am speaking about could be found on page 24, clause 35, under the rubric: “Exposing a child to a dangerous drug;” and I quote:

“A person who exposes a child or causes a child to be exposed to a dangerous drug or a substance having an effect similar to that of a dangerous drug commits an offence and is liable—

- (a) on summary conviction, to a fine of five thousand dollars and to imprisonment for nine months; or
- (b) on conviction on indictment to imprisonment for five years.”

Again, we are all reasonable people here, we understand what the Bill is attempting to achieve, but again on a literal interpretation if you have a birthday party at home, “ah Christmas lime”, and there is a bottle of scotch on the table, can this section be literally interpreted that a child is being exposed? I have raised the issue with a couple of people who are more learned than I and they agree with me that this type of phraseology in the Bill could give rise to problems. Now, the Bill has other instances like that, I would not waste the Senate’s time by going through all; I have just raised two.

Madam Vice-President, I want to focus more especially on part 8 of the Bill which deals with child pornography, because as I said, I think all of us here are repulsed by child pornography, and I do not want to focus on the shortcomings of the Bill as far as phraseology is concerned, that can be dealt with in committee stage, but I want to deal with the issue of child pornography as a whole. Child pornography has moved from the realm of being the preserve of a few deranged minds to the point now with technology; it is an actual business, it is a big business, and the busting of child pornography rings worldwide has engaged police forces across borders, Interpol and governments.

One of the first major cases of busting of a child pornography ring occurred sometime ago under the code name: “Operation Cathedral”, I do not know if Members are familiar with that. Operation Cathedral was possibly post-World War II, the biggest collaboration by international governments and international police forces

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to bring criminals to justice. It was one of the biggest operations mounted on any issue facing the global village. To give you an idea of the scale of that operation, they were going after some people who had banded together calling themselves the Wonderland Club.

That club, Madam Vice-President, had about 180 members from 49 countries; at least 49 countries, that we know of. And here is the horrible statistic: there were images of over 1,200 children, but in total there was a three-quarters of a million images; 750,000 images of children in all sorts of poses, all sorts of age groups, doing all sorts of things, from bestiality go back or go forward, whichever way you want to define it. And there were 1,800 hours of digitized video that their members could access over the Internet; that is how gross this thing was. And this Bill that we are passing here today, hopefully, will seek to let us enter that global village so that if there is another operation like that to be mounted we will be able to take part in it.

Coming out of that there were certain recommendations made to the participating countries about harmonizing their laws with international laws, and I am hoping—because I do not know, and I do not know if the drafters from the Ministry will advise us—whether this Bill is actually in harmony with all the international bodies that we have to liaise with. It may be a matter for them to look at, for the hon. Minister, for the Minister of National Security, because this will fall under a Ministry of National Security issues. *[Interruption]* And the Attorney General, yes.

One of the problems early legislation had in dealing with the issue of child pornography in the early days is that early legislation never made a distinction between a photograph and an image. So what used to happen, was that in old legislation where they specified photographs, if someone with a computer cut and paste an image, technically that did not run afoul of the law. And I am glad to see in this Bill—remember I said I would compliments where the compliments are due—that under the definitions we seem to have captured that you have photographs, streaming video, images, cut and pasting, *[Interruption]*—but not drawings. So my hon. colleague is saying here, possibly not drawings, so you may want to consider that.

I am saying this, Madam Vice-President, in that I do not think we want to see somebody escape the long reach of the law because of a technicality in the Act. So if it is we need to re-look at that definition of what is photographic material, what is an image to include a drawing, maybe we need to; possibly. And to show you the details that other countries look at, I draw attention to a document from the New South Wales parliament, it is Briefing Paper No. 9/08 Child Pornography Law, by Garreth Griffith and Catherine Simon.

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I just want to alert the hon. Minister of the types of details that their legislation looks at, and also I saw in this document where there is something referred to—and if I could get it—because it goes back to my earlier comment that our legislation needs to be harmonized with international legislation. It points to the Commonwealth Criminal Code and Internet Offences. Now, I do not know if the framers of this legislation actually looked at the Commonwealth Criminal Code and whether we have been harmonized with that code. That may be something for the hon. Minister and her drafters to look at. This: Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Bill (No. 2) 2004 says:

“The Bill contains new offences dealing with the use of the Internet to access, transmit and make available child pornography and child abuse material...”

So they right away draw a distinction between child pornography and child abuse.

“as well as the possession or production of such material with intent to place it on the Internet.”

So you may have it, but there is now legislation if they could find that you have the intention to distribute on the Internet, that is a crime.

“These offences complement existing offences prohibiting the importation of such material into Australia and will carry a maximum penalty of 10 years imprisonment.”

And they go on to define how they define child pornography, and they make a distinction between child pornography material and child abuse material. But what struck me, Madam Vice-President, in this document—and I could probably give the hon. Minister my copy when I am through—is that Commonwealth Criminal Code Internet and Customs Importation Exportation offences/child pornography/child abuse material, the detail in which they head up their different offences is absolutely phenomenal. But what is even more phenomenal is the way they have segregated the typology of online child pornography.

And let me just briefly go it through, because we mentioned one of the typologies in our Bill, that is grooming, but they have identified nine different typologies, starting from the browser—this is the person who goes on the net and just looks for stuff; private fantasy; the trawler. So you move from a browser to a trawler—you are actually seeking out material now—to the groomer, which we have in this Bill; so we have the groomer here; physical abuser; producer; distributor. So they have identified nine typologies. I am not saying we need to do that, but I am just saying this is the extent to which other more mature—I retract that, I was going to say more mature jurisdictions—other jurisdictions go.

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But look at this now, “typology of material used by persons with a sexual interest in children”—and this is what we have to be concerned about, because I do not think the Bill goes far enough in segregating the types of materials that persons will be caught with. So they start off here with material that is indicative of a predisposition to want to engage in this type of activity. An indicative material under typology 1, is:

“Non-erotic...non-sexualized pictures showing children in their underwear...”

So that is the type of baseline that they are setting.

2.00 p.m.

Then they go to the nudist:

“Pictures of naked or semi-naked children...”

Erotica—Surreptitiously taking pictures of children in play areas...”

This is where the sick person goes outside a school, a playground and surreptitiously takes pictures for his own use; and we know now that with cameras on your phones that it is a very easy thing to do.

It goes on to posing, erotic posing, explicit erotic posing; explicit sexual activity; assault—and I think our Bill actually includes assault, Madam Minister, if I am correct—gross assault and sadism and bestiality. So this is the type of detail that other jurisdictions are looking at.

I just want to close off on that particular point—whether we need to harmonize with what is happening within the wider Commonwealth and other law enforcement agencies like Interpol and so on.

Madam Vice-President, on the issue of child pornography and the Internet, we come to the vexing question of successfully prosecuting perpetrators of cybercrime. Perpetrators of cybercrime have the advantage over other perpetrators of other types of crime that they do not leave fingerprints; you sit at home in the privacy of your home; no one is seeing you. I would like to suggest to the hon. Minister of Gender, Youth and Child Development and the Minister of National Security under whose portfolio the Cybercrime Unit falls, that they look at the capability of our Cybercrime Unit. I draw your attention, Madam Vice-President, to an article dated May 01, 2012 in the *Trinidad Express*. It is an article about the expanding nature of cybercrime and Sgt. Wayne Mystar was opining—and I quote here:

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“The simple and common task of tagging someone in a photo on the social networking site Facebook borders on cyber crime, according to public information officer...”

The issue of Facebook and children is something that needs to be addressed and I will speak to that later in my contribution because technology, as we know it, is a double-edged sword. It can be used for good; it can be used for evil.

In focusing on the Cybercrime Unit, Sgt. Myster says that while the Cybercrime Unit is highly trained and they maintain high standards, they are overworked and lots of cases are backing up now. I do not know, if we really have a sad case of child pornography, whether the Cybercrime Unit is resourced enough to cope with it. This is just a suggestion to the hon. Ministers St. Rose Greaves and Brig. John Sandy.

He did say that the intelligence of the manpower of the unit is on par with everybody else around the world. It is just the resources in terms of the number of people, equipment and training. Training of your Cybercrime Unit is crucial because the criminals are always going to be one or two steps ahead of you. The technology changes so much that if we do not train our people within the Cybercrime Unit, they will be falling behind.

The reason I raise the issue of the Cybercrime Unit and harmonizing—and I say this openly because I do not know; I am asking if someone from the Government can tell me: do we have that sort of facilitation and sharing of information; not only with Interpol but Caribbean-wise?

I will tell you why. What the research shows with paedophiles and crime in general is that they tend to be geographically and culturally similar. So if you have someone in Trinidad engaged in this type of activity, chances are he is in contact with someone in Barbados, Jamaica or elsewhere. Do we have that Caribbean-wide capability? I do not know if Sen. The Hon. Brig. Sandy is speaking on this Bill; if he is, he can probably address that concern.

Madam Vice-President, as we move on with the legal and judicial hurdles that we as Trinidad and Tobago will face once this Bill is implemented, enacted, assented to and proclaimed is that our Judiciary will have to also be trained. Law enforcement will have to be trained how to gather evidence over the Internet and so on.

I am thinking aloud again. Sen. Al-Rawi had spoken, when he made his contribution, that there are about 24 Bills that “interarticulate” with this one. I cannot remember if he mentioned the Telecommunications Act of Trinidad and

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Tobago, but it begs the question, if we are dealing with child pornography, which is being done over the Internet, do we need to look at our Telecommunications Act of Trinidad and Tobago and revisit those terms and conditions under which companies like FLOW, TSTT and others provide Internet access?

What happens abroad is that governments have mandated their Internet providers to alert them whenever pornographic material enters their domain. When that law first came into effect in the United States, America Online, (AOL) immediately reported 450,000 images, which would not have been caught before. We will have to look at that, so I am asking the hon. Minister, Sen. The Hon. George, as Leader of Government Business, that maybe we need to revisit our Telecommunications Act.

I was speaking earlier about Facebook and I promised to come back to the issue and I do so now. Facebook, as we know, is going to be floated as a public company at US \$38 a share. I think the value yesterday was US \$100 billion. That is big money; the biggest IPO in history.

As I said before, technology can be used for good; it can be used for evil, and children, their parents and their guardians have to be especially aware of the dangers of Facebook. I go on Facebook, I would not lie; but what I find absolutely ridiculous on Facebook—absolutely ridiculous even for adults—is the amount of detail people put on Facebook about their own lives. Adults! Adults are posting pictures of themselves in bikinis, drinking, drunk; and if adults can do that type of rubbish; sitting on a turtle; taking a picture of your curry box; your “buss up shut” and channa, it speaks to a part of the human condition that I do not understand; that adults feel it is necessary and important enough to put their private lives on show on Facebook. What do we leave for children who have a lower threshold of understanding?

I raise the point that the Ministry of Education, the PTAs, the schools, the teachers and parents really have to grapple with the access to technology that we allow these young kids to have. I just raise that point and I leave it there because I think that is outside the scope of the debate and I am afraid of Standing Order 35(1), Madam Vice-President.

Sen. Al-Rawi: Never!

Hon. Senator: She would not give you that.

Sen. Dyer-Griffith: Not today!

Sen. T. Deyalsingh: Not today! Not today!

Sen. Cudjoe: You may get 43(1). [*Laughter*]

Hon. Senator: You must get one.

Sen. T. Deyalsingh: Madam Vice-President, I was speaking earlier about the legislative hurdles, the evidential hurdles, the prosecutorial hurdles that you will have to surmount to successfully prosecute these types of cases. Paedophiles have found a very ingenuous way of raising a defence. It was a defence that was first raised in the United States in the OJ Simpson trial. That defence is called the SODDI defence. You will not find the SODDI defence in English law; you may find it in American law. SODDI is an acronym, the letters are S-O-D-D-I. What do they mean? Some other dude did it. That is what the SODDI defence is—some other dude did it—which OJ Simpson used brilliantly.

Madam Vice-President, this is a political arena; I depart for a minute. Forgive me! Even Sasha Mohammed in Trinidad allegedly used it brilliantly. It was not mine. A la Shaggy, *It Wasn't Me*.

But, Madam Vice-President, back to the Bill. The SODDI defence that has been used in the OJ Simpson trial is now being used in cybercrime and is now being called the Trojan horse defence. That is true. I kid you not on this. The Trojan horse defence is that somebody will claim that his computer is being remotely controlled. A Trojan horse defence is when you have malware, what we call software, but malware is malicious software, which has been surreptitiously placed remotely by someone else on your computer. That virus allows the remote controller of your computer to download pornographic pictures on to your computer. When you are caught, you raise the SODDI defence, some other dude did it, or the Trojan Horse defence. We have to be cognizant of that defence, because what the SODDI defence or Trojan horse defence does is that it reverses the burden of proof.

Prior, the prosecution had to prove that something took place. Now we have to prove that something did not take place and, as we know, it is much more difficult to prove a negative than it is to prove a positive. People have gotten off, in England, using the Trojan horse defence. It has been around since 2003. We are now 10 years later, so the Trojan horse defence would have been evolved; the software would have evolved. As we know, when it comes to technology, the law is always behind technology. The law catches up to technology. So, I throw this out for the Government to be aware of.

If we are aware of the Trojan horse defence, I want to dovetail it to my earlier point—is the Cybercrime Unit capable of prosecuting these types of cases when the Trojan horse defence is being used? In that case in the United Kingdom, as I said,

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this guy was actually able to demonstrate, claim and show that there were 12 Trojan horse viruses on his computer and he got off. It has been used successfully worldwide by both the innocent and the guilty.

Madam Vice-President, as I continue—I do not have long again to go—there is an issue I would like the hon. Minister and her drafters to consider and this is something other countries have grappled with. Because of the prevalence of child pornography; because technology gives us access to all these photographs, what used to happen in the early days, the genesis of child pornography laws, was that a person could be prosecuted for a photograph or for photographs. So whether I had a thousand photographs or one photograph, I faced one charge. I got one jail sentence, one fine.

What the law has been evolving into is that now we make it an offence to have one photograph, so that there is one charge per photograph. If as a child pornographer, I have 1,000 photographs, each one is a charge and whatever fine is applicable to the charge, you multiply it by the number of photographs. It is a consideration to give this legislation a lot more teeth; a lot more bite and to enhance its deterrent value; that we should look at legislating one charge per image, one charge per video, one charge per photograph.

2.15 p.m.

Madam Vice-President, another area which we may want to consider—not for this Bill today, if ever this Bill comes back for amendment—if we learn from what other jurisdictions have been grappling with over the years to make their legislation more highly deterrent is this: some jurisdictions are even now making it a crime to even convey the impression of child sex abuse. Not the actual abuse, but if somebody can prove that you even have the intention or the impression that you are going to do something, they have actually legislated that. I do not know that we need to go that far. I just throw it out as a general comment as to how other jurisdictions see the issue of child pornography as really, really important.

So, I do not know how we are going to do that, because it means charging somebody for what they are thinking, and I do not think that we have reached that stage yet. [*Crosstalk*]

Sen. George: Yeah, but you could—[*Crosstalk*]

Sen. Bharath:—25th Century policing.

Sen. Ramnarine: Minority report!

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Sen. T. Deyalsingh: Yes, yes; I know the joke. Yes, Madam Vice-President—*[Interruption]*—minority report—I am coming to the close of my contribution very quickly.

So, I have dealt with two clauses which I think need looking at. I think the Bill is not perfect, it will never be perfect, but it is necessary, and let us see how the courts administer it and when it comes back here for amendments, we will look at it.

As I close, I make one final point under photographs and copyright law. I am wondering where our copyright laws, and our intellectual property laws are, as it relates to photograph, because I see the photograph of the hon. Sen. David Abdulah is being used without his permission. Madam Vice-President, I thank you. *[Desk thumping]*

Sen. Dr. Rolph Balgobin: Thank you, Madam Vice-President. *[Crosstalk]* I rise to make some comments on the Children Bill which, amongst other things, seeks to repeal and replace the Children Act. I have a few comments on several aspects of the Bill which I have looked at in some detail, and which I think does carry us some ways forward as a society in terms of our treatment—codifying, really, how we feel matters as it relates to children; and in particular in regard to sexual offences and offences even committed by children are dealt with. I think this represents an advance for us as a society.

That having been said, as with so much that comes before us in the Senate, particularly that which has its genesis in something happening outside of Trinidad and Tobago, there are several aspects of it that really make you question how workable it would actually be, and to what extent we are putting down here into law noble intent.

I will draw your attention, if I may, to clauses 5 and 6 of the Bill. Clause 5 deals very clearly with begging. And I think this is a laudable initiative to put down here, but I had to wonder how one controls this. I am very aware of the developed nation phenomenon, particularly, for example, in Western Europe, you would often have immigrants from Eastern Europe, Romania and so on, coming over to Western Europe and using their children as instruments to beg; and on occasion in Trinidad and Tobago one does find that happening here as well and it is, of course, a reprehensible thing to witness. I have no doubt that they do receive good support from the almsgiving community which, of course, reinforces the cycle; because the parent realizes, perhaps, that the child could get more than they ever could.

But I wonder what would cause a parent to send their child out to do that in the first place. And how do we remedy that? It is one thing to make it an offence; to say you cannot do it but what if I am indigent, I am poor and suffering and I have a child, and

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have nobody to leave the child with, which is very often the case? So I am begging. I go to Rev. Baynes and I beg, but I have my child with me, and I say; “Can you help me? I am hungry. This is my child”, and he asks, “Da is your child?” And I say, “Yes this is my child”; well I have committed an offence. I have brought the child with me into a begging situation. And so, I was not entirely clear that this clause was framed in a way that would suggest that the framer was familiar with the phenomena of child begging.

It occurs to me that, if we are seeking to address that matter, the framing would have to be much more—I do not know—expansive, detailed. It is a very difficult thing to do, but if I am looking poor, and walking barefoot in the road, does it mean that a police officer—I am walking with my child, can a police officer pick me up and say I am begging? Or if I stop a man and ask him for \$5? I do not know, but I think this is something that the Minister may wish to look at. Because people who send their children out to beg do not have anything else to do with them—unless the solution is, as I gather from the general sense of the Bill, that we contact the authority. But, then, they will take away your child. What if you do not want them to take away your child? What if you are just really poor, hungry and suffering? That cannot be the intent of the State, surely.

In clauses 11 and 12, there is a clear inconsistency, to my mind, Madam Vice-President, in that clause 11, which treats now with prostitution as opposed to begging—so we go from one ill to another—clause 12 says that a person who has responsibility for a child, or who allows a child to frequent a brothel, gets five years or 10. But clause 12 says, if you have responsibility for the child, and you encourage their prostitution, you get life. Then 12(2) says, if you permit a child to be on the premises you get 10 years. It says here in clause 29, if you abuse a position of trust or familial relationship, you get 15 years or 25 years.

I thought this is a bit of mishmash, really. If you look at section 11 a person who has responsibility for a child is clearly a person referred to in section 29, who would be in a position of trust, or have some sort of familial relationship. If I am in a position of trust, or in a familial relationship, how is it that I get five to 25 years for physically putting them into a brothel, but I get life if I encourage them to be a prostitute? What is the difference, I wonder.

If I took my child and sent them to one of these places—well, since I have been making noise about them, I gather that they have closed down now. This place in Couva or Charlieville, or Chase Village somewhere—what is the hotel? What is it called? [*Crosstalk*]

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Hon. Senator: Nobody wants to say it loud.

Sen. Ramnarine: Rich Gold!

Sen. Dr. R. Balgobin: Nobody wants to say it loud. But in Marabella there was one—[*Interruption*] [*Crosstalk*—called Villa Capri, I passed it “d odder day” and I saw they changed it, Classic Seamen. So, if I have responsibility for a child and I send them there, and I say, “Go and do this”; I get life, but if I just send them there and I do not tell them anything, I get five to 25 years, depending on which section of the law we think applies. Make it life. Make it life!

You know, there is a difference between begging to get something to eat and sending a child to have sex for money, because sexual intercourse today in our modern understanding we believe to be, what, if nothing else, a benefit of biology that two mature, knowledgeable adults can reasonably engage in. That is not anything for a child to be involved in, and certainly that is not something for an adult to be deciding that a child should be doing. So what is all of this? Make it life! Life! Lock them up for life!

You send a child to do that. You bring a child into this world, or have responsibility for a child and that is what you do, then hey, I have very little sympathy for a person who is operating like that. But there is a clear inconsistency here which I would like remedied as we press forward.

I would now like to turn your attention, if I may, Madam Vice-President, to of course, perhaps, the most popular clause in this Bill which would be the Romeo clause, clause 20. I had a general question, because you see, I have had to read a lot of things in trying to understand this, and a general question I had for the Minister and for anybody in Government who would care to tell me, at what age—with our present modern, scientific understanding do we think it is okay for children to start having sex?

Sometime ago, I recall—it was burned into my memory actually—Sen. the Hon. Dr. Bhoendradatt Tewarie making a speech somewhere. I cannot remember where, but perhaps, he will when I say what he mentioned. I recall that he said, in a UN report it was, I believe, that children, women, girls in the Caribbean have the earliest initiation to sexual activity in the whole entire world, 200-plus countries or thereabout; six billion people and Caribbean girls are introduced to sex first, earliest. So I would like to know, given that we have this thing here which now makes it clear that it is okay for people under 18. Even though the definition of a child in this is someone under 18, at what age do we think, with our modern,

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scientific understanding of sex, with our life expectancy the way it is, at what age do we think it is okay for a child to start having sex? Because if it is 12, that is not okay. It cannot be 12. It cannot be 12. I am not feeling 12. Twelve is not okay, not “irie”. It cannot be 12. Do you know why it cannot be 12? At 12 you are prepubescent. Twelve! Twelve! You now started.

2.30 p.m.

I mean, I could understand the artefacts of history; I could understand in the past how these things would have been permissible. Okay? But now, with our modern scientific understanding, I would like some sort of clarity from somebody on that: where do we as a Government, as a State and as a nation feel this thing should fall?

This interesting section then rubs up right against something—I suppose that is an unfortunate choice of words—but it rubs up against this whole notion of bisexuality and homosexuality. If one looks at section 13 of the Sexual Offences Act it makes buggery a crime. And, if I may just read the very short section, Madam Vice-President, for the understanding of everybody, it says:

“(1) A person who commits buggery is guilty of an offence and is liable on conviction to imprisonment—

- (a) if committed by an adult on a minor, for life;
- (b) if committed by an adult on another adult, for twenty-five years;
- (c) if committed by a minor, for five years.

(2) In this section ‘buggery’ means sexual intercourse per anum by a male person with a male person or by a male person with a female person.”

Now, there are some places in the world that say that there is technology available now that would allow a female, for example, to bugger a male or another female. But, leaving that aside, are we saying in 2012 that we are going to cement in place here the notion that homosexuality continues to be illegal? Is that okay? That does not have to be a choice that anybody else makes, but it says here a person under age says is okay in clause 20(1)(c) for example—

Madam Vice-President: Senator, could you just clarify the last word in your question? Is it “legal” or “illegal” was the question? This is for *Hansard* recording.

Sen. Dr. R. Balgobin: Yes, it is illegal. I was asking the question.

Clause 20(1)(c) says it is okay for people under 18 to have sexual intercourse as long as they are not of the same sex, but if two 16 year-olds are matured enough in our understanding of the law to have sex, why does it have to be a boy and a girl? Why? Who said that?

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You see, as I understood the Minister to say, a few days ago—not more than two or three days ago in a public forum—”Well, we need to examine this question of homosexuality and so on.” And that is fine, but this is where we should be forward-thinking. There is no reason to put same sex as the child. Is there? Is there a reason for the inclusion of that? [*Crosstalk*] No, but your Bill here says that it takes precedence over everything else. That is what your Bill says.

I thought that actually, so I went and studied all of the Sexual Offences Act, but this Bill here is very clear. If this Bill butts heads with any other bit of legislation this Bill wins. So, why leave it in there now? Take it out, unless we are happy to live with that inconsistency, which is really untenable. It does not say anything for our personal choices, but how do we criminalize people who choose to have a relationship with someone who is of the same sex side?

Even President Obama and his entire administration, just yesterday or the day before, had to come out and say they support gay marriage. I do not know if I would go that far, but I certainly do not see why the State has to concern itself with what happens between two consenting adults, whatever their sex, behind closed doors, unless we continue to have this kind of Orwellian logic here where we continue to try to control what people do in their private moments.

The other thorny question I had concerns clause 26, and I think the silence of activists on this is deafening. Perhaps, they are now fed too well. I do not know, but I think that as a society we should come to some sort of understanding of what is going on here. Let us see.

Madam Vice-President, in the “List of Omitted Acts”, there are eight omitted acts related to marriage, and then there is the Marriage Act, the Matrimonial Act and so on. There are many laws passed about marriage. The oldest Act here is the Marriage (Confirmation) of No. 10 of 1863, come right up to the present day.

It says here in clause 26 of the Children Bill before us, that it is okay, I suppose to have sex with a child, as long as the person and the child are lawfully married. What does that mean?

Sen. Al-Rawi: Muslim wedding.

Sen. Dr. R. Balgobin: I would like to know. Now, it is, for example, understood in some religious practices in some communities that you can actually be married quite young, but it again raises my question: at what age is it permissible for us as a society to have sex? It may be, for example, that one is married at 12, but is it consummated at that age or is it more in the way or a manner of a promise, and the child remains with her parents or her family until

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she is of a more mature age? I do not know. I would like to know: at what age a child should be married, and at what age should a child be put into a position where that child would be expected to have sex with somebody else?

There are some very interesting cases out of India, one in particular where a girl was married by her parents. The girl was about seven or eight years old, and she actually walked to a city to a courthouse and asked the judge to annul her marriage, because she did not want to be married, she wanted to go to school. In parts of India now, of course, child marriage is outlawed, but not here. So, we have to wait until some developed part of the world does it and then we will follow suit. So, that is a thorny question.

I want the activist to tell me: at what age do we think that is okay? Do not be afraid to run up against people's interests, whether it be religious, community or otherwise. Let us confront the challenges head-on, because you are saying you do not want children begging; you are saying you do not want them prostituting; you are saying, though, that it is okay for a boy and a girl to have sex once they both agree or whatever their age is, and you are saying it is okay maybe for me to marry you at whatever age and you go ahead and have sex. Is that what you are saying? If that is what you are saying, I have a difficulty with that, if we are serious about protecting children and protecting women.

Anybody could stand and talk about a child and start to cry. Children are emotive. They make you feel to cry sometimes out of exhaustion, frustration and happiness, but almost always they could evoke tears from an adult. But when we are finished crying, what do we put in place? Surely, we cannot be cementing arrangements that allow for little children who cannot make—no, not little children—but little girls who cannot make decisions for themselves, at least, not competently. Surely, you are not putting them in a position in 2012 or cementing in law a position that says they could have sex at some very young age. I would be a little confused if that were the case, Madam Vice-President.

I just had a few more simple observations; in clauses 36 and 37, the question of drugs and giving a child a dangerous drug. If I give you a dangerous drug, I get five years or 10 years, but if I send you to get a drug for me, I get life. Let us look at that again. If I give you as a child a drug which is harmful to your life, your health and your system, I get five years or 10 years, but if I send you to get a drug for me, I get life. If I give a child a harmful drug, make it life; make it life.

It cannot be that I send you to get some cocaine for me, and the child is not taking any cocaine—carrying it makes him a trafficker, so I would understand perfectly well why you will want me to get life for that. Okay, fine. But if the child then comes

with the drugs and I say, “Snort some of this, take a pawpaw stalk or whatever and put it inside and smoke it, and I light it for you”; I get five years for that or 10 years, and I get some time off for good behaviour and I come back out again. No, no, no. You give a child drugs, life; life for you; or a very, very, long time if not life, but not five years and 10 years.

Clause 38, Madam Vice-President, I was not sure how a constable—and the law assumes that a constable would report. I do not know if constable is a proxy for all police officers. Presumably it is. Why did it not just say “police officer”? But clause 38(1)(c)(iii) says to immediately notify the authority. I wondered whether that is practically possible or whether you should not say, “Notify the authority in the shortest possible time or within 24 hours”, as the case may be. How do you immediately notify the authority? I was not quite clear on that, so I am sure that can be very easily explained.

Clause 40 relates to child pornography and Sen. Deyalsingh had quite a bit to say about that. Under clause 40(5) there is a list of people who are exempt from prosecution if they are caught with pornography. Well, I should not say caught, but if they are found to be in possession of.

I wonder whether university researchers or people doing research into sex or sexual behaviour, who are appropriately recognized as researching in this area, would not also be persons who would merit an exemption here, because this is all about police, prisons, customs, the Director of Forensic Science Centre and persons employed by the State in prevention, detection, investigation or prosecution.

This has nothing to do with developing a greater understanding of who we are or how this phenomenon occurs. I would like to suggest that the Minister have a look at that, and consider whether, in fact, we should not include—and even for people who are, for example, a person in an NGO who is dealing with that. How else are they supposed to know about it?

2.45 p.m.

Clause 41 I thought merited further reflection by the Minister and her team. I think I understand what the intent is, and Sen. Deyalsingh spoke to that, but I would go further. I would say, you know, on cable television after 9.00 p.m.—how do you define pornography exactly? Because something very close to it is on most television sets at night after nine. So is it that a police officer passes your house, looks through your open window, sees “de TV” on, sees a child playing there, and comes, knocks on the door and locks you up? Are we putting parents

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on notice therefore that they must change their channel? If we are, that is fine. I would like for us to make that very clear to the parents out there, about what is appropriate to have on TV while their children are around, or not.

Where this becomes difficult to work, if not unworkable, is when dealing with the Internet. Although you can block websites that have certain key names and so on, it is very difficult to deal with, say, spam email. What if I send you an image of a child? And what if I send that to a child with an email address? Most children who have Facebook accounts—in fact, to have a Facebook account you have to have an email address. You cannot be a Neanderthal and deal with Facebook. You do not walk out of a cave, check your Facebook and walk back in again. It does not work like that. You have to have an identity; you put an email address out there.

Once you have an email address out there, things can come to you, things which are unsolicited. So I would like to have seen clause 41 be somewhat clearer, because all it says is that a person who exposes a child or causes a child to be exposed commits an offence, but you may unwittingly expose a child.

Madam President, clauses 56 and 61 I found to be, for me, a very strong finish. I was particularly enthused by clause 56. I think both 56 and 61 have finally brought into the lawmaking domain the notion that a parent has some responsibility for the behaviour of his or her child. Unless you hold parents accountable, I think at least some parents in this country are quite happy to let their children run wild. Conversely, when the children are aware that their actions are going to have some serious consequence for their parents, that can only be a good thing. So I felt clause 56 was particularly useful, and clause 61, which for the first time I suppose in law provides some kind of mechanism which allows a parent to throw up their hands and turn to the authorities or to the State, and say, “I cannot handle this child. I need help. You need to intervene.”

Sen. Al-Rawi: [*Inaudible*]

Sen. Dr. R. Balgobin: This is still very useful, and parents need to be aware, both of this mechanism, and more importantly, to my mind, of this whole question on clause 56(3), where you can be held accountable and have to pay if your child does something and you are deemed to have some share of responsibility for the behaviour of your child. All in all I would say, a very good start.

I would like to have clarity on questions of homosexuality or bisexuality, marriage. I think the rest of society would benefit from that as well, quite frankly.

So, Madam Vice-President, I commend the Minister. I encourage her to continue to press on, but I would like to see more than this. I know it is just a step, but if you are putting this out there, there are things in here I think you can go a little further with or

amend or tighten, so that it can be workable and we can continue to look more and more like a progressive forward-thinking nation, instead of just doing things because we are out of step with the international community and are trying to pass a Bill to get back in line. I think if we play off the front foot, we would all be the stronger for it.

I thank you, Madam Vice-President.

The Minister of National Security (Sen. The Hon. Brig. John Sandy):

Thank you, Madam Vice-President, for allowing me the opportunity to contribute to debate on this Bill relating to the protection of children and for matters related thereto, the Children Bill, 2012.

Madam Vice-President, hon. Senators, I do not think there is anyone in this august Chamber who will not attest to the fact that our children are precious to us; they ought to be. I think on this occasion I want to express my congratulations and support for my colleague bringing this Bill to the Parliament at this time.

There are too many occasions, particularly within recent times, when we have had bad news about our children being abused, our children being neglected and, of course, the sexual exploitation and other ills inflicted on them in Trinidad and Tobago.

Too often we see parents, guardians and those who ought to be taking care and nurturing our youngsters, being brought to the courts for abusing them, and as we say in local parlance, “taking advantage of our young people”. It is time that we put steps in place to ensure that we not only protect our children, but guide them, nurture them, take care of them. We ought to, as parents and adults in this beautiful country of ours.

At the beginning of this debate, Sen. Al-Rawi asked the question, or acceded to the fact, that he was being technical. Of course, he indicated that he would deal with 43 or 45—58 matters during the committee stage, so we know we have a while to go with this debate. I would like to agree with him when he made the point that children ought to be segregated in any detention facility. I totally agree with that, because we ought not to allow our children to be influenced by others in that kind of environment, that could only serve to cause them to be exposed to negativity. I know that the Minister of Gender, Youth and Child Development is passionate about this. I found that she presented and piloted this Bill in such a

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manner that would allow all our Senators present to support. I am happy to hear that Senators on the other side wholly support this Bill. Of course, we have brought this here so that there could be amendments and areas of concern voiced, so that in the final analysis we would do from this honourable House what is best for our children.

I wish to address just a few aspects of the Bill that affect national security. Part III, clause 5, of the Bill deals with begging, and Sen. Dr. Balgobin addressed that issue. There are parents who use children, and not necessarily so, but they put the children to the fore to gain sympathy from their intended victims, if you can call them that, when they go out to do this begging. Some of them go house-to-house. It is strange that sometimes you see some of these parents, primarily mothers, sending their children to beg or taking them along so, "I have got these children to take care of." Sometimes you look at them and you see hairstyles, you see nails well done and you wonder. But it is all because they have their priorities wrong, and we need to take cognizance of that as well.

Clause 7 of the Bill deals with injury or death by firearm and ammunition, and clause 8 treats with giving, selling, lending or renting of a firearm or ammunition to a child. One of my concerns remains the fact that we have a number of people in Trinidad and Tobago with licensed firearms, who do not practise the proper maintenance and security aspects that go along with the holding of that Firearm User's Licence. They themselves might have practised for a while to acquire the certificate of competence to say that they are capable of using a firearm, and it ends there. You would find that for years they would not go on the range to practise to use the weapon, so they become more fearful of it themselves.

What they do in some instances is that they leave the weapon unattended, and we have had instances where young children take up firearms and shoot each other, shoot their friends or shoot themselves. This is one of the areas we need to look at quite stringently, because on a national level we find that for instance on too many occasions firearms are stolen from the owners, because they themselves fear them, because, "Okay, I have a firearm, I am walking with it," but they do not use it, they do not practise.

There is something we call "dry firing", you do not need to go on the range. You take your weapon, you clear it, you make sure it is clear and you squeeze. You practise so that you get familiar with the weapon. Some of them are not familiar and as such they themselves are afraid of it, they do not know how to use it. They leave it hanging around idly, and our children would take up those weapons and use them.

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Then there is the other issue of those with ill intent with unlicensed firearms, who would use children to carry those firearms. They are going somewhere and they feel that the police would want to search them, so they give it to a child to carry.

And we have instances, young children are growing up with a gun culture, so they themselves get involved in the use of firearms, and some of these sometimes would result in injury or death with children being accidentally shot; on so many occasions, we have heard of instances where that has happened.

3.00 p.m.

Madam Vice-President, we have heard of a number of children who find themselves involved in sexual activity, in pornography, not through their own fault, but through their parents. This is a sad state to affairs where you would find a mother or a father encouraging their child into a life of prostitution, so that they can get the monetary gains. And you know I always say, sometimes I speak about teachers, I say, there are teachers, and there are teachers. I also say, there are mothers and their are mothers—*[Interruption]*

Sen. Deyalsingh: That is right. They are parents, parents, parents.

Sen. The Hon. Brig. J. Sandy:—there are parents, you know, there are parents. Only recently we heard of an incident where two South Americans, teenagers, were found in one of those houses of ill-repute in central Trinidad. They were sent here, you can say trafficked, to Trinidad to learn English, but ended up in a prostitution ring, and we are talking about children. Well eventually they were rescued, and sent back to their country. But some of the people involved in that, themselves are parents with children, and it is difficult to understand a parent, allowing, not only their child, but other children to get involved in pornography, and this is a sad state of affairs.

Only recently, Madam Vice-President, I had reason to visit a primary school in the outskirts of Port of Spain, and what the principal said to me—I am talking about primary school, 10-year-olds and 11-year-olds, and the level of sexuality that exists in the classrooms, and the language that the children speak—now, they can only acquire that from their homes themselves, and there was an incident—and this is the one that boggles the mind. I know that I would deal with the use of tobacco, drugs and so on a little later. This is being related to me by the school

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principal, where a child, sometime after lunch one day was complaining of a tooth ache. So the principal said, “Okay, we will send you home, your mother would probably take you to the health centre or something like that, and get something for that toothache”.

The following day the child comes to school feeling a little drowsy, so the teacher asks, “What is wrong?” The child is reluctant to say, takes the child to the principal, only to find out that that child goes home, tells the mother, “You know, I have got a toothache, it is paining”, with the expectation that that child would be taken to the health centre. The mother says, “Okay, I know exactly what is needed”, lights a marijuana cigarette and gives that 10-year-old child—her daughter—that marijuana cigarette to smoke, and says, “That will ease the pain.” This is why I said, that there are mothers, and then there are mothers. Now how can you as mother give your child a marijuana cigarette to ease the pain?

Sen. Deyalsingh: It works.

Sen. The Hon. Brig. J. Sandy: You have tried it?

Sen. Deyalsingh: No, but I know about it, for medicinal reasons, that is my field of study.

Sen. The Hon. Brig. J. Sandy: Yes, but I am sure that there are other areas, because you see when that same child now becomes addicted, that same parent—and mothers have a way of holding their bellies, and you hear of the stories when they tell you, if you have son who has drowned, you know, the mother goes to the sea, and bares her breast, and things like that. You hear so many motherly things, and for a mother to do something like that, it boggles the mind.

Could you imagine a child being forced into prostitution by their parents? The trauma; it is a lifetime thing. When that child emerges, subsequently, okay, this girl becomes of age, she meets a young man, falls in love; do you know, it is like rape. You find out that they would have marital problems. When her husband wants to caress her, she remembers what she had gone through as a child, and it affects her life, probably it would affect the lives of her children somewhere down the road as well.

We looked, Madam Vice-President, as well at those mothers who throw a blind eye to what is happening around them. [*Crosstalk*] No, no, mothers in particular, and the reason that I am saying mother—I love mothers. Only today we had a function at the Ministry for our mothers, so I love my mother dearly, I mean I love mothers. However, we must understand that there are incidents where those mothers, and I do not mean mothers, I mean mothers [*Laughter*] [*Interruption*]

Sen. Deyalsingh: “M-U-D-D-E-R”.

Sen. The Hon. Brig. J. Sandy:—who turn a blind eye and blind ear to their child. Some children would come and say, “Mummy”, and you know there are lot of uncles around too, so uncle this and uncle that, and you know, and sitting on his lap, and things like that, and even stepfathers, and when those children go to their mothers and say, “Mummy, so and so”, or sometimes some of them are fearful to do so, they probably would go to the teacher or they would go to someone in whom they have some confidence. But we are talking about people, adults, in whom they have some element of trust, and these adults now would take advantage of that trust, and take advantage of those children, and when they go to the mothers and they say, “Mummy, you know so and so is happening”, you hear responses like, “Well, look, that is not true I do not believe you”, or words to the effect, “Well you know, he is the breadwinner here, what do I do? I have to depend on him.”

I am saying, the time has come when we need to get rid of those types of excuses, and do not allow our children to be exposed to that kind of exploitation from those so-called “uncles” in particular. And sometimes the children are fearful because they are threatened, “If you tell mummy or if you tell anyone, I will do you this and will do you that”, and they are really scared, with no one to turn to.

Sometimes as a mother you need to detect certain things in your children, fathers too, but particularly mothers because you find—and I am not pounding mothers here, I am just saying that, in most instances, it is mothers to whom these children would relate their plight, and mothers need to be more supportive and listen to their children. As we tell our children to listen to us, we must listen to them as well.

There are a number of these incidents that are not reported, several of them that are not reported, and as a result of that the perpetrator would continue, because he is having a good time, and you would find that—I have grown up in an environment, a number of us here would have grown up in an environment where the village raised the child. I have told the story already, about—in those days you called them “tanties” not aunty—the “licking” that you would get from a “tanty”, and that kind of thing because at that time there was a supportive structure among parents and teachers. When one parent, for whatever reason said that you are wrong, as far as your immediate parent was concerned, you are wrong, and they took the opportunity to inflict whatever punishment they wanted on you. Of course, unfortunately, we cannot do that now because we have parents going into schools to abuse teachers, and things like that. But it brings us back to the point of the old adage that the village raises the child.

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You would find that we have situations as well, where because of poverty, economic circumstances, you would find that a mother lives in a home with two or three daughters and probably a stepfather, and because of the close proximity, whatever interaction they have is witnessed by these daughters, so it is an early indoctrination into sexual activity, and we speak about offences: “Engaging in sexual activity in the presence of a child”—clause 23.

It boggles the mind that—I mean, sexual activity is a private thing, and a mother should understand that, particularly with daughters, because you find in most instances, single parenthood is motherhood and not fatherhood, it is very rare you have a single parent being a father; well, not very rare, but more rare than the mother; usually it is the mother.

Certain things, I refer to when I speak about mentoring, abstract mentoring, things that you do as a parent, an adult, teacher or someone who a child looks up to, and you are not even aware that they are looking at you, but they are picking up from you, and they are learning from you, and you now need to carry yourself in a certain way, so that all your virtues and values would be transported to them in a proper way.

When we as parents, and particularly in this instance, male parents, because I think male parents get involved in using illegal drugs more than females—when you indulge in those things in the presence of your children, of course, they themselves feel, well, okay, it is all right to do.

I recall that some years ago there was an advertisement on television—I have not seen it within recent times—where this youngster has on his earphones, and he is dancing and listening to his music, and his father comes into the room, pulls out the plug, and holds a marijuana joint and says, “Where did you get this; where did you get this?”, and the little boy, he is cowering, and he says, “Tell me, where did you get this?”, and the boy looked boldly and said, “From you daddy, I saw you do it”, and they said, words to the effect, “If you do drugs, your children would do drugs”. That advertisement was so instructive, because this is what happens. Some of our parents do drugs in the presence of their children, so what do you expect them to do? You are nurturing them into a life of criminal activity by doing that.

Madam Vice-President, we looked as well at clause 38, and it has to do with it being mandatory for a constable to:

- “(i) issue a warning to the child or person;
- (ii) obtain the name of and address of the child or person; and
- (iii) immediately notify the”—Children’s Authority—”who shall contact the parents of the child forthwith on receiving the information.”

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We are talking about drinking alcohol, and other things; we are talking about collective responsibility. But you know, some of our parents themselves do not accept that collective responsibility. You find there are instances in school; deviant young man, misbehaves, disrupts the class, you send for his parent, the parent does not come. So, the principal sends the child home for a week, that child goes on the block, the parent still does not come, and we wonder what kind of care that parent has for that child. Because here it is, you are sending your child to school to learn, the child is not learning, you are sent for, and you do not come; clearly demonstrates the lack of interest of that parent in that child.

There are instances as well where, because of relationships, you would find that a mother has a relationship with the stepfather, the stepfather and the son from a previous relationship do not get along, so the young boy gets an ultimatum, leave, and so he ends up being a street child. And I mean we have read about street children more in Brazil, but it happens here.

3.15 p.m.

Madam Vice-President, if we interact with some of the homes—and we need to recognize some of these homes that take care of some of these youngsters and take them off the street, like Rainbow Rescue—and the good work they have been doing, because without homes like that we would have more of these youngsters roaming the streets as street children, and we would recognize that not only are they at risk out there, but you are breeding youngsters into a life of crime because they “got” to survive. How they survive is by getting involved in criminal activities because adults out there now use them not only to commit crimes for them, but nurture them into that life of crime that most of them are unable to withdraw from at a later date.

We probably need to establish a database for these so-called criminals, these paedophiles, because we end up in situations—for instance, let us take the repatriation from the United States. We have Trinidadians being repatriated here, we do not know for a fact, some of them may be even involved in criminal activity, in pornography, in sexual activity and we do not know that. We need to be wary of things like that and ensure that when these people come here we know who they are so that we can ensure that we put them in a certain category, and once that is done; at least, we are well on the way to identifying people of that ilk.

Madam Vice-President, over the past few years in Trinidad and Tobago, we have had too many crimes against our young people, and I would just go from the year 2007. Murders: the year 2007, 25; 2008, 41; 2009, 48; 2010, 35; 2011, 22.

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Indecent assault: 2007, 96; 2008, 96; 2009, 102; 2010, 113; 2011, 99; and overall serious crimes: 2007, 1,342; 2008, 1,163; 2009, 1,325; 2010, 1,262; 2011, 1,161; and that is 1,161 too many.

We turn briefly to clause 47: control of children placed in the care of another person. We have had experiences with our day-care centres and of the kinds of abuse that attend some of those locations. Some of our children are neglected; they are not fed; sometimes we see parents taking care of themselves and not taking care of their children, which is sad. And while we look at areas of suppression to ensure that our law enforcement takes care of that aspect of criminality, we need to look, as well, at efforts geared towards ensuring that our children are nurtured in the manner in which we feel that they ought to. And I say here, every child in Trinidad and Tobago is a child of the parents and the adults of Trinidad and Tobago. They are all our children and we must take care of them.

We look at some programmes in the Ministry of National Security—our mentorship programme—and it is amazing that there were some pre-camps that we had to gear our youngsters or to prepare our youngsters for mentorship programmes. There were programmes in the east, central, south and in Tobago. It is amazing after that two-week camp the transformation of those children, all because of the care and attention that they got.

We are saying to parents out there, that is all you need to do: love your children, take care of your children, give them that kind of attention and then you would marvel at what they bring home to you. One of the camps was a girls' camp and what was instructive was the fact that when those young ladies opened up to their instructors, you found out their predicament—because they were selected as those who were deviant and so on—you found out that the parents were more deviant than the children because of the experiences they would have had and that caused them to be in the state they were requiring that mentorship.

You nurture your children, you cause them to be more assertive and be able to speak out so that when things like these happen they are able to come and tell their parents the situation is, a, b, c and those parents are supposed to understand and take care of their children.

It leads me—as I said earlier on, we were speaking about, in most instances, the mothers—to the absentee fathers, and I have made the point before; I have been to locations, outreach programmes, and I am speaking to parents, and in the

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audience of probably 100, there were about 10 fathers, and I asked “Where are your colleagues? Where are the fathers? Because the mothers are there but the fathers are not there. We need to bring our fathers back to our sons and our sons back to our fathers, because the absence of—I always say family is everything and that absentee father, somewhere down the road would realize that, I have not taken care of my son the way I ought to and this is why he is in prison.”

Madam Vice-President, a few weeks ago there was a situation where a father and two sons were arrested; the father was the driver of the getaway car. Now, I mean, if you are a parent and you are nurturing your sons into a life of crime and you are the person driving the getaway car, I mean, how far can we go in situations like that? We want to ensure that our fathers come back to our sons, guide them and nurture them. And I want to put in a plug here for my Father’s Fair on June 16. Last year I said fathers bring your sons and come and then mothers were—then I said, mothers too. So, I am saying, parents bring your sons and come to that Savannah on June 16, the day before Father’s Day so that we can bond with our sons, bond with our children. [*Desk thumping*]

I hasten to add, mothers and daughters as well, because I do not want to be ridiculed, to be called a chauvinist and sexist—well, they would not call me sexist, they will call me chauvinist—[*Interruption*—all that. We also have the “Making Life Important Programme” where we have gone into the Beetham with the Excel Primary School there and we are looking at our children with respect to homework classes on afternoons and things like that, all in an effort to nurture our youngsters.

I spoke of the situation where the Ministry of National Security donated some musical instruments to some youngsters there and it is amazing how—I look at sport and culture in the realm of music and dance and how it inculcates discipline in our young people. They want to do well. When they hear themselves playing music and it is sounding the way it sounds, it gives them that impetus to press on. I have made the point already: what motivates a young man or a young woman to stay up in the wee hours of the morning, until two/three, for a period of about two months for eight minutes of glory Carnival Saturday night on the stage?

I spoke about the study that was done at UWI some years ago. If we were to capture that motivation and to put it into our daily work in Trinidad and Tobago, no nation in the world could be better than ours. But we still have to find the secret of those steel bandmen, who; young people, who stay up all hours in the wee hours of the morning for those eight minutes of glory.

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We have the other situation where—and this is why we have gone to this homework classes initiative, because we have instances where the child goes home with the homework and the parent is not in a position to help that child so that child goes to school the following morning and disrupts the class because the child has not done the homework. You would find that if there are instances where those same parents, some of those who would not come when you ask them to come to the school, if those parents were to come and they realize, okay, they need some help themselves, that help is forthcoming. But they do not do that! They do not support their children, and, as such, we end up in a situation where those children now become deviant and those same parents say, “We cyar handle them.” They go to court and say, “We cyar handle them. Take them away. We doh want the responsibilities.”

So, Madam Vice-President, one of the other areas that we are looking at with our Citizen’s Security Programme—of course, you are aware we are into 22 high-needs areas. One of the areas we are looking at is merging the CSP operations with the Mediation Board, because in a number of those areas we have petty—[*Interruption*]

Hon. Senator: What is the name of the programme?

Sen. The Hon. Brig. J. Sandy: Citizen’s Security Programme—so that little disputes, like, someone has a tree and the leaves are falling over in your yard and there is a dispute and they want to kill each other. We are saying that if we can get the Mediation Board—and they have agreed—to train respected people in those communities, they, themselves would form mediation committees so that little disputes like that can be well taken care of. And in the final analysis the real plan is to get all those mediation committees together so that we can get away from this issue of this one cannot leave this community and go into that one and so on. So, we are hoping that that would work and, of course, help our children as well.

Madam Vice-President, we are looking also to working with NGOs—and there are a number of NGOs out there working with children at different levels to ensure that our youngsters get the kind of nurturing, the kind of training, and we are having fantastic results as we go along. There are a number of success stories. Even with our mentoring programme, we are asking some of those people who have come out of those challenged areas—success stories—to come forward, particularly our males, to come forward as mentors to assist our youngsters.

If someone says, I have come from Ellerslie and I have come to tell you—what you coming to tell me? You grow up in Ellerslie, you cannot come to tell me anything. But if I were to say, “I am from Nelson Street, I grow up here in this area and I know what

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you are experiencing here now, I experienced it too”; they would listen to you, and you would nurture them and you do not talk down to them. You sit on the step with them like I would do and you talk with these youngsters; it is amazing some of the stories you get and the ambitions that these youngsters have.

Here is where our community policing comes to the fore. We are talking about the police with their motto: “To protect and serve with PRIDE.” We must partner with communities to ensure that when we serve we do not serve only to arrest people, we serve as well to nurture and to build communities. Once that notion is accepted and once we can get our police officers to partner with communities, I think we are well on the way to solving our criminality in Trinidad and Tobago.

3.30 p.m.

This is one of the areas that we are pursuing to ensure that not only our police officers partner with members of the community, our citizens, but also to ensure that from a national perspective we understand that crime cannot be solved by the police alone. We need the citizens and they must understand that.

Our children are delicate, they are precious to us. We must ensure that we take care of them, especially after any traumatic experience. You would find that our psychologists will tell us that this is something that would stay with our children for life. We need to ensure that we nurture them and take care of them and do not make rash decisions and say, okay because you have experienced that, you feel you can use—but then we must remember that the experience that they would have gone through is one for a lifetime that would tarnish their thinking and their behaviour as they go along. It is lifetime effects we are talking about.

Some of our youngsters would have witnessed their parents being killed or a relative being killed. These youngsters need to be nurtured. We know of a situation where a youngster saw his entire family killed, about a decade or so ago, and we know where he has ended up. I believe if he had been given the proper care and attention he would not have been in the situation where he is today.

Madam Vice-President, in supporting my colleague in this Bill, and I am happy to know that we have the support from my colleagues on the other side, I want to leave a few words, and we are reminded by someone very dear to most of us in this august Chamber who said about 2,000 years ago and I quote: “Suffer the little children to come unto me, and forbid them not: for such is the kingdom of heaven.”

Madam Vice-President, I thank you.

Sen. Penelope Beckles: Thank you very much, Madam Vice-President, and I join this debate on this Children Bill, 2012, a Bill that seeks to repeal and replace the Children Act, Chap. 46:01.

Madam Vice-President, I must confess that this has been one of the more difficult pieces of legislation for me to address. Those of us who read the Bill would realize that one of the biggest challenges we face is the references to all the multiplicity of pieces of legislation and it is really—whilst I really looked forward to debating this Bill, I must say I have not enjoyed it at all. Certainly as an attorney-at-law, if you have to deal with this piece of legislation in the future, you would really have to walk with what my good friend, Sen. Al-Rawi, provided me with, which is all the other several pieces and the others that I do not have here, if you really want to be able to address this, because it is referring to every other piece of legislation. And I do not have the answer to it, but we really have to find a way, when we are seeking to treat with critical pieces of legislation, to find some way in which it is not this difficult to be able to refer to all these other pieces of legislation. I counted the amount of legislation that this has referred to, and it probably crossed 15 pieces.

Sen. Al-Rawi: [*Inaudible*]

Sen. P. Beckles: Well I am off. My counting was not so good. Madam Vice-President, as my colleague, Sen. Al-Rawi just indicated, this piece of legislation refers to 24 other pieces of legislation. So that once this is assented and proclaimed and you really want—you know sometimes when you go to court and you get caught and the magistrate or the judge asks for assistance you are really caught. That is a challenge that we have to face from time to time. When I looked at some of the definitions and the definitions sent me back to several other pieces of legislation. Of course, I did not have the time to look at them, but that certainly added to the complication and complexity of it. That is one of the things I needed to say upfront.

In order to prepare for this debate I decided to pay a visit to at least three of the institutions that are important, because I am of the view—and I have said it before—that whilst we feel that legislation is the answer to many of our challenges, in truth and in fact, it is important, but there are a number of very little things that we can do without legislation that would really make some of the issues that are affecting us, some of them that have reached crisis proportion that would probably transform and turn around our society. Before I go into some aspects of the legislation, I just want to refer to some of those things which I think are more important, much, much more important than what we are doing today.

The first one I went to actually was the Boys Industrial Home—I visited there today—an institution that is 118 years old, built since 1894. Having visited St. Jude's, St. Dominic's and Boys Industrial, I believe that what I am about to say is absolutely critical, when I say that legislation is not as important as fixing some of the problems that exist in those institutions.

Madam Vice-President, the dormitory for example, in that school burnt last year, January 2011. I recall that more than one Minister visited that institution and promised speedy work on that dormitory that was burnt. Almost 16 months later, nothing has happened as it relates to that dormitory that was burnt. But it means that the institution is still taking in the same number of children. You have a question where you now have to put sometimes the seniors and juniors together. Quite frankly I saw some artifacts there that must be 100 years old—some cupboards that are being used. I actually looked at some of the toilet facilities that the staff and the children have to use. It is really an indictment I think on all of us, and we do not need legislation to improve those facilities. That is my point. We do not need legislation. [*Desk thumping*]

You know you go in there and you see the mattresses that they are on and you see the facilities that the staff, the conditions under which they have to operate, and it is really, really, really, very, very, sad. I know that I do not have—I am preaching to the converted when I speak to the Minister, I know she is aware of this. You were not the Minister 10 years ago. I know that you are recent. The point is, I feel that I need to make these points and I know they are now under your jurisdiction and I hope that the funding that is much needed, because—you know this is a question where I think all Governments and because these institutions are so old, have not really paid the kind of attention that is needed to be paid to them. So I am not apportioning any blame to this Minister or the last one.

I think that when you look at the age of the institutions to a large extent, as a society, I think we have failed almost all these institutions in not assisting them in the way in which they ought to be assisted. Because if we did the cost benefit analysis, and Sen. Bharath might be better versed in being able to talk about that than I am, but if we did the cost benefit analysis and we did the savings that would accrue to the society based on the work that these institutions have been doing over the years, I dare say that it works into millions and millions of dollars.

I did not have time to go to St. Mary's, but certainly I think all the founders of these institutions, St. Michael's, St. Jude's, St. Dominic's, St. Mary's and Rainbow House and many others which I have mentioned—I mean we really need to congratulate, celebrate and say thanks to them for what they have been doing in very, very, very challenging circumstances.

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The hon. Minister of National Security made some very important points that were made before, I cannot remember the section he referred to, but one of the things—I will probably come to that later—has to do with the issue of integrating some of the boys who go to those homes for minor offences with others who go for major offences. It is simply because we have not, as a society, taken it seriously enough to recognize that what we need to do is to actually construct facilities or at least have the institutions so designed so that they are not openly integrating with each other. You may go in a place like that for simply being beyond control and you are there associating with gangs—I mean you know, persons who are young gang members—and within a month or two you are already properly well-schooled. So it is very difficult and the studies that have been done all over the world tell you that the likelihood of children like that returning to those facilities or becoming what we call “hardened criminals” increases by almost 75 per cent when it would not have been likely, maybe, if they were put in different circumstances.

Now, the Bill speaks about counselling, and the truth is that when we talk to the institutions which have to deal with counselling, the counselling has to be paid for by the institutions, it is not paid for by the State. So it means that whatever it costs—and I think it is Part XV which deals with counselling:

“Where a person is convicted of an offence under Parts II to VIII, the Court may, in addition to any other penalties for the offence, make an order for the convicted person to be referred for counselling or any other rehabilitative intervention or treatment.”

Now, who pays for that counselling? As far as I know from talking to all the institutions, none of those institutions have resident counsellors, they do not have psychologists, they do not have psychiatrists. As a matter of fact, the majority of persons who are employed by those institutions do not have the skills to be able to deal with the complexity of offences and the challenges that those institutions face.

3.45 p.m.

So that is a matter that needs to be dealt with. For example, St. Jude’s has no welfare officers; St. Michael’s has welfare officers: one on contract and one other person, and the other staff members basically have the same requirements in terms of entrance requirements that they had when the school was opened, as I said, 100-plus years ago. But the fact that we recognize that the modern crimes are really, really, very complex—the Minister of National Security just referred to—was it a 10-year-old, who was given marijuana by his mother to smoke because he had a toothache? But you have

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children going into these institutions who have already been actively involved in selling marijuana. In that case it was a question where the person had a toothache. But what about the situations where you are selling drugs at eight and nine, either because an adult gave you that or you actually already understand the system? And they are going to integrate with children who know nothing about drugs, and that is the reality we have to face.

I am saying that dealing with the problems at these institutions has just reached crisis proportions and we need a total overhaul of the system if we are to save our children. I have a serious concern—and I have said it before—that the policy seems to be, in bringing a number of pieces of legislations, very punitive. I mean, we seem to be celebrating the fact that a lot of the offences that are committed, we now—I mean, five years, 10 years, \$50,000 and whatever, and the truth is that every single institution that we have at present that deals with children is overcrowded. Every one is overcrowded.

So that I think we need to recognize that the society is crying out for us to deal with criminals and to the deal with people who are making all our lives miserable. The fact that you are driving, you cannot put down your glass; you are at home, you need to be secured; we are spending so much money on security for our homes. So I think we recognize that it is important for us to put in place the kind of measures to send signals to people at all levels, that the Government is serious; the Opposition, that we are generally serious, but we also need to have that balance by understanding the complexities and the challenges that some children face at home that are causing them to become active in criminal life and other things.

The hon. Minister spoke about the guy who had seen all his family being killed. Madam Vice-President, there are children in the homes who have witnessed murders and who end up there and, I mean, the level of continuous counselling that they need is going to challenge, certainly the Ministry of Finance—the resources. But the truth is that if we simply judge them and we do not understand that their activities are not necessarily of their own making, then they are going to be out in the public, out in the society, and we then feel the crunch. So I am really saying that it requires a sort of urgent attention for us to do some balance as we pass the legislation, to also look at what are some of the things; the support services that we need to put in place.

Just something, for example, as simple as water, they have water issues all the time. When you have boys—well, boys or girls, it does not matter; even when we think of ourselves, when you do not have water for days. I do not know what the problem is. I am sure if they probably write the hon. Minister of Public Utilities—I do not know if they have called him—I am sure that he would be willing to help in that kind of scenario, so I will just raise it for his attention.

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In the case of St. Dominic's, you have, again, a situation where you have both boys and girls. I wonder to myself what happens in situations where you have children under three, who really caters for them, because in almost all instances all the homes are dealing with children above three and, therefore, we are looking at mainly NGOs to be able to support them.

Again, in the case of St. Dominic's, in nine years they will celebrate being around for 150 years. Those are the kinds of years we are talking about that these institutions have been around. So, Madam Vice-President, it is a situation where we really have not invested, within recent times—I mean we celebrate 50 years, and within recent times we have not really invested much money into looking after children, and looking after some of these issues that we face. We have left it up to institutions that have been around for a long time, and I think that is to their credit in the sense that they, clearly, would be—I do not want to say, experts, but there would be a kind of dedication and commitment by these institutions which we do not always give them credit for.

Therefore, I will come to the section that deals with—and the Minister mentioned a while ago about children going to institutions, whether it be at primary level or whether when they are much older being sent there, and we know that over the last—I think it might have been two years ago there was an investigation—was it either into St. Mary's or into St. Jude's?—and there is a report, I know, lying somewhere around about investigation into abuses at homes. The Minister talked about some instances where they are not fed, and what have you.

The other side of that is whether these homes are funded enough to be able to deal with the challenges that they face. There are so many homes where—and I can talk from personal experience—the court is completed and there are children to be taken to homes and they just tell you they do not have any room. They have no room. And the Minister mentioned Rainbow Rescue; you have Christ Child; you have the Credo Foundation; you have Bridge of Hope; you have Casa de Corazon, and you have other places that the court has to call and beg and say, “Would you keep two or three or four or five of them?” That is the reality, because the homes that are designated, by law, to keep these children simply say, when the police appears, “We have no more room.”

That is why I make the point again that we do not need legislation to recognize that we have a serious issue of overcrowding at almost all our institutions [*Desk thumping*] that cry out for us to treat with, as a matter of urgency. Several persons who spoke before me, talked about the NGOs and the contribution by the NGOs. We understand very well that insofar as the NGOs are concerned, that we talk about accountability, and that is very, very important, but we also recognize that there are some of them that are

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much better organized than others and really need the support if they are able to move forward. Some of them just tell you that they just would like to give up, but in truth and in fact they just keep going and going.

I went to St. Jude's, and St. Jude's has been around since 1890—122 years. They are located, of course, in the heart of Port of Spain; just at the foothills of Laventille where—I mean, they have a lot of challenges. What is interesting about that facility is that you can have girls who go there simply to come off the streets; you have those who go simply for protection, but you have those who go there because they are part of gangs and prostitution.

Again, we come back to the same issue where they are all mixed together, everybody is integrating with each other and, therefore, you still have the challenge of how do you treat with a situation where you actually go in there for protection and you end up being bullied or you end up mixing with gangs. Because we all understand peer pressure, and in almost all the institutions there is a situation where you have one supervisor to 30 children, sometimes more. You are talking about teenagers. I mean, some of us here as parents or grandparents, cannot even deal with one child, much more 30. Some of them go in there simply for a situation being beyond control. Simply, some parents send them there with the hope that an experience there would change them and then they regret it for life.

The truth is that, I mean, a lot of the nuns and all the other persons working in all the institutions that I referred to, who have been dedicated over the years, again we come back to the point where they simply do not have the skills. As a matter of fact, Madam Vice-President, I was told that sometimes when the police visit those institutions because of the fact that you may have some disturbance and riot, when they reach to the institutions the police decide that they “fraid” to handle the children, and they do not want to get involved, and they think that the people from the schools are the only ones to deal with it. That is how difficult it can be sometimes.

This legislation has covered a multiplicity of areas and it is going to make it a lot easier for us to streamline some of the issues that we have had, and address some of the problems that have been existing for a long time, again, mainly on the punitive side, but as it relates to the issue of the support services and what is needed for these pieces of legislation to really be effective, I am saying, Madam Vice-President, it requires as much urgent attention.

Now there are some general issues that I want to address, and the legislation talks about quite a few of those issues, but the reality is that as we speak right now, there are girls who are 12 and 13 who are at the women's prison. They are at the women's prison

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because they have committed certain offences and that is where they send them, and that is a fact. There is not an equivalent YTC for girls, and the truth is that when you send those girls to the female prison, what exactly are we to expect?

There are no facilities for them when they are convicted between the ages of 16 and 18, so they go to the female prison. The bottom line is that, again, it comes right back to the fact that over the years, I think we have really—our system has failed them. I mean, we just say, “Well, there is somewhere for them to go”.

Sen. St. Rose Greaves: We have failed them, not the system. We have failed them.

Sen. P. Beckles: Well, we cannot separate ourselves from the system. We implement the systems. So if we want to say “we”; the system. [*Interruption*] I think a while ago I said that we, as a society—[*Interruption*]

Sen. St. Rose Greaves: We have failed them. We have failed our children.

Sen. P. Beckles: Well, Minister, you would have your say, I am sure, but I think earlier I did say, if you recall correctly, that “we”; I said all of us; all governments. All right? And as governments and as people we put systems in place. Okay? So if we want to say “we”, we say “we” and the systems, because the legislation—we could even say the legislation has failed as well. All right?

So, the reason, Madam Vice-President, as I said, I am bringing these issues to the forefront is that we can pass as much legislation as we want, if some of these issues I am raising are not addressed, it is not going to help us. When we go through this piece of legislation here and we talk about the role, for example, of probation officers, we have had the same number of probation officers, probably for the last 50 years.

4.00 p.m.

Under clause 62 we talk about the court being empowered to make additional orders under the Probation of Offenders Act, Chap. 13:51. There are several clauses that refer to the role and function of probation officers.

If we take, for example, a probation officer who is responsible for the eastern district from Matelot to Valencia to Biche to Cumuto and you think that one person has the responsibility to deal with all of those areas, it could be very challenging. For that area you then have to come to Port of Spain because depending on where the family lives you are attached to the jurisdiction where the court lives. So, we really need, again, to revisit the number of probation officers that we have, the number of mediation officers and the number of welfare officers that are so very important, if this system is to take place.

Madam Vice-President, I had the opportunity today—well, in my normal course of things in going to court—the Family Court, I think it is so very, very important for us to treat with this issue of offences relating to children and adults. In the United States when there are offences relating to children, they are dealt with more or less by one court. So you do not have the offences being separate, and that is something that we probably would want to address, because it means that you can easily bring all the parties together.

Now, Madam Vice-President, I do not know if you have had the opportunity to visit the Family Court in Port of Spain or if most of my colleagues have had the opportunity to visit. I honestly believe that the environment in which you place offenders—whether they are offenders or whether they be non-offenders—can to a large extent cause transformation of a person. When you go to the Family Court, for example, there are facilities where, when the children are taken to court and they are waiting—it is called a youth training room or youth waiting room—there are computers so they sit there and they can use the computers and it is in a very, very modern environment. There is also a facility for children. So if a mother goes to court, for example, if she does not have anyone to look after her children there are trained officers there who will look after the babies or look after the young children until her matter is completed.

Now, that is actually the only place in Trinidad and Tobago where you have that facility. It has been a pilot project, going on maybe for the last eight years or so. I think we need to move it from the stage of it being a pilot project and we must confirm it as a matter of policy and a matter of practice. The implementation of the Family Court, the passage of that Bill is absolutely necessary. I really want to recommend it.

It is the matter that I have spoken about a long time ago. I think the extension of the Family Court to Chaguanas, San Fernando, Arima, at least in the first instance, and then other places, is something that requires urgent attention and again it does not require legislation to do that. When the Family Court project was piloted in 2004, it was a decision that was taken by the Government of the day. I urge this Government to extend that project to other areas. It is a very, very successful project and I certainly compliment the judges, magistrates and all the staff there. [*Desk thumping*] If you are an offender, a parent or a citizen entering there, you really will feel much different.

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Now, when we think of the rural communities, whether it is Mayaro; Point Fortin; Princes Town; Arima or Sangre Grande where you have to take juveniles, they do not have any access to that kind of system. As a matter of fact, they are there integrating in some instances with some of the other persons who have to go to court.

Last week, when I was in Tunapuna, I had to literally congratulate an MTS guard who was holding a baby, probably about eight months old, while the mother was in court. The truth is, thank God with all the negativity that we talk about in our country, you still have people who will do something like that. So we are not all failing in terms of our duties and responsibilities. It is not all of us, who do not understand—we have a heart. There are a lot of people who have a heart and people who understand. But some of us do not seem to have any.

So there was the security guard, she is there as a security officer and she took the baby and looked after the baby until the mother came from the court. Nobody is paying her for that. So, I think it is important for us as a society to recognize that there are a number of people who have gone over and above the call of duty for us to have a better day, for a number of our children. They have never been paid for it, they do not want to be paid for it and they would continue to be committed. There are a number of churches and NGOs, which are unsung heroes, which we do not celebrate, we do not encourage, and which have gone the extra mile to make a better life for children and for parents. [*Desk thumping*]

Therefore, I do not ever want to be part of condemning and saying that as a society we have totally failed our children. There are many people who would open a door still when they see children or when they see parents or when they see mothers, would still welcome them in and hope that they would do better there. There are many young people today who have attained and who have been successful at school, at university, because somebody adopted them. They did not have parents; somebody took them from an orphanage. Somebody gave them a better life.

We must agree that in some instances things have changed. Sometimes they have changed because of experiences that people have had. Where some of them have decided, “You see me, I really not helping anybody.” But we cannot give up. We cannot. We have a responsibility, those of us as legislators, those of us as parents, grandparents and others, to continue to do our part so that we can make a difference.

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Madam Vice-President, there are a couple parts of the legislation that I want to refer to specifically. Clause 51:

“Where a person ... appears to be under the age of eighteen years is apprehended... without a warrant, and cannot be brought forthwith before a Court, the officer in charge of the Police Station to which such person is brought shall enquire into the case...”

That is one of the pieces I referred to in terms of the whole issue of where the person goes. It goes back to, it says at the end:

“release such person on bail in accordance with the Bail Act, subject to a duty to appear before a Magistrate at such time and place as the officer appoints and shall bring the child to the attention of the Authority.”

I just feel that there are some sections in this Bill that require some serious education and training of some of those who would be responsible for implementing the legislation.

Madam Vice-President, there is a section, Prevention Of Cruelty to Children and if you would just allow me to read it because of the concern that I have, it says:

4. (1) “Where a person has responsibility for a child and the person-
 - (a) wilfully assaults ill-treats...
 - (b) is in bed or in any other place of rest with an infant under the age of three years, and that infant dies as a result of suffocation whilst in bed or in any other place of rest with that person, and it is proved...the person commits the offence of cruelty to a child.”
- (2) A person who commits an offence under subsection (1) is liable—
 - (a) on summary conviction, to a fine of five thousand dollars and to imprisonment for six years; or
 - (b) on conviction on indictment, to a fine of fifty thousand dollars and to imprisonment for ten years.”

It is called the offence of cruelty.

Now, I am just wondering what was the thinking behind this particular piece of legislation, because it appears that a person could easily get away—what is the line here between the whole thing about suffocation and murder? Now, it is a very, very thin line, when we remember the case of *R vs Cunningham*, about the issue of

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recklessness and negligence. I just wanted to know what was the thinking here because to me there is existing legislation that treats with this and it certainly sort of reduces the liability in a way when you say that suffocation, where the child dies as a result of suffocation under the age of three, that that is cruelty and maybe not even manslaughter or murder. [*Interruption*]

The point is that it is a matter that needs addressing because what it will mean is that you may tie the hands of the police in relation to exercising other options other than including murder and or manslaughter.

The other clause, I would like to raise is the clause raised by, I think it was Sen. Dr. Balgobin, about the issue of giving a child a dangerous drug and using of a child to sell, buy or deliver a dangerous drug. It may be that there is some explanation for it. But again, you are actually giving somebody in advance a sort of defence, because you would have to establish, of course, the difference between whether the person gave the child or whether they use the child to buy or deliver the drugs. I am not sure what exactly they are trying to cure there, but that is something they should look at.

I wanted to join with others who complimented those framers of the legislation about putting greater responsibility on parents. One of the things that I am not sure that is in the Bill, although, I think it might be in the Family Law (Guardianship of Minors, Domicile and Maintenance) Act is the issue of parents maintaining children while they are at institutions. [*Interruption*]

4.15 p.m.

Well, I do not know if it is clear because, it would be interesting to find out if any institution ever filed any action, any application, before any court for parents to pay maintenance for children who are there. Now, I do not know, but, to me, in reading that Act, it does not sound as easy as it should be, so maybe people are not aware that there is some section where you can apply for maintenance.

Now, I say that because of the ease with which some parents take their children to the courts for them to be declared beyond control. I mean, if you have the opportunity to sit in court, and hear some parents simply come and say, "Well, he not listening or she not listening or she is cursing or she is running away."; Madam Vice-President, some children run away because they are being sexually abused. Some children run away because they are being physically abused, and some parents do not take the time to find out what is really the issue. But there are others, as people would have said, for Carnival and other times, they simply go and drop their children in the hospital, or some parents actually drop their children to these homes, and abandon them. It is those kinds of persons that I know the Act is treating with for some of these issues.

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But, I am saying that if it is not clear, and somehow, in my mind, I think it needs a little tweaking, that part of the Act, because it is not mentioned here, that parents ought to be told that these institutions ought to be able to apply for maintenance from the parents. Because, what you have here is, again, the punitive side of it—[*Interruption*]

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: Thank you kindly. So, it may be that when some of those parents realize that they have to pay maintenance to the homes, they would not run quickly to the court and claim that their children are beyond control.

Madam Vice-President, I earlier said that I would refer to this clause 59 which says:

“Notwithstanding any other written law, in determining the sentence of any child who has been convicted of any offence, the Court may—

(a) request an investigation and report by—

- (i) a probation officer...
- (ii) child psychologist...
- (iii) a Children’s Home, or
- (iv) the Authority,

and take the report into account;”

Now, again, those of us who have had the experience of waiting for probation officers’ reports from the probation officers—I am not blaming them, I am saying that we have had the same number of officers—would know that it could take, sometimes, before the court: six months, eight months, nine months, one year, because of the number of cases for which the magistrate is asking for probation officers’ reports before decisions are made. These officers operate both in the High Court and Magistrates’ Court. They talk, again, about the request of an investigation and report by a child psychologist. And, again, my question is: who is paying the child psychologist?

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Now, we have talked about community residences and we have talked about rehabilitation centres, and what have you, and they all refer to the Children's Community Residences, Foster Homes and Nurseries Act, 2000. And, of course, this legislation could be assented to but will not be able to be proclaimed, simply because of the fact that the Children's Community Residences, Foster Homes and Nurseries Act would also have to be assented to at some point in time because of the whole issue of implementation. So one can only hope that those are matters that are being addressed as soon as possible.

Clause 83 talks about the whole issue of escaping. Again, I just cannot help talking about the fact that the focus of the legislation is so much about being punitive, and it is so penal, and there is not sufficient about issues of mediation, even though it talks about the fact of counselling, but it is not in all cases. But everything seems to be that you have a fine; every offence is all about a fine. You know, the philosophy behind the Act, insofar as where I sit, it is all a question, in my humble view, of not paying sufficient attention to the whole issue of the social consequences, and the influences that have caused a lot of these offences for which children, and even their parents, are associated.

Madam Vice-President, clause 88 deals with the children's attorneys and it says:

- “(1) There shall be appointed by the Judicial and Legal Service Commission, an appropriate number of attorneys-at-law to be called ‘Children’s Attorneys’ including one attorney-at-law who shall be appointed as the Senior Children’s Attorney.
- (2) The office of Children’s Attorney shall be a legal office under Part I of the...Schedule of the Judicial and Legal Service Act.
- (3) The Senior Children’s Attorney shall possess not less than seven years experience as an attorney-at-law, knowledge of family law and the appropriate training with respect to matters relating to children.
- (5) In any court...the Court may request that the Solicitor General assign a Children’s Attorney to represent and safeguard the interest of a child and perform such other functions as the Court may think necessary.”

Now, I suspect and when you look at (5), they talk again about the Legal Aid and Advice Act. In practical terms, I really hope that because of how the system works, and because of how the juveniles are normally brought to court, that this is

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a matter, if it is really to work in the way in which it is intended, would need a little more discussions and consultations to be held between attorneys and probably the magistrates, the justices of the peace and the court system. Now, whilst they talk about the children's attorneys, I hope that—one of the things that we do not have in our country, for example, is a children's ombudsman which, at some later stage, when we are dealing with some other pieces of legislation, we can treat with it.

Madam Vice-President, there are just two more areas that I would like to deal with, and that is, the length of time that the juveniles—the time frame that they come to court. Now, as far as I know, I think you have a maximum time of 21 days. Whilst they are normally brought separately, you find that many courts, because they are children, you find that once there is probably some parent or grandparent or some other person who looks after them, the court tends to put them in the custody of those persons. So, you do not find that many of them are coming to court and they have absolutely nobody to look after them, but there are a number of them who really have been abandoned, and it is not an easy situation. I think those are the ones, more than anybody else, who would probably require some assistance from attorneys. And, let us hope that the length of time that it takes, when they apply, either for legal aid or for assistance here, that it is not going to take very long.

Madam Vice-President, I looked at the issue of bullying that has become very prevalent now. I would just like to say that I did some research, and I saw that in the United States, how they have sought to deal with it is that the Department of Education simply issued some guidance to the various schools. Now, because most schools in the United States are funded, they can take a decision, for example, that if you fail to implement a directive, then you do not get the funding. Of course, I do not know that that is something that we would probably want to implement, but that is how they have treated with it.

A very interesting situation is where the US Justice Department intervened in January in a case of a New York teen who was bullied and physically hurt for being effeminate. The justice department lawyers argued that the federal law against gender-based discrimination also applies to a gender expression. There was an out-of-court settlement where the school actually had to pay the boy's \$50,000 in legal fees. So, it has reached a situation where it is actually so serious now that the schools are finding themselves in problems where they are being sued, where you find that children are being hurt or injured in the school.

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There is one last clause that I wanted to deal with, and I am not finding the number right now, but it has to do with deciding when employment of children—let me see if I can find it. Okay, yes, it is Part XIV. I just wondered why it was that this clause is so framed. Clause 105 says:

“Subject to section 106, a child under the age of sixteen...shall not be employed or work in any public or private undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed; and any person who employs any such child, commits an offence.”

Madam Vice-President, again, if we go back to the family, domicile and maintenance Act, and we talk, now, about common-law unions, we talk about cohabitation, to me, I think this is a section that clearly discriminates simply because of what is said in the section, and it really is, in a sense, while it is legitimate if you are a member of the family, if you go back to the section and they define “family”, under the definition—okay, I am not finding the definition that I want, but in any event, the section is such that it means that it is going to be very restrictive. If you are a member of a family, you are definitely falling under the category of being able to be employed, and if you are not under that section, well, you know—I think that is a clear discrimination. I think that that is a matter that must be addressed. Maybe there is some policy that the Government is thinking of in terms of—but, if we look at the way our families are structured, whether it is single families, or how we have grown up, or whether you might have unofficially adopted somebody, I think that section discriminates.

So, Madam Vice-President, I think that I have said as much as I would like. There are a couple other things but they could be dealt with in another section. I join with all the others in giving support to the Bill. I certainly want to take the opportunity to add my congratulations to all the members of staff from all the various Ministries, and all the other Ministers, who have worked on this. I know Glenda Morean had a committee that has been working almost since 2004 to assist in bringing it to where it is today. So I say congratulations and hats off to all those who have contributed to ensuring that this Children Bill is before the Senate today. Thank you. [*Desk thumping*]

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

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you very much, Madam Vice-President. Hon. Members of the Senate it is a very cold evening on a Friday in Port of Spain, Trinidad. Outside is very bleak and we are here on a Friday which is, of course, not something we are accustomed to, we are accustomed to a Tuesday, but all the same we are here to pass one of the most important pieces of law this Parliament would have passed in the last two years. I want to congratulate our colleague, the Minister of Gender, Youth and Child Development, Sen. The Hon. Verna St. Rose Greaves, for bringing this Bill first of all to the Parliament, and for the passion that she brings to her job and to her Ministry. So I congratulate my colleague. [*Desk thumping*]

I wish to start with a quote from a very popular song by the late Whitney Houston; some of you all may have remembered Whitney Houston, and it reads:

“I believe the children are our future

Teach them well and let them lead the way

Show them all the beauty they possess inside”—[*Interruption*]

Sen. Maharaj: Sing it! Sing it!

Sen. The Hon. K. Ramnarine:—”Give them a sense of pride to make it easier

Let the children’s laughter remind us how we used to be”

That is a very—I would not have sung it, I do not have a very good singing voice like some other Senators, but I think it is very important to start off with the reminder that we were all at one point in time children. I want to say that I had a very happy childhood. I grew up in the village of Cumuto in east Trinidad and I was educated in the primary schools in Cunaripo and in Guaico, and then after having a very happy childhood in the primary school system in Trinidad, went on to Hillview College in Tunapuna. Not all of the children in Trinidad and Tobago could say the same thing. While growing up there were children around me who did not have the same experiences. I think the legislation that we have here today is going to speak to those children who are not as fortunate as we may have been, or as fortunate as our children may be.

I know many of the Members here today are parents, I am not a parent, I have three young nephews, the oldest one being four years and others being two years and three years respectively—and they are all boys, of course, nephews, seeing them growing up is a great experience. I am seeing their curiosity, they see me on TV, Madam Vice-President, and they want to know: why is uncle on TV? What is he doing there? And so on.

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As I said the legislation before us today is to protect those children in society who are not as fortunate as we had been. When we look at the whole concept of development, there a very famous Indian economist, his name is Prof. Amartya Sen. I am advised by my colleague Sen. Maharaj, that Sen. Dr. Tewarie's grandson is named Amartya; I do not know if he is named after the famous economist, he would be the son of Nirad Tewarie, Congress of the People's general secretary. I am reminded by Sen. Maharaj.

Prof. Sen., I believe was in Trinidad at some point in time a couple of years ago—as do many famous Nobel Laureates they pass through Trinidad from time to time. He is credited with laying the conceptual framework for what is today the United Nations Human Development Index. And another economist from that side of the world Pakistani economist by the name of Dr. ul Haq is also credited with the development of the United Nations Human Development Index.

According to Prof. Sen:

“Human development, as an approach, is concerned with what I take to be the basic development idea: namely, advancing the richness of human life, rather than the richness of the economy in which human beings live, which is only a part of it.”

In that statement there is a very powerful idea, and ideas are usually very powerful things which live beyond men; ideas are immortal. What Prof. Sen. is saying there is that there has been a shift in consciousness in the world, I think in the last 20 years in particular, where we no longer consider development to be measured by the health of our economy, which is measured by metrics such as Gross National Product and Gross Domestic Product. If that were the case, then Trinidad and Tobago's population would be in a much different state, because there is a disconnect between where this country sits from a GDP perspective, and the welfare of the general population.

When one looks at the rank of Trinidad and Tobago, from a macroeconomic point of view we are ranked pretty high. My calculation, quickly done a few hours ago using the Review of the Economy 2011, indicates that considering current prices, Trinidad and Tobago has a GDP per capita of about US \$17,000 to US \$18,000, which is very high. And as you know we are now considered to be no longer a developing country, we are considered to have graduated out of that.

One of the challenges, of course, is, how does a country translate that into the protection of its citizens, into the services that are required, such as the services that would be provided by a Bill like this? And there is a famous saying, I cannot recall who said it, but it says something like this:

The quality of democracy could only be measured by a country's ability to protect the weak and the vulnerable that live in that society.

And that is what I think is at the core of what Sen. Verna St Rose Greaves has brought to this Parliament today. Madam Vice-President, the Bill before us speaks, in my opinion, to a philosophy of governance, that as I said has been set in place by ideas from people like Amartya Sen, and ideas that go back to the 19th Century which I will talk about, but it speaks to philosophy of governance that places the individual, that places human beings at the centre of development.

The Bill before us deals with the repeal and the replacement of the Children Act, Chap. 46:01, and creates offences that relate to cruelty to children; it provides for the offence of begging; the risk of burning; giving; selling firearms to children, et cetera. In doing my research for this Bill, one of the things that strikes you is the state of children internationally.

In Africa it is no secret that there is an issue related, and as I read that provision about selling or renting firearms to children, we all know of the child soldiers of Africa. Recently a former leader of Liberia, who I understand has a connection to Trinidad and Tobago, as you would recall, Charles Taylor, was very much in the news, with regard to his tenure as the President of Liberia, and the role he played in supporting the war in Sierra Leone next door.

The Bill before us also deals with offence of female genital mutilation, it deals with child prostitution and offences related to dangerous drugs, tobacco and alcohol. I would point out that the Bill before us, in my research again, is a promise that was contained in the manifesto—maybe one of my colleagues might give me the page number of the manifesto of the People's Partnership. It is again another accomplishment of the Government which celebrates two years in office on May 24, 2012. [*Desk thumping*]

[*Sen. Dr. James Armstrong in the Chair*]

Mr. Presiding Officer, as I said, the Government has put people at the centre of national development, and that is reflected in several accomplishments of the Government, most recently the opening of St. Barbara's Primary School in Maloney. It is reflected in the reopening of the Biche High School in Biche east Trinidad, a high school which was deemed unfit by the previous administration for human occupation, and was shut down for 11 years, and today I think that high school has been opened for almost six or seven months, and we have had little or no complaints.

What we are seeing before us here in the form of legislation, in my opinion, is the hallmark of a civilized and enlightened people. When you go back to history and you read the edicts of Ashoka, one of the emperors of India, the grandson of Chandragupta Maurya, Ashoka had a similar level of consciousness for his people at the time: the rights of women, the rights of children and even the rights animals, all parts of the edicts of Ashoka.

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Mr. Presiding Officer, in my research I must go back to history, my friend, Sen. Albert Sydney is also a lover of history. You go back to history and you go back to 19th Century, England, and 19th Century England was a very interesting place, the industrial revolution was beginning to take hold in a very significant way, and you had large factories operating in the UK. Many of those factories were run and operated by children in the United Kingdom, and that led to several people beginning to speak out, because in addition to the emergence of the industrial revolution, you had the emergence of a free press, and you also had very liberal minded individuals like Karl Marx. And Karl Marx himself was living in England during the time of the industrial revolution, and would have seen the abuses to children by business owners, and he wrote about that.

Then too there was Charles Dickens and those of you all who read his works, would know that he too was speaking about the social and human conditions in England with regard to children in the 19th Century, and that is reflected in *Oliver Twist*, it is reflected in *A Christmas Carol* and Dickens himself was a child, and he at age 12 found himself working in factories and so on in London. So that is reflected in that writing.

And it is according to the research, Mr. Presiding Officer, in England and Scotland in the year 1788, this is now the 18th Century, two-thirds of all workers in cotton mills were children. And more recently in the United States in the year 1900, just 112 years ago, it was estimated that there were 1.7 million children under the age of 15 working in industry. According to UNICEF there are currently 250 million children involved in child labour worldwide.

When Sen. Beckles spoke, she referred to the provisions being made in clauses 105 and 106 to deal with the whole issue of children and employment, and we will discuss that a bit more.

Child labour is prevalent in West Africa, I know you have much experience in the African continent, because of your previous job. It is particularly prevalent in the cocoa and coffee industry in West Africa. So, therefore, when you buy your cocoa, your expensive chocolates and so on, spare a thought for the source of the cocoa that is being used to produce that chocolate. Spare a thought for the source of the coffee that you are drinking, it may well involve children working in very, very destitute and difficult conditions akin to slavery in West Africa and other parts of the world. And, of course, we could go into the whole discussion about the use of child labour, basically slave labour in the entire diamond industry in that part of the world, but that is for another time. It is not unique to Africa, it also happens in India and Pakistan.

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So while I think we have challenges here in Trinidad and Tobago, and those challenges are obvious when one reads the newspapers, there are people among us who are unfit to be a part of the society, based on the way they treat children, but it is not unique to us, it is simply something that is a worldwide scourge with regard to how children are treated.

5.15 p.m.

Of course, as I said, it happens all over the world. It happens as far as Liberia, where there was an incident related to the Firestone Tire and Rubber Company. Firestone, as you know, manufactures tyres and it was discovered by an international watchdog group that Firestone was actually using child labour in the manufacture of tyres in that country. Of course, there was a global outcry.

Mr. Presiding Officer, I know we have a very long night ahead of us. I know there are Senators who have a lot they would like to say, but I would like to close my—*[Interruption]*

Hon. Senator: With those few words.

Sen. The Hon. K. Ramnarine: I thought I was giving a rather enlightening contribution. Probably you did not appreciate it.

So, it is the role of governments, according to Jeremy Bentham, Sen. Deyalsingh, to provide the greatest happiness to the greatest number of people. There is another Nobel Laureate, and he, too, has visited Trinidad on more than one occasion. He was here as recently, I believe, as last year. This is Joseph Stiglitz. He was also, for the information of the Chamber, a guest of the Asa Wright Nature Centre in Blanchisseuse. He is a lover of nature and bird watching and so on. Prof. Stiglitz wrote a famous book, *Globalization and Its Discontents*. This came out of his experience as President Clinton's economic advisor. It came out of his experience as the lead economist for the World Bank, and he has been very critical of the policies of some of these international agencies and of the impact of structural adjustment.

What I would say, in closing, is that Prof. Stiglitz has come up with a new concept of measuring what we consider to be progress. He is talking about what we call "gross national happiness", which is a concept, which has its origins in a very small, little-known kingdom in the Himalayas called Bhutan.

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Recently I read in the *New York Times* where the United Nations, as at April this year, has been looking at adopting some of the principles which are practised in Bhutan, a country which has a very low GDP, but its population is reported to be among the happiest people in the world.

With those few words, Mr. Presiding Officer, I support the Bill which is before us today. I think it is a very visionary piece of legislation that has been brought to this Parliament by a Minister who deserves our congratulations for the passion she has brought to her Ministry and the passion she has brought to the Government of Trinidad and Tobago. I am sure that we will all be better off when this piece of legislation is passed because it will be to the benefit of Trinidad and Tobago and its children.

I thank you very much. [*Desk thumping*]

Sen. Shamfa Cudjoe: Thank you very much, Mr. Presiding Officer. It is a pleasure to be able to make another contribution in this Senate. I join my colleagues in congratulating Sen. The Hon. Verna St. Rose Greaves on bringing this Bill to the Senate. [*Desk thumping*] I know it was a lot of hard work in the making. I know since the day she stepped into her office she has been working on this Bill day and night.

I also commend the people who worked in the Ministries and in the different organizations and bodies that came together to give their two cents and to really contribute to making this a reality so that we can be here today to debate this Bill. Hopefully, by the end of the today, by midnight—by eight o'clock?—we will pass this thing and get out of here.

Much has been said about this Bill. This Bill is over 70 clauses long. I wanted to pay specific attention to Part VI, which deals with minors who get involved in sexual activity, and Part VIII, which treats with child pornography.

This touches very, very close to my heart. I am the youngest Senator in this Chamber. I graduated from high school about 14 years ago, so I still see myself as much older than the school community now, but I know that some of the things that were happening when I was in school in the 1990s are still happening now, and worse.

I listened to the comments back and forth in the Lower House and here in the Senate and I recognized that this part of the Bill that speaks to minors having sex is a very difficult thing to iron out. It is a very, very contentious issue, but I commend the effort at least to make an attempt to acknowledge that this is

happening and to try to do something about it. We have to start somewhere and I hope that we can come back, continue to consult with the people who deal with these children each day and try to make this thing better, because I know it is not an easy thing to deal with.

This touches close to my heart as I said. In my days in high school, young people were having sex. I am talking about 14-year-olds, 15-year-olds, 16-year-olds. It was something normal to us. As a matter of fact, in high schools, there were designated “boom-boom rooms”. When I say designated “boom-boom rooms”, I mean rooms where the action went down after school.

At one of my high schools, the “boom-boom rooms” were rooms 52 and 53—that was when I started. It was over in that wing of the school because rooms 52 and 53 were on the top floor of the school, so that you could see when someone was coming and you could hear. By the time security starts coming up the steps, before he gets to the top, you are ready to run away. The most security would do is chase you and tell you to stop. There was no reporting to a guidance counsellor; nothing like that. You were just told to stop.

By my second year of senior secondary, that would have been Fifth Form, we graduated from two “boom-boom” rooms to four. Now the other two “boom-boom” rooms were on the second floor. So from 53 and 52, we are now down to rooms 34 and 31 and, by the time I left school after Sixth Form, we had at least six and a gambling room. Those additional rooms, 26 and 23—do not ask me how I know; I am observant; let me put up my defence early.

The fact that room 26 was on the ground floor and room 23 was on the ground floor—those two rooms became “boom-boom” rooms—it showed me that people were getting brave with it. They stopped caring because on those floors, there was not enough time to start running when you hear footsteps; and the people who were outside on the lawn could see your feet. So, you get the vibes: okay, we do not care anymore.

In the casino room, people were bringing “west coats”. There was music. There were girls in the casino rooms handling the money. In those days, we had Mr. Dalrymple, who used to have our school busy. I should not have named the name. I do not want to name and shame my school. That is another thing. Nobody likes the naming and shaming of their school, but there are things that really need to be talked about.

We can all come here and pretend that these things do not happen in our schools, but the real thing is that they happen; that it is only a matter of getting caught. Some people got caught; some people did not get caught. This kind of behaviour is alive and

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well. If this was so in 1998 through 2000 when I was in senior secondary, I can imagine what is happening now. I have younger brothers, sisters, nieces, nephews, cousins and so on still going to high school. So I am happy that we acknowledged this and we are trying to do something about it.

This brings me to something that I saw lately on Facebook. I have seen a lot on Facebook; I am talking about the last one that I saw. Somebody posted a video recording of school children having sex and, from my understanding, the two boys were fourth formers and the girl a first former.

Hon. Senator: It is alleged.

Sen. S. Cudjoe: It is not alleged; it is a fact. I was taken aback by it because it told me another thing: from my days of people being brave, having sex in classrooms behind closed doors, these people now, these young children, agree to be taped. Somebody had to be holding the phone.

The first time I saw it, it was on the phone of one of my relatives. The second time I saw it, it was on Facebook. I saw this video from two different angles. That means that more than one student was taping with their phone. I have seen other activities like this and you are hearing the teacher in the next room talking.

Hon. Senator: You can be charged watching that after this, you know.

Sen. S. Cudjoe: That is what scares me. You see clause 40:

“(1) Subject to subsection (5), a person who —

(a) makes or permits to be made any child pornography or copy thereof;”

and then it goes on to talk about publishing, distributing, showing any child pornography.

In this day and age with Blackberry Messenger and Bluetooth, young people share these videos from phone to phone. Within the space of a day, the whole school—because cellphones and Blackberrys and so forth in school are a normal thing now. I know that some states in the US have banned Bluetooth because of the same problem—people having sex in schools and fights at schools and sharing the videos. I do not know what control we can have over Bluetooth and Blackberrys in schools and so forth, but it is playing a major role in sharing fights and sexual activities among students.

Another thing is—I am not trying to bash the Government or bang on everybody, but I am calling again that we have some kind of work done so that these students can use their laptops for productive reasons and educational purposes. If it is going to take some time to develop the curriculum, at least have the software implemented so that they cannot access pornography.

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So, you have people trying to become little school superstars by making these videos. This is something that we really, really need to look into. I know of so many schools in Tobago and in Trinidad, too. It is hard to find a school that does not have some student starring in a sex video—very, very difficult. I have seen many and I do not go looking for them. [*Interruption*] No, I am telling you I do not go looking for them, but I have brothers, sisters and young relatives.

I came out of the Tobago Youth Council where we used to counsel young people, so people come up to me and tell me things and show me things and ask what we are doing about this; that kind of thing. I am very, very intimate with young people.

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Young people come to my house and hang out. I am in it; I know what is going on. You could pretty much say that I live on the block. My room is here and when they gather to “lime” outside and chat outside I hear everything; whether or not I want to. We are a very, very curious people. People want to see; probably not for pleasure, but people just want to see. “You have that? Let me see; BB me nah.” That is just the nature of our people.

I remember there was a fight in town; two guys from Trinidad got into some argument and one got on the boat and came to Tobago to try to get away from the other. Later in the evening, the other guy came to Tobago and there was this chopping incident in town and somebody’s finger got chopped off. Later in the day everybody was on Facebook, “You have a picture of the finger? I want to see the finger.” So we are a very, very curious people.

I see clause 40 being a very difficult clause to implement because we are going to find a lot of school children getting caught under this clause. And I do not think that it is right to criminalize school children or put them in jail, or send them to YTC for this kind of thing. We need to have the right facilities, and so forth, guidance counsellors within the schools and people to talk to.

I know for us in Tobago it is a little difficult because the community is so small, and people just cannot keep it quiet. Everybody feels the need to tell somebody. So we need to really have the right people. And I do not know if there is any law related to if somebody who—like a social worker or a guidance counsellor—speaks or says something that they are not supposed to somebody else, like a secrecy oath or something like that to help protect—a breach of confidence oath or something to help protect young people who really want to talk about their issues; incest, rape, being forced to have sex in class, or just feeling—young people who complain about feeling worthless; “I do not feel needed; I do not feel like anybody loves me; and this young man in school said he loves me, so I am ‘gonna’ go with him and we ‘gonna’ fix up.”

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So, these young children need somebody to talk to. During my years in school we used to have religious instructions, but we do not have religious instructions anymore. In addition to religion you would have people from churches and counsellors coming in to talk to you.

I see we have moved far away from religion. We need to have something in the gap. I mean, there is nothing to—in my opinion there is nothing really to replace that bond with God, but in one class everybody would not be of the same religion. So we need something in that gap, to talk to these young people and to treat with their issues.

I just wanted us to revisit, take another look at clause 40 because there are a lot of young people bluetoothing, and texting, BBMing' and facebooking these videos. It is wide on Facebook. Even if you do not want to see it from the time you get in it is in your newsfeed—well, I am a “Facebooker”. [*Crosstalk*]

Hon. Senator: Clearly!

Sen. S. Cudjoe: I know Sen. Deyalsingh said, it is not right, but I cannot imagine my life without social media; it is so much fun. And you get to stay informed about what is going on. I cannot imagine life, really, without it. Not without Facebook, but—I do not know. I really cannot imagine it. I mean, if you find a way to treat with this—there is a website called *www.break.com* where you can go and find sex videos at “Trini” schools and fights from “Trini” schools. You YouTube “Trini school fights” and all these things—[*Crosstalk*]

Sen. Al-Rawi: It is telling you the reality of what is wrong.

Sen. S. Cudjoe:—it is the reality of what is happening. I have also seen a video on YouTube where there are two little children, they are nursery school children, and they are “cussin, cussin, cussin” bad words, and the parent—not even cursing, “cussin”—taped it; and she is laughing—[*Senator laughs*]—”dey cute eh;” on YouTube. It is embarrassing. So many times we get in public domain and we say, “Oh the children so bad” and so forth, but there are many different factors and many different people go in to making our youth what we are today.

So we as a society really need to pull our socks up because we each have a role to play. While I appreciate the legislation and appreciate the Bill, I want to say that child care and child development and youth development cannot be—it is not about the law and you cannot legislate things like morals and values, and how much time a parent is supposed to spend with a child, and so forth. It is a step in the right direction but there is so much more to be done.

Mr. Presiding Officer, I listened to the debate earlier and I heard little hints of political bantering of one of the earlier presenters—not today, on the last day we met—saying, “Well over the last 10—12 years things have been so bad with youth and with

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children” and so forth. Saying that it has been for the last 10—12 years is somewhat unfair, because I know I was in school about 14 years ago, and things used to happen then.

[MADAM VICE-PRESIDENT *in the Chair*]

So we have been going through this downward spiral for a while, and it is not just in Trinidad and Tobago. When you listen to the conversations and the dialogue across the region even in America and in Canada, that claim to be the best, they are all having problems with youth development and with children. I want to just make it clear that we as adults and we as grownups in society, I feel like we have dropped the ball somewhere along the line because little by little, year by year, it got worse. So, we moved from two “boom-boom” rooms, four “boom-boom” rooms, six “boom-boom” rooms, and six “boom-boom” rooms was about 12 years ago. I do not know what is going now. It must be a boom-boom school. [*Crosstalk*]

Sen. Karim: A boom-boom block!

Sen. S. Cudjoe: “Yeah”, it is really, really something else. This is terrible. When I was going to university in Barbados, they were having the same problem in 2006-2007, so we are not alone. It is nothing to feel ashamed of. It is just to make us wake and say, “Hey, we have work to do, and we have to do this thing together.” We cannot politicize it and say, “Oh the PNM brought down the school system”, then somebody says, “Well, the UNC, when they took beating out of school”; it is silly, and we are going to get nowhere with that. So, we really need to pull up our socks and get it going.

Now, the sad thing is, these same children whom we want to disown, these youths that have gotten so out of hand that we want to disown today and say we have to take back our communities from these young people; these young people came out of your home, came out of your school, came out of your church, came out of your little neighbourhood and this is their community too, so I do not really know what we are trying to take back. I think the problem is that some of these young people feel that society has failed them, that adults have failed them; the school system; the church has failed them, and now they want to wage war on society; like this is what you did to me, I have it for you.

So, you find even right in your homes some parents are so close to the children, you are living in the same home, but yet so far away. Many parents do not know that the child that they see around the home is not the same child on Facebook. If you get a chance to get in your child’s Facebook account, you would not believe some of the things you get to see, some of the things you get to, hear

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some of the things you find out about your siblings and your sons and daughters, and so forth. I am a snooper, and when I get the chance to snoop my sibling's stuff I do, because I want to know. And I tell you the child who is in your house is not the child on Facebook.

We have another problem where most people do not know how to communicate with these children. And right now we are competing for the attention of our children. The world that you grew up in, in the 1990s, 1980s, even before that people who were born in the 1940s, 50s, 60s, you all look very young like 1980s or—I do not know. For the people who were not born in the 80s and 90s and so on—*[Interruption]*

Sen. Ramnarine: Do not forget Sen. Ali. *[Laughter]*

Sen. S. Cudjoe: We grew up in a time of BET, a time of MTV.

Sen. Al-Rawi: He knows these things man.

Sen. S. Cudjoe: We grew up in a time of Internet; of YouTube, a time of Twitter and all these different social media and access to Internet. Anything you do not know how to do it is because you do not want to know how to do it because you can get on the Internet and find out. Young people are so possessed with social media and with everything that we get from America, and from these other countries that sell us this nonsense for culture. And we have put our own culture and our own upbringing on the back burner because this TV is in our face; selling us violence and promiscuity, anything, you name it; BET and MTV and all these different—everything that we get from abroad that is not good we get it through some form of media. And the young people feed—we are slaves to the radio, and slaves to what is going on on TV. Puff Daddy brings out a video drinking Ciroc, everybody is buying Ciroc. Somebody else brings out a video of Nuvo and all the girls want Nuvo.

If you want to make some money, follow BET and MTV and what is going on in videos, import it and I am sure you are going to get it sold. I think that we need to wake up and find a way to make our own culture attractive to the young people. *[Desk thumping]*

I like what some of our local artistes are doing, gospel artistes like “Positive”, even what the soca artistes are doing, and some of the love music that they bring through soca; the “I am Soca” songs and what most of the calypsonians and soca artistes doing. *[Crosstalk]* Sen. Baynes singing and dancing! *[Desk thumping]* I am serious, we really need to see these—and bring back that love for what is Trinidad and Tobago; what is Trini. *[Crosstalk]*

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This kind of culture that we get from the TV it preaches something different: “It is no we it is all I, it is all me, me, me.” I have to look good, I have to smell good, I have to look fresh, I have to have swag, I have to be swanky, I have to be “swaggerific”, as they call it. [*Crosstalk and laughter*]

Hon. Senator: “Swaggerific!”

Sen. S. Cudjoe: The music pretty much speaks to my house, my car, my money, my hustle, my grind; “I got to eat; I have to get mine.” We focus on self too much and everything is about me, and it is all based around this—let us say, 50 Cent culture of get rich or die trying; it is about me. [*Crosstalk*]

Hon. Senator: 50 Cent!

Sen. S. Cudjoe: It is not about what I do and the impact that it will have on the community, or how it is going to affect my brother or my sister. I do me, you do you; it is a kind of dog-eat-dog culture. And it is not foreign, because parents would not believe how they contribute to this kind of behaviour. Some people say, that is for Laventille, and that is for Bethel and that is for the poor communities. But even in the more fortunate homes parents would be surprised to see how they contribute to this kind of behaviour. Because there are parents who are not aware, always working and you are not around, so we try to compensate by saying, “Okay, I will take him on a trip to Disney World this summer because I know I was not around”, or we have another thing where parents feel like; “I grew up hard and I do not want my children to go through that; I want them to have everything made”, and we give children money, money, money.

5.45 p.m.

I know of a little “clique” in Tobago where they call themselves “grand spend”, and in every party they try to spend a “grand”. They never worked a day in their lives! These children are spending money, spending money. Some of them on Facebook say that they do not wear an outfit twice. They never worked a day in their lives, and they have the latest Blackberry, iPhones and the latest iPads, you name it. More fortunate parents say, “This would not happen to my child”, but they do not recognize how they are cultivating that kind of behaviour in the children.

I know in Tobago, around town, when you go into some of the stores, they do not sell large and extra-large, and I can tell you, because I am in large and extra-large categories. They sell small and medium. Why are they selling small and

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medium? It is not because they are trying to promote a healthy lifestyle, but it is because big grown people do not have the money. It is the little children who are going in there with the money—small and medium. And they let you know, “We are not catering to you. It is not about you, this is about the people who have the money and you do not have the money.” The little children who never worked a day in their lives have the money, and it just goes on. It is a huge cycle.

Parents do not have time for their children, to bond, to supervise and to observe. I know when I was younger, while we were asleep, my mother would go in our book bags to see if we had anything in there that should not have been there to go to school, but now she is older, she is not doing the same thing with my youngest brother.

Hon. Senator: You do not know. [*Crosstalk*]

Sen. S. Cudjoe: Well, I do not see her. [*Laughter*]

Hon. Senator: Well, you have to do it.

Sen. S. Cudjoe: I do not see her doing that kind of thing anymore. Now, that is another problem, because the older siblings would have benefited from that kind of care when the parents were strong and active and they were able to do that kind of supervision—sit and do the homework—but now they have gotten old, and for the younger ones, the parents do not have the time, the strength or the patience to do that anymore. Unless the bigger brothers and sisters step in and fill that gap, then the younger ones do not get the same kind of care. For the most time the older brothers and sisters; “I am busy doing me”. You know, so the younger ones lose out.

Now, another thing about the culture that we got from the US and from Jamaicans, I remember going to the opening of the Jazz Festival and these artistes, “Leh me see all de independent gyuls, independent women”, and everybody, “Yeah, I am independent”; I do not want to be a part of that. I do not want to be a part of that, and I will tell you why.

Hon. Senator: Tell us.

Sen. S. Cudjoe: Now, do not get me wrong. I respect women and I commend women for the strides that we have made throughout the years [*Desk thumping*] to be able to handle your own and not to be too dependent on a man and so forth. But when we join this whole, “Independent gyul movement”, it is not cool and it is not cute. It gives the men a feeling like, “I do not need you. I could do it all for myself.” I think that we need these men to know that they are very important. They play an

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integral role in our families, in our lives and in our communities. While I support women doing what they have to do—going out there and making their money—please let these men know that we need them, and there is no replacement—no job, no fancy car, my own house and so forth. We need these men. [*Desk thumping*]

So, do not get me wrong when I say, “I do not want to be an independent gyul and I doh put up hand.” I am not putting up my hand to that. I do not support that. I feel that some women have gotten to the point of really emasculating men and belittling men to the point of being simply sperm donors and pleasure givers and that cannot be. [*Laughter*] That is the very truth. “Like, okay, I only need you to have a child and after that you could go your way or I need you for pleasure purposes”; but we need men for more than that. Men play a very integral role in our society.

When you look at the movies—even some of our very own women are taking up the same attitude, talking down to men. They talk down to the man in front of the children, and it promotes disrespect, indeed, and your young son seeing that is like, “Daddy doh have a backbone and he is not needed around here?” So the father feels worthless, and then the son seeing that kind of behaviour would grow up feeling the very same way and go into his next relationship as some women think, “I have my own house, my own car, I pay my own bills, blah, blah, blah.” We need you, we need these men, so do not get carried away. That brings me to the whole problem that Sen. Sandy was talking about, the absentee father.

I want to say that we need more fathers in the home. I think this is one of the major reasons for the kind of downward spiral that we have going on now in the society, because when your father is around there is a feeling of security, there is a feeling of love, and there is a feeling that there is somebody who cares.

I remember I used to look forward to my father coming home every single night, as sure as day was to come, my father was coming home, every single night. You hear when he comes, and he walks around the house and checks all the doors and windows and so forth, and just the fact that when he was alive he did that kind of thing it gave us a sense of security.

Now, some fathers are not lovey-dovey, “Give me a hug, give me a kiss”. He was not that, but just the fact that he walked around the house and made sure everything was all right and asked, how are you doing and so forth, and the fact that he was there every single day, it gave us a sense of comfort. [*Desk thumping and crosstalk*] He could not sleep out, no.

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We have another strange thing in our culture that sometimes parents try to make us think that this thing is normal, that it is normal for a man to have an outside woman or an extramarital relationship, and extramarital relationships result in extra children everywhere, which means somebody's house does not have a father.

I do not blame this just on irresponsible men, I blame this on not-so-right-thinking women who say, "It's okay, we can share." [*Crosstalk*] So, we have to find a way to treat with our different problems with our culture that result in fatherless homes and so on. I think the backbone of this thing starts in our family. We like to get on the platform and say, "The Government is going to do this and the Government is going to do that", but parents need to stand and be responsible in their homes.

When one looks at it a little deeper, our current school system does not do us much justice. Now, we have inherited a school system from the Europeans that teaches you to learn the book, go write an exam and get out, and we are moving away from that—administration after administration, year after year, has been trying to make changes to that so that school is more meaningful for the students.

A problem that I want to pay specific attention to in school is that the young men are not performing as they are supposed to. We are having a serious, serious, problem with the young men not performing as they are supposed to. I am thinking probably they are not required to. In the classroom if the boy falls to the back of the class or last or second to last in test, nobody worries, but when it is a girl, the teacher worries, "What is going on? Maybe she is having problems at home. Maybe she is being molested." But when it is a boy who comes second to last in test, it is like, "Okay, he is playing too much; boys would be boys." We have a very, very, serious problem with that.

Also in the homes boys are not expected to go on to college. They tell you to go to school and then you would learn a trade, and some of the guys are not skilled in that area. So, we need to find a way to culture these young boys from young, and let them know that they are important, they are academically inclined and they can make a contribution academically to the development of their country and so on.

Recently, I had an experience. One of my friends is working with a security company, and for the first time in the history of the company they have taken on at least 80 per cent of female security guards.

Hon. Member: Are they paying them more?

Sen. Al-Rawi: Good question.

Sen. S. Cudjoe: And security is traditionally a male's kind of work. Traditionally, you find mostly men in security. The fact that they had to take on women, the reason was that the men just did not have the qualifications. So, you have youngsters getting out of school without the necessary qualifications and then they find themselves unemployable, and they develop that anger and feel like the school system has failed them, so now they are going to show us something here in society, "Like you are going to make something out of me honey, I go make something outta you." We need to check on that.

I want to examine another area and that is treating with young men in schools. One problem is we do not have enough role models for young men in schools. For the most part, a young child, a teenage goes to school and it is a female teacher. You get in trouble and they send you to a female principal, and then you want to take the query further, you end up seeing a female School Supervisor III, and after that they want to call your parents, and it is a mother who believes in the "Independent gyul story". So, you go to the court, the judge is a female.

I feel like our young men—nothing is wrong with that. Do not forget I said I respect and I commend women for the strides that they have made, but I feel like young men need to see more male role models [*Desk thumping*] to look up to them to say that, "I can be like that too". But you continue throughout your school day and you are only meeting women and they are telling you that you are wrong, "You know, you are wrong for doing this and you are wrong for doing that." You feel worthless. That is only what I can gather from my little brother and the young men that he hangs out with on the block. So we need to find a way to get men more involved in playing the role of mentor.

When I returned home from school, along with some of my friends, I started a group called Pink Diamond Society and it is geared towards mentoring young women [*Desk thumping*], and people asked me to do the same thing for men, but I really do not feel as a woman, I know exactly what to do to show a man how to be a man. I feel only a man can do that. So I extend to my friends, all the men who want to get together in that initiative in mentoring men, I could show them the structure I use for the women, but you can culture it and make whatever changes to suit the men, because only a man could show a man how to be a man.

At the end of the day, we all have to be careful of the signals that we send. Everybody has a part to play. Even we, as politicians, Members of Government, Members of the Opposition and people in public office, the way we conduct ourselves and so on, the young people are watching us; the children are watching us.

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If we want to commit a crime or do something that we know is not right, and we often get in front the media and find an excuse to explain why what was wrong is right, that cannot work, because it is the same thing going on with the young people. What used to be wrong then, they find you an explanation now to tell you why it is right. So we cannot get on our “high horse” and talk down to the young people and say that they are not doing right when we are doing the same thing. It is really being hypocritical. If we are operating in this way as adults, as the people who are supposed to set the example, we cannot expect anything different from our children.

In closing, I just really want to say that we all have a role to play. The social worker has to be trained to do their jobs properly and not to talk, but to really keep the children’s secret or treat with their issues in the most professional manner. Far too often you hear on the street something that you would have told to a social worker who you would have trusted. So, I think that we really need to look into that.

We need to find a way to charge entertainers; charge them to the task take them to the task to sing things that make sense, and to really lead our young people in the right direction. You do not sing something that makes sense, you get no airplay.

6.00 p.m.

I know Barbados tried to do that; maybe we could do some research in that area and see what Barbados is doing. But the kind of things that fly through our airways, even during the day time, curse words on certain stations, all this rap music. I have no problem with rap music, I listen to rap music, but at least make it clean so that the people listening through the airways can hear something clean, and at least can learn something, if there is anything to be learned in some of these songs that are being played lately.

Madam Vice-President, we need to charge teachers to their responsibility. Sometimes we have teachers, for the most part, especially lately—according to Sen. Brig. Sandy, there are teachers and there are teachers. There are people who get into the teaching profession for the money and then there are people who really love teaching. If I were a teacher that really loved teaching, there is no way that the classroom next to my classroom could be having all this activity going on and I do not at least once take a peek to see what is going on next door, “This is my classroom, let me take a peek to see if they have a teacher.”

I know in my days a teacher would come and say, “Okay, your teacher is not here, read this book,” or just consistently check on you every minute. But that teacher did not do that, because in the video you could hear the teacher teaching, going about her business in the class right next door. We need to really take everybody to task.

Another thing, everybody has a role to play, even the pharmacist. In my days in high school, by 15, 16 years of age the average young woman—let us say 16, 17—would have had a home abortion.

Hon. Senators: What!

Sen. S. Cudjoe: I am telling you. For the most—[*Crosstalk*] I am telling you.

Sen. Karim: Average? [*Crosstalk*]

Sen. S. Cudjoe: I am telling you; in Trinidad and Tobago. They would go to the store and there was this pill called Cytotec that the pharmacist—[*Crosstalk*] It is sold over the counter. I think to this day Cytotec is sold over the counter. Young women used this pill and in a matter of, let us say, a day or two, it is out, and then you go on. It is not the morning-after pill. I think it is a pill that they use—[*Interruption*]

Sen. Dyer-Griffith: To bring down your period.

Sen. S. Cudjoe: No, some people tell me it is for acidic stomach and some people say it is to bring your period.

Hon. Senators: No, no, no. [*Crosstalk*]

Sen. S. Cudjoe: What is it for? I do not know what it is for, but I know it is not for the purpose of abortion. It is not for the purpose of abortion. We need to pay attention. Everybody needs to get on board.

So this is not something specifically for the Ministry of Education or the Ministry of Social Development or the Ministry of National Security, we all have to get on board. I think any pharmacist that sells a student, a child, this pill—we need to check our rules and regulations, because that has to be wrong. If it was wrong in the 1990s when I was going to school, it is still wrong now. [*Desk thumping*]

I do not want to say the average young girl would have had an abortion, but I knew enough to say that it was too many.

Sen. Karim: That is better. We accept that.

Sen. S. Cudjoe: I do not want to say the average; I take that back. But I knew enough, within my different circles, to say that this thing was being done and it was not right. If I knew two, that was too many.

Hon. Senators: Well said. [*Desk thumping*]

Sen. S. Cudjoe: Let me correct myself. Media people also, I have corrected myself. So there are these over-the-counter drugs that are being sold to young people that really should not be. I call on parents to be vigilant. [*Interruption*]

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Madam Vice-President: Senators, I know it is hard to believe, but the speaking time of the hon. Senator has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. T. Deyalsingh*]

Question put and agreed to.

Sen. S. Cudjoe: You said "aye", Sen. Baynes? [*Laughter and desk thumping*] Thank you.

I really want to call on parents to be more vigilant and play a more intimate role and be more involved in their children's lives. Sometimes you go to work in the morning at seven o'clock and you do not know if your child would have left home at eight to go to school. You come home at four o'clock in the afternoon, school would have been dismissed at quarter to three, and you meet the child home. You really do not know if that child went to school. So we have to take some extra steps; make a "tack back" at lunch time, leave work and run back home just to see what is going on. We need to get back to that place where neighbours used to look out and see what was going on; looked out for each other.

Madam Vice-President, in closing I want to say that we need to get to a point where we are speaking the same language with our young people, with our children. It might be hard, it may be hard, but it is something that we really have to buck up on as adults. I feel young people communicate and connect with other young people best. We are having a problem now where the youth groups have been undermined over the years.

In the early days you always had a youth council or a youth group, a youth action group within your communities. Right now these things are pretty much out of style, and I will tell you why. Coming out of that kind of environment, youth organizations and NGOs that used to help out in counselling youth, in helping with children's rights and children's issues and so forth, used to play a very intimate, a very integral role in the community, but now we find ourselves competing for funds. Government—and when I say "Government" I do not mean this "Government", I mean over the years this is what has happened—now finds it difficult to give funding to these youth groups. Instead, Government is handing out social assistance through Government, so the recipients feel some loyalty to this political party or this Government.

So that practice has wiped out the work of the NGOs. We do not have funding, even to get training to build your capacity to operate as an effective youth group, going out there and doing your work. You may come up with a project plan, you send it

into the Ministry or department to get funding and next thing you hear the department or the Ministry is carrying out the project. So they pass over the youth organizations and the NGOs. Young people for the most part, we do not want to talk to the older folks. We feel like we cannot connect. We feel you do not understand what we are saying. I think we need to get back to the place where Government and the adults can work in tune, in harmony with the youth groups to address youth issues.

A young person would be able to tell you the reason young people behave badly or why there is unscrupulous behaviour among young people. You cannot treat each case the same. Different people do different things for different reasons. I heard Sen. Dr. Balgobin trying to bring across the point that this was not a poor people issue. You have people from more fortunate communities experiencing these problems, because at the end of the day young people can tell you that young people act badly or unscrupulously, some for money, some people get involved in illegal activity, fighting and gangs and so forth, for fame for the attention, that “People will look up to me and women will like me”, and some people just “plain out” love the action. It is very similar to politicians. Some people do it for the money, some people do it for the fame and position and some of us just really love the action.

At the end of the day, we all need to speak one language. We need to put back the “we” in our communities and really get rid of the “I”. Try to encourage each other to understand that it is not just about you, it is not just about me, it is about all of us and the impact that our actions would have on our communities.

While this legislation is a step in the right direction, it is only a small piece of the puzzle. We still have some work to do as we go along. Rebuilding our society and rebuilding our youth is going to take time, it is going to take energy, it is going to take money, but we have to find the resources to make this investment or we will lose all that we are trying to protect.

With those few words, I thank you.

Sen. Dr. James Armstrong: Madam Vice-President, I am very pleased to be able to join this debate on the Children Bill. I would like to start by commending the Minister for bringing this Bill and to indicate very early that it certainly would have my fullest support.

As I listened here this afternoon, particularly to Sen. Cudjoe and earlier when Sen. Dr. Balgobin mentioned a quote from Sen. Dr. Tewarie, about young ladies in the Caribbean being the earliest to start having sex, I thought that I was born a little too early. [*Laughter*] Certainly times have changed significantly, or maybe I was living in the wrong neighbourhood. [*Laughter*] I was not born too early, maybe the wrong school, but certainly that was not my experience.

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In fact, I started my university training in Canada, and we had a practice of going to meet the new students coming in. The first thing you would tell a male student coming in is to leave those West Indian girls alone, because it is just a lot of hard work and it is going to take a lot of time, concentrate on your studies. So that I do not know when this change took place and what we are going to do about it.

Madam Vice-President, I was trying to really determine what is the real situation with our children and what is the intent of this Bill. That is where I usually start: what is the objective, what is it we are trying to achieve, what are the problems that we are faced with? In recent months, I have been having a lot of interaction with children, mainly at the primary school level. My experience has been that our kids are beautiful kids. [*Desk thumping*] We have very, very beautiful kids. [*Desk thumping*] I would agree with the Minister when she indicated a while ago that we have failed our children really. I do not think it is something you meant in a literal sense. It is not me personally, but I think as a society we have really failed a lot of our kids.

Kids come into the world not expecting to be treated the way in which they are treated. Minister Sandy is looking at me; I hope he would not mind my relating an incident that we experienced quite recently. I mentioned some time ago in debating another Bill, that within the art society of which I am a member, we got a request to assist some primary schools and a few of us responded.

6.15 p.m.

That work is continuing mainly in the east Port of Spain area. And I do not think that I mentioned it, but one afternoon I was in the school, I spent the day at the school actually, and they told me that the Minister was coming to the school, and I realized that he also makes his rounds in the schools. So I was there when he arrived, I did not know that he was going to arrive on that day, and when he came in, I do not know whether he would remember, but there was a little guy running around with his shoes untied, and he was having a lot of fun, and the Minister called him, and he sat on a bench for the children, and he said, come, and the little guy came, and the Minister tied his shoes for him. The little chap he did not really say, “thank you”, but he acknowledged, you know he looked at the Minister as if to say, well, “Yeah, you did well” [*Laughter*] [*Interruption*]

Hon. Senator: That he tied his shoes good.

Sen. Dr. J. Armstrong: —yeah, and he left, running again. And it crossed my mind, when last did a man tie his shoes, that child’s shoes? When last did a man lift him off the ground? There were lots of other children around; I observed a few other things.

The Minister, when he arrived, had a detail of police officers, but they had no guns. How often do we see police officers in a community without guns these days? What was interesting is that the kids were going up, and one was actually pulling the pants of the police officer trying to get his attention and so on, and the interaction was very interesting because there was trust.

I delivered a class on another day on art, with a number of my other artist colleagues and so on, and when I was finished there was a little girl who—she held my hand, and she kept walking around with me, and she embraced me and said “Ay, I want a painting” and so on. [*Laughter*] And we were walking around as if, you know—but the point I want to make is this, that she was really expressing a great deal of trust in me because she did not know me, and here she was embracing me, holding my hand, and we were walking around. It was in a school environment, but it could have been somewhere else. And what struck me is, that this child had a great deal of trust in me, and that was why she was holding my hand, walking around with me, hugging me and so on.

The point is that I could have been a bandit, in fact a lot of people think so, but [*Laughter*] that is beside the point. [*Crosstalk*] So I was quite relieved that at least someone had some trust in me, and I felt good about that situation, and realized that we cannot fail those children, we cannot fail them. It could be because of that particular school, and I know some of the incidents that the Minister referred to because we are encountering them.

PROCEDURAL MOTION

Sen. David Abdulah: Excuse me, Sen. Dr. Armstrong, if I may. Madam Vice-President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until 10.00 p.m.

Madam Vice-President: Sen. Abdulah, is it 10.00 p.m. that you said?

Did Sen. Abdulah nod or say yes. How did he respond?

Question put and agreed to.

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Sen. Dr. J. Armstrong: Thank you, Madam Vice-President. So, we do have a situation where a lot of our kids are very trusting. We also have a situation where—and in the school that I am referring to really—there are very committed teachers in that particular school because the principal, for instance, was able to, as we stood talking, identify all the children who passed by, and that one, so and so he is having this kind of problem, and I was thinking that, here it is someone who is so committed and in an

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environment where these children are so trusting, at what point are we going to lose them? At what point are we going to lose them? Because at some point in time we are going to start losing them. As I said, it is an elementary school, they are from five, I understand, they go up to 14, I did not realize that we had 14-years-olds in the school, but that is the age group. The principal was able to explain the background of this child, the background of that child. It is a religious school, and I think that helps, but he is also in need of help, in need of assistance, and the small group that we have, it is only a small contribution.

Why I say that we have failed, as a society, is because unless we all, every single one, think about what we can do to really redress this situation, it is going to keep getting out of hand. There is no piece of legislation that, in my view, can solve the problems that we are faced with.

Therefore, what is also required, quite apart from the legislation that we are dealing with today, is that all of us, and I do not mean all of us in here, but everyone in the society, keep in mind that our young children are beautiful, trusting, and we have to protect them, and we have to protect them from those who do not understand that. We have to look out for them because they cannot look out for themselves, and we have to find ways in which do to that.

Therefore, this Bill in itself, when I thought about the objective, I realized that it cannot do everything, and therefore, I would like to see, as I have always said, or as I have said on a number of occasions, that there must be an integrated approach to this problem.

I was very pleased on the last two occasions when I saw the atlas of indicators presented by Sen. Bhoë Tewarie because as you may recall, it has been something that I have been calling for since I started in this Senate, and that is a good start. But what I would like to point out about that document, is that the way in which the information is aggregated, based on the enumeration districts and the administrative districts that we have, it does not tell the entire picture, it does not show the entire picture. Some of those districts are large. But if we were to disaggregate some of the information from that atlas, we would realize that—for instance, he mentioned that we are going to achieve the MDGs, some by 2014 and some by 2015, that may be so, but when you disaggregate the data that he is looking at, you would realize that some communities are not going to achieve them.

So, when we talk about the average, “yeah, we doing good”, but there are some communities that are not going to achieve it, and that is because of theartmentalized approach to our development programme.

So that some areas need intense scrutiny, analysis, and assistance beyond some other areas because there is an imbalance, and we cannot protect our children in a warped society, that is not going to happen because it takes one screwed up person, that we are not looking at, to create a problem. I want to stress that we all have to get on board with this Bill, and we have to do a number of other things.

I was doing a research in connection with this Bill, and I would like to recommend some material that I came across, and I would also like to mention it to the Minister. And very often we do a lot research, we have a lot of workshops, we have a lot of seminars, we have a lot of consultation, we have a lot of public participation, we have a lot of “photo ops” with children: It is the style now—”ay”, lift up a child; that is not going to get us anywhere really. We have to analyze the data, we have to look at the research, and we have to take action.

I was very pleased that the University of West Indies had prepared a series of papers, and I had access to some of them, and it was really done by the Institute of Gender and Development Studies, it was called Breaking the Silence: a Multi-Sectoral Approach to Preventing and Addressing Child Sexual Abuse; I do not know whether the Minister is familiar with it. I was looking at some of the information in here, and I am not going to read it out, but I just wanted to highlight a few of the things here. It is a series; there is one that makes reference to child sexual abuse and HIV. In that document the university is saying, look, child sexual abuse, and they are looking at data from 2006, that there were 160 cases in that year of child sexual abuse; talking about kids, all right, and within that we had 16 per cent incest, 85 per cent against young girls.

6.30 p.m.

So the information is there, this thing is going on a long time; we know; things are falling apart. What I also liked about these papers is that they gave a number of recommendations, which I fully endorse, but I would not spell out every one. They were talking about education for children, parents and teachers. They were aware of this Bill at the time or at least the legislation prior to this. So that is something we have to do, get into the schools, engage kids, engage the teachers, the parents, so we have to find a way to do that.

This Bill standing by itself somewhere, you know—children must be aware of their rights. I am not sure if I ever mentioned, I have a grandson with a Caribbean background, my daughter tends to be very strict with him and he heard on the news of the UN Convention on the Rights of the Child and he went and checked it out and he

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read her the riot act. He told her, “Well, look, I have some rights you know”, and he is nine years old, so she is now on his watch list because he knows. But, apart from that, he is also quite aware of a number of other things in terms of his rights, protection and so on, and that is what we have to do. We have to educate children as well. They must know how to dodge and how to report to someone else who is caring; what is a problem. Of course, the thing is, some of the people that they trust, as I said, are the ones who are causing them harm, and some of the sentences that we have in here, I am certainly in favour of those.

There was another paper in that same series on education that I would recommend and that one gives, certainly, far more details in terms of what we should do about education; sex and gender education. It talks, again, about teachers, guidance and so on. But this business of—while I am at it—same sex relationships, I have said in this Senate a very long time ago that my position is that I support and will support any legislation that comes in front of me that advocates same sex relationships, and someone was talking about, well, morals, religion and so on. We are not here to support any particular religion. We are here to support the Constitution. There are some people out there who, maybe, do not have a religion, but they have to be protected by the Constitution. I know that is going to be a serious debate. At the same time, I think that I do have some concern about isolating or insulating children who might not have reached the age of discretion, if you will, from consenting adults who think they want to live a certain lifestyle. So that is my position on that.

With respect to the requirements of the Bill, as I said, it has to be a very broad and integrated approach. I know that some of my colleagues, in fact, Sen. Al-Rawi mentioned—I think, he said that there were some 58 bits of legislation; some people are saying it is 14. I looked at some of the other legislation that would be required to give effect to what we are considering now and I came up with about five or six that I think we really need to look at as soon as possible. One has to do with the Children’s Authority Act, and that, Madam Vice-President, through you to the Minister, my understanding is, and perhaps you can address that in your wrapping up, that is partially proclaimed. In other words, this is my understanding that it was done in such a way that you could start up the operations of the board and so on, but there is a lot that still needs to be done with respect to the Children’s Authority, in terms of the infrastructural requirements, the staffing and so on. So if the authority is not functioning well, this is not going to work well.

The Children’s Community Residences, Foster Homes and Nurseries Act—65, I think it was—not proclaimed. It is critical. The International Child Abduction Act, No. 8 of 2008; I think that is in force. That one I found to be okay. The Adoption of

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Children Act, No. 67 of 2000; the amendment Bill of 2007 for that lapsed. The Status of Children (Amdt.) Bill, lapsed; Family Court Bill, 2009—which is a bit of a surprise to me; I thought that was sorted out—awaiting amendments. Sexual Offences (Amdt.) Act is something that we need to look at as well; and, of course, we have also been discussing the Marriage Act, Chap, 45:01, and I know that there is some consideration being given to that.

So, what I am saying, Madam Vice-President, is that this Bill by itself as has been indicated by some of my other colleagues here, cannot have the effect that we require by itself, and on a priority basis those that I have mentioned here, I think we need to look at as quickly as possible, and some others have been mentioned. I am not aware of the 50-plus or whatever, but these are the ones that I picked up on.

With respect to the Bill itself, there are some things that I want to quickly mention within the Bill, on Part I, clause 3, interpretation of child pornography, and I am wondering, Madam Minister, whether, at the time of committee we cannot consider changing the definition of child pornography, or at least including in that definition that a work of art that is produced although it might show a child in the nude, be considered a work of art. So something to the effect that what would be excluded would be an authentic work of art produced by an artist or something to that effect, because we see art all over the place. In fact, I have a painting that I did some time ago with a nude—

Hon. Senator: Nude?

Sen. Dr. J. Armstrong: Yes, and I would not want the police to come knocking at my door. [*Laughter*]

Sen. Dr. Balgobin: You call that “Armstrong”.

Sen. Dr. J. Armstrong: Exactly. [*Laughter*] So, if some consideration could be given to that in Part I, page 2, of the Bill on that definition, I really would like to see it modified in that way.

Part III, prevention of cruelty—or, that business of suffocation whilst in bed with a three-year-old, and I think Sen. Beckles addressed that. The way I read that is that the problem seems to be more with the liquor, being drunk. I had a bit of a problem with that. What if the person is not drunk, but they are in bed with a three-year-old and the child suffocates anyhow? Because that was the impression I got, that if that happens and you are drunk you have a problem, but if you are in bed and you suffocate the child but you were not drunk or on something, I do not know, I think if we can look at that again.

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Clause 2, page 11: reference was made on page 11 to it being an offence for a child to reside or frequent a brothel. Again, I could not quite understand that. Why reside? Under what circumstances would a child be residing in a brothel unless your parents are running it or frequenting it? I did not quite understand that. In fact, I think the problem really with a child entering or anywhere in, be present in or entering—but I was not quite—the business of “residing or frequenting a brothel.” I think any child, even in the vicinity should—so I wanted to suggest that perhaps we change that to say, “enter or be present in a brothel.”

Clause 12, page 11: we seem to have an obsession as well with this business of sexual penetration—*[Interruption]*—yes, I understand that. But, I think before I even get to the business of sexual penetration one can commit an act that is an offence, which reminds me really of a famous former President who once said he did not have any sexual relations with a particular person and it was not really a matter of—and maybe that was what he meant; there was no sexual penetration.

Hon. Senator: This Bill deals with sexual touching and so on.

Sen. Dr. J. Armstrong: Well, then why—okay, it does? So you are satisfied that it does. All right, I might have missed that, but what that particular section—*[Interruption]*—okay, so if that has been addressed somewhere.

The other concern I had is about a national of Trinidad and Tobago who does an act in a country other than Trinidad and Tobago, how do we—I think that is 14, page 12—I would like us to have a look at that, it is not clear to me how we are really going to deal with that.

Sen. Deyalsingh: That is to prevent sex tourism.

Sen. Dr. J. Armstrong: Okay, well it is not very clear to me.

The other thing—and I consulted my senior counsel here—*[Interruption]*

Hon. Senator: Who, “Rolph”? *[Laughter]*

Sen. Dr. J. Armstrong:—what jumped out at me is that I saw throughout a number of offences, that, if the offence is in respect of summary conviction the penalty is of a certain time; if it is conviction on indictment, it is a different penalty. Since I am not a lawyer the impression I had is that for the same crime, depending on how it is dealt with, whether summary conviction or conviction on indictment, that there is a different penalty. I do not know, I understand that that is

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customary, but it is something that I have some concerns about. *[Interruption]* Well, in several parts actually; this particular reference is 15(1) and it is also in various parts for the same—well the impression I have is if you do an offence, depending on the outcome of the offence, you get a different—maybe you get 10 years in one case and in another case—maybe that is a legal thing. Fine!

6.45 p.m.

On page 36—if I can just find that, I just have a note on it here. Child offences, that is clause 51:

“Where a person who appears to be under the age of eighteen...”

Now what does that mean? Someone “...who appears to be under 18 is apprehended with or without warrant...”

Now, I think in that particular case one needs to ascertain as soon as possible if there is some doubt, whether in fact the person is under. Because it does not go on to say really what would happen or how one determines if the appearance that the person is 18 is not correct.

On page 37, I had a little concern there as well. I really want to point these out because, Madam Vice-President, I am not sure that I would be here when we get to committee stage, which I do not think is this evening. The business of the community residences, the first line at the top of page 37, as I indicated, I am not sure that we actually have these available. The preference being made here, community residences and in terms of the infrastructure that would be required to support the Bill, I am not sure that is in place, it is something we have to deal with.

On page 37 again, there is a statement in 53 that talks about separation of the child from an adult as far as practicable. I think one of my colleagues mentioned earlier—it is not as far as is practicable, I think that children and adults should be separated in any detention facility and it is something that again would be required in terms of the infrastructure to support this Bill.

Of course I think mention was made of the whole business of criminalizing our children, so I do not want to belabour that point. So that is as far as the Bill itself is concerned.

Madam Vice-President, I would simply like to conclude by again commending the Minister and indicating that certainly this is something that I am in total support of, and again to appeal not just to those of us here, but to everyone in the public domain that we

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have to take care of our children, that we have to protect them and if we do not do that, this society, parts of it, would certainly continue to go downhill. But in due course that certainly will come back to haunt us and we need to all get on board.

I thank you, Madam Vice-President.

Sen. Prof. Harold Ramkissoon: Thank you, Madam Vice-President. Before I make my contribution, I would like to congratulate a number of people. First and foremost, the hon. Minister, Sen. The Hon. Verna St. Rose Greaves for piloting this important Bill. A more fitting person could not be so honoured. [*Desk thumping*] I want to congratulate all those who worked on this Bill. I understand the Bill has been in the making for over nine years. That is a lot of work: a lot of people, I am sure, have been involved. [*Desk thumping*] And I also want to thank all those who have been labouring in the vineyard for the protection of children and child care. In addition, Madam Vice-President, I also want to recognize the good work that is being done by the Institute for Gender Development Studies at our university, and to also thank them for the material they made available to me, to enable me to make this contribution.

Madam Vice-President, our children continue to be abandoned, to be abused and to be battered. I want to start off by going to the *Express* newspaper of May 12, 2012—that is about a week ago—and reading from it. It is titled:

“SEA pupil in court for phone theft”

And I want to quote from it; interesting, very interesting.

“Hours after writing the Secondary Entrance Assessment Examination on Thursday, a 12-year-old boy was arrested and charged after he allegedly robbed a woman of her cellular phone in Port of Spain.”

It goes on:

“Questioned by the magistrate why he was out of doors at such a late hour, the boy said upon completing the examination, he along with some friends went to MovieTowne.

He said, around 8.30 p.m., they left MovieTowne and travelled into Port of Spain.

His mother, who was present in court, told the magistrate that her son did not live with her, but instead with his father. She received a scolding from the magistrate after informing her that she did not go to her son’s school to show support during the examination, neither did she telephone him after.

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However, when his father was questioned he told the court that the boy also did not live with him and that he was of the opinion that he was residing with his mother.

It was later revealed that the boy was residing with a male friend of his mother.”

Madam Vice-President, this is startling. This is startling. Had it not been for this, that boy would probably have fallen into a crack. He was picked up. But it is startling. The boy was abandoned by his parents, period. Now, we can forgive—although it is not something you condone—a child being abandoned by his father, but by a mother it is unnatural in some way.

I am always fascinated by members of the animal kingdom—the measures to which they would go to protect their young, the birds, the lions and a number of them. Just yesterday in the *Newsday* again, heading:

“Nature’s toughest mothers make ‘ultimate sacrifice.’”

The spider, the mother dies so that the young can live. So it is really unnatural for a mother to abandon her baby or child like that.

I want to read from another recent newspaper clipping, and this time it is the *Newsday* again May 9, 2012.

“A Claxton Bay villager yesterday appeared in the Couva Magistrates’ court charged with a number of sexual offences, including sexual assault of a five-year-old boy...”

He—it goes on:

“...was the fifth person to be charged for buggery of the same boy...”

It goes on:

“Yesterday, another charge was read by Ramoo-Haynes, that on April 24, he indecently assaulted an 11-year-old girl at another house in Claxton Bay.”

Madam Vice-President, these examples illustrate the kind of problems we have in our society. This morning I received from a teacher in one of our schools, a list of seven cases of child abuse in her school. This is one teacher at one school. In a number of instances the father just disappeared from the scene, no maintenance can be obtained from the father. One touching case was a family of six children, ages five to 17. Mother has a stroke, father disappeared, is living elsewhere with another partner and these children have to fend for themselves, ages five to 17. So what are they doing? Some of the elder ones are working, trying to maintain the younger ones.

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I ask the question, where did we go wrong in this society? I go back a bit, over the last six or seven decades we have witnessed major societal changes. As a boy, as the eldest in a family of 11, growing up in the still beautiful village of Tabaquite—and I see my friend originally from Toco smiling—[*Laughter*] I saw the extended family at work. My father, a non-professional, as typical in those days, was the only breadwinner, but we had support from the extended family. Our grandparents, our uncles, our aunts would offer a meal, they would offer a school shirt, they would offer advice, they would offer encouragement, they would protect us.

In addition, Madam Vice-President, we had a sense of community in the village. The unwritten motto in the village was “your child is my child.” And all villagers were there to ensure that we walked the straight and narrow path. That was long before the Secretary of State, Hillary Clinton coined a phrase that “It takes a village”. We knew that a long time ago, decades before. The children and the elderly were protected, and I am not saying the sexual abuse was entirely absent, but if it was present, it was at a minimal level.

Hon. Member: It was a secret.

Sen. Prof. H. Ramkissoon: It was a secret too. If you would read Naipaul’s novel you would see some of that surfacing. The extended family, sad to say, Madam Vice-President, has rapidly given way, disappeared or is quickly disappearing from the landscape. It has given way to the nuclear family, parents and children, and to a lesser extent that is giving way to the single-parent family. As a consequence of these major societal changes, that layer of protection for children is like the ozone layer, it is becoming thinner and thinner. Some would say that in fact, we have an ozone hole when it comes to protection for our young. The State must therefore step in to assist and this Bill is one such intervention which we all welcome.

Child abuse seems to be on the increase in Trinidad and Tobago. Statistics are wanting. We do not have a lot of statistics. We have searched far and wide and we cannot come up with a lot of statistics. We do not have a national database, to start with. I understand that some discussions are going on to have a national registry on child abuse. This is most important for research and for policy planning. What we do have in existence, Madam Vice-President, is, I think, a hotline; it is called “ChildLine”; that is in existence. And we do have some statistics from that hotline. I will quote some of the statistics. The number of persons accessing that helpline or ChildLine was 183 in 2005. Then it increased over the years to 483 in 2010. And in the last year from 2010—2011, it jumped to 774, a 60 per cent increase over one year.

A reasonable conclusion—not a scientific conclusion—is that there has been an increase in child abuse in recent times in Trinidad and Tobago.

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7.00 p.m.

I want to briefly touch on the various types of child abuse. We are very familiar with sexual abuse. The Bill talks to that to a large extent, and we are aware of physical abuse; beating a child sometimes mercilessly. The other two types of abuse that people are not very familiar with are, one; neglect, complete neglect, and that can go from one extreme, completely abandoning the child—total abandonment—to the other extreme where the child does not have some of the basic needs provided by the parent: a home, food, clothing, medical care. That is neglect.

Then we have yet another type of child abuse which cuts across all class lines in the society. This type of child abuse exists in the homes of the poor, the middle class and the rich, and I talk about psychological and emotional abuse. This comes about because of the way we talk to our children; our attitude towards our children, saying things that are very derogatory about our children; calling children names, comparing them negatively with other children, and that can do lasting damage to a child. What I think we must do to counteract that is to bring out the best in our children cognizant of the fact that they are all differently abled.

We do not have statistics, again, with respect to the various types of abuse in Trinidad and Tobago. It is my hope that the new Central Statistical Office (CSO) will, in fact, in future, take care of some of the missing statistics that we need if we are to plan and if we are to do some research. But we do have some figures about the various types of abuse in the USA in 1997.

Sexual abuse was 8 per cent—very low in the States. Physical abuse, 22 per cent, and neglect was 54 per cent in the USA—in a country that is supposed to be a well-off country. Physical and emotional abuse, and other types, just 16 per cent. I strongly suspect that the picture is not going to be quite the same here in Trinidad and Tobago, but at least we have an idea of what is happening in the States.

While I am at statistics, Madam Vice-President, let me give you some other statistics. Again, this is in the USA. With respect to sex abuse, who are the perpetrators? That same year in the USA, 30 per cent of the perpetrators were relatives; 60 per cent acquaintances and only 10 per cent, strangers. To summarize: the perpetrators of sexual abuse, mostly within the circle of acquaintances.

We have very scant statistics, as I said, for Trinidad and Tobago. What I was able to gather were the following: that with respect to child sexual abuse, in Trinidad and Tobago in 2006 for six months of the year, they had 165 cases. That was in 2006. In 2011, for four months of the year, they had 161 cases of abuse. Now, if you want to get

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an idea of the magnitude of the problem—I do not know if the hon. Minister has better statistics. If she has, I would very much appreciate hearing the statistics. But if I try to project what we have, Madam Vice-President, let us say in 2011, 161 in four months; that would be 644 in one year.

Now, the researchers claim that a vast majority of the cases are not reported, and if you work on the assumption that two-thirds of the cases are not reported, then you are talking about, in terms of child sexual abuse, 2,000 cases per year, approximately. That is my projection.

Madam Vice-President, as we know, to treat any problem, we need to look at the root causes of the problem. With respect to child abuse, what are some of the root causes? Again, going through some of the research done in the Caribbean and also internationally, I have been able to identify some common causes. The first one is single parents trying to cope with the many stresses of life. The second one is unemployment and financial constraints in a family. The third one is children resulting from unintended pregnancies are more likely to be abused.

Now, some figures were given out, I think, earlier this year by the Minister of Education, and he claimed that there were 2,500 pregnancies annually under 18 years, and 1,000 females under age 19 had four children. These figures are a bit staggering.

The other cause is substance abuse, and in Trinidad, in particular, if you have a home where the father is an alcoholic, the chances are, you are going to have child abuse in that family. The last one is stepchildren having a high risk of being abused. That is called, I think, the Cinderella effect. A classic example is Amy Annamunthodo. That is the classic example.

Causes lead to effects, Madam Vice-President. It is like the case of action and reaction. What are the effects? Well, I have mentioned some of the effects that child abuse has on children. I merely want to add one more, which I think is extremely important. It has been observed that abused children are more likely—as they become adults—to repeat the cycle of abuse. They grow up as adults and they treat their children in an abusive manner. The important thing here is that we must make an attempt to break the cycle of abuse.

I come to the Bill. I am not going to be making too many comments. A lot has been said about the Bill; I await Sen. Al-Rawi's 50-plus amendments, and I think Sen. Baptiste-Mc Knight has another 20-plus. So I look forward to the committee stage. My comments are going to be fairly short, but before I make some comments let me

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preface my comments by the following. Somebody talked about a punitive aspect of dealing with problems and trying to solve problems, and I agree with them completely—one of the goodly Senators. Where possible, we need to avoid breaking up families. Where possible, we need to avoid imprisoning children. We must avoid throwing out the baby with the bathwater. Children must be separated from hardcore criminals, and I think one or two of the Senators made that point quite clearly. That should help guide our legislation.

Having said that, let me now state—as some of the other Senators have—that there are inconsistencies with respect to punishment in the Bill. The punishment must fit the crime. As an example, if we go to clause 5(1) and 12(1), we would see what I am talking about. Clause 5(1):

“A person who –

(a) causes or procures any child...commits an offence and is liable on summary conviction to a fine of three thousand dollars and to imprisonment for six months.”

Okay. So it is \$3,000; six months imprisonment. We go to clause 12(1):

“A person having responsibility for a child who causes or encourages the seduction, prostitution or sexual penetration of that child commits an offence and is liable on conviction on indictment, to imprisonment for life.”

It is a serious crime, but that punishment, to me, is extremely harsh. So I think we need to go through the penalties and make sure there is consistency with respect to the penalties in the Bill. There are a number of other cases, and I think Sen. Baptiste-Mc Knight pointed out a number of cases where the penalty is not quite consistent.

Madam Vice-President, I very much support Sen. Beckles' concern that this legislation, without support systems, is not going to get us very far. What we need to do is that whatever support systems are in place, we need to strengthen them and we probably need to create new support systems. And more importantly, we need to monitor these systems on a regular basis. If we do not do that, again, this legislation is not going to get us very far in solving the problems of children.

I want to mention two or three of the existing systems in place and talk about some of the problems that they are having. The first one is the Children's Authority of Trinidad and Tobago. It is my understanding that a package of children's legislation initiated in 2000 forms the basis for the creation of this Children's

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Authority. One of its obligations is to actively protect children. The Children's Authority is today faced with a number of problems. The Children's Authority, as I see it, has a central role to play here, but it has a number of problems: inadequate staffing. What is the staff at the Children's Authority? It has one director, five managers, four support staff, five OJTs—on-the-job trainees. Lack of stability: in three years they had three directors. Funding is a problem, and funding is a problem with most of our organizations, but I think the Children's Authority is a critical organization; it has a major role to play if we are going to create a better place for the nation's children.

The funding for 2012 was \$8 million for recurrent expenditure; \$10 million for development, giving a total of \$18 million. The question is: is this adequate? Should we be spending more to save our children? I do not quite know the answer. I merely ask. But it seems to me that spending \$18 million a year to save our children does not seem to be a lot of money.

The other problem is no legal services manager. I understand that the conditions are very unattractive. This is what I was told. Then there needs to be clarity of roles and responsibilities. They need to be spelt out.

I move, Madam Vice-President, from the Children's Authority to the Family Court. Sen. Beckles spoke about the Family Court. This was a pilot project again, that was introduced in 2004, eight years ago, and today it is still a pilot project. I do not know if the hon. Minister has any intention of moving it along, but I would like to hear, in her winding up, if she can talk about the Family Court. I agree completely with Sen. Beckles. We need to make it a permanent institution, and more than that, we need to have three, four or five family courts spread throughout the country. That makes sense.

7.15 p.m.

I come to the third. It is not an institution but it is a group of workers; the social workers who play an important role in dealing with children and child abuse. I have been told, Madam Vice-President, that for the entire country there are only 33 social workers attached to our schools. They come under the Ministry of Education—for the entire country. They play an important role. I understand also that 20 of them, their contracts would be terminated in August. We need to increase the number and we need to give them some sort of job security. They do not have job security.

Madam Vice-President, I now want to turn to a document. This is a document called the National Planning Action for Children, 2006—2010. It was published by the then Ministry of Social Development. Section III titled, "Protecting Against, Abuse Exploitation and Violence" is relevant to us—to this Bill. I want to read some of its

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goals. Firstly by 2010, to protect children from all forms of abuse, neglect, exploitation and violation. Secondly, by 2010 improve the plight of children who live under especially difficult situations. Thirdly, by 2010 protect children from all forms of sexual exploitation. One priority identified there is the establishment of the Office of Ombudsman.

The document, Madam Vice-President, if you get a chance to look at it, it is a well-laid-out document. I was very impressed with the document. Obviously, a lot of the goals and objectives have not been accomplished. The question I ask, is this document going to be taken into consideration? I hope the hon. Minister would respond to that. Are they going to try to continue what was laid out in that document, some of its objectives, some of its goals or are we just going to abandon that document?

Madam Vice-President, I hate as a hard scientist to give recommendations to something that belongs to the sphere of social sciences, but, I will take my chances. I would like to see a number of things put in place. These are some of the things that I have identified: first and foremost a national registry on child abuse; we need that, we need to know what is happening, what are the statistics; a sophisticated tracking system to keep tabs on all our children, if possible an electronic file on each child with relevant information: name, address, date of birth, school and information on their parents; an effective coordinating mechanism that would ensure that no one vanishes from the radar screen; a booklet if possible on parenting: the dos and the dont's, copies to be given to all mothers-to-be.

Some interesting statistics, how many mothers are we talking about? Well, in 1985, we had 33,719 births. That has dropped, in 2007 to 18,889. So, that gives you an idea. We are talking about between 15,000—20,000 mothers a year. I would like to see, Madam Vice-President, regular meetings at the community level with mothers; greater support for single parents; more training of law enforcement officers, they need to have possibly a special children's unit within the police service; more social workers attached to our schools and more support for the Children's Authority.

Madam Vice-President, as I wind to an end, I would like to make some general observations. As a society we seem to be gravitating more and more towards materialism and more and more towards individualism. As a consequence, as a society, we are becoming less and less caring as a people and losing our humanity in the process. We no longer seem to have time for those that are crying out for help, those

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that are vulnerable. We do not seem to have the time to help bring some stability in other families where they need a hand. We are becoming more and more individuals in this society. Madam Vice-President, I want to quote from the book, *The Great Influenza* by John Barry, and I quote:

“A society that takes as its motto “every man for himself” is no longer a civilized society.”

A few weeks ago, one of the television stations highlighted the plight of a poor family in a village. I was very much touched by the situation. They lived in a house that was literally falling apart. As someone who knows what rural poverty is, I picked up the phone and called the number. At the end of my conversation with the people on the other end, I asked—that was a week after their appearance were on television—“How many other people have called you?” Madam Vice-President, not a single person. I asked myself the question, are we getting aid fatigue or are we simply becoming indifferent because we see so many sad stories almost on a weekly basis in our living rooms or are we no longer a caring people?

Let me go to another case, something more recent. In life there are some experiences, some good and some unpleasant, that we do not forget. There are some words—some spoken and some written—that linger on in our memory. I shall not forget the words echoed by a highly trained oncologist. And, I quote, “Patients are being harmed as we speak.” Let me put that in a finer context. These were the pleading words of a caring and concerned individual in our society, while the over-radiating of patients was taking place at the Brian Lara Cancer Treatment Centre. But, those in charge did they care? No, they did not care. They twiddled their thumbs while Rome burnt, resulting in many deaths. Their sole concern was receiving \$50,000 for each person treated from the State. They were obsessed with worshipping at the altar of money, sacrificing care on that altar. [*Desk thumping*]

Madam Vice-President, in conclusion, we need once more to be our brothers’ keepers. We need to recapture the values we once treasured. We need to regain our sense of community, for then and only then will we be able, together with this Bill, to protect our children and ensure we do not lose yet another generation. That, really, is not an option. I thank you most kindly, Madam Vice-President. [*Desk thumping*]

The Minister in the Ministry of Arts and Multiculturalism (Sen. The Hon. Embau Moheni): Madam Vice-President, I rise to give my support to this important piece of legislation here this evening, a Bill entitled, “An Act relating to the protection of children and for matters related thereto.” I agree with those who came before me

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and who indicated that this is indeed an important piece of legislation. Important in the sense that, one, when you are talking about the protection of children, I think that we have reached the end point. For the children are the flowers of the nation and if we cannot protect our children; if we cannot see this as a priority; if we cannot see this as a compulsion, then nothing else becomes important.

It is almost as being at that point, at the edge of the precipice—a scary point; a point where it demands of each and every one of us that we treat this with the utmost seriousness.

I would like to join others in applauding our Minister of Gender, Youth and Child Development, within her first year in office, bringing this much-needed piece of legislation, for our scrutiny, for our comments and ultimately giving us the opportunity to take some kind of action in the interest of the innocent—[*Desk thumping*—innocent who in many cases have been robbed of their innocence. The child is special in all societies. They represent our hope for the future. They represent that embodiment of our love, our dreams, what we hope to look to as our reflection that we could say, here is my future.

I would also like to commend Sen. Dr. James Armstrong, as well as, Sen. Prof. Harold Ramkissoon, for their thought out and wide-ranging approach, in what seemed like a sincere effort, at not just supporting a piece of legislation but trying to search within themselves and within their communities for a solution to a problem that has become monstrous, right in front of our very faces.

I would also like to commend all the other Senators who would have offered their support to this piece of legislation to provide us with a hope of preserving our civilization. But is this piece of legislation the solution? I say no. It is only the foundation. It is only the opportunity that is being offered to us and our nation. An opportunity that we must grasp with both hands, an opportunity which we must not only grasp but seek to ensure that we do our very best to provide the best piece of legislation so that we could provide that hope of a foundation on which we can build.

7.30 p.m.

What determines the life of our children, it is more than a piece of legislation. All of us, institutionally and individually, must share in that responsibility for the protection and for the welfare of our children, for of all the vulnerable groups within our society, the children are the most vulnerable. They are innocent, they are trusting and they are defenceless—they are the most vulnerable. And the hallmark of a civilized society is that it offers protection to its most vulnerable within that society.

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I was reading only recently where, within one year, you had 100 per cent increase in sexual crimes against another vulnerable within our community—our women. And among those who would have so suffered, quite a number are children. As the studies would show, oftentimes, the perpetrators of such crimes are those who are close to the children—family members, close friends, sometimes, even parents.

We need to look across the landscape of our society because if we are to search for a solution, we have to look at where the problem or the problems have been coming from. This is why I say the legislation is just a starting point; we have to go way beyond the mere legislation. We have to look at our institutions. We have to look at the role that has to be played by the media, by our schools; we have to look at our family structure.

I can recall some years aback, when I was the principal of Elizabeth's College, and the very first time that I came into contact with a particular young man at that school, his attitude was so repulsive that I suspended him and sent for his parents—the very first time I came into contact with him. But, I was troubled by his attitude. It was too negative, too disrespectful. I did some further research and, in so doing, I discovered that the other students used to call him “grandfather child” because his grandfather was also his father. In other words, his grandfather made him with the grandfather's daughter who was his mother. How does a child deal with a situation like that with which he has to live every single day of his life? The others, his classmates and schoolmates, could not understand the trauma that he was going through and they used to call him “grandfather child”. This is why I said sometimes it comes from our own family, from loved ones.

We have to ask ourselves: what have we done as a society to produce families like that? I could go on and bring other examples to show that it is, oftentimes, those whom we trust who are doing the damage. We have to realize that what is existing is something that is all encompassing in terms of an attitude, an orientation, and a society that is becoming devoid of certain values. Therefore, I repeat once again, that the legislation is only the opportunity. We must look at our schools and see what messages we are sending to our children.

I was able to pull some statistics which we need to just take a brief look at. Our children, as impressionable as they are, look to the adults, look to their parents, look to their teachers, and look to their elders, and from us, they learn. We are the ones who are

shaping the next generation. Our actions, or our failure to act are what will determine the workers, the leaders, the builders of tomorrow, and our failure will be their failure. In other words, we could either strive to bring them closer together or, as someone said, a while ago, separate and fall.

What are we telling our children? I was looking at the average number of minutes in terms of punctuality of teachers in our schools. For the Caroni region, you had an average of 6.7 minutes late per day. In other words, on an average, each teacher would have been 6.7 minutes late per today. In north-east, it was 10.9; in Port of Spain, 28.2; in St. George, 16.5; in St. Patrick, 6.6; in Victoria, 5.2 and in south-east, 4.7—overall, 12 minutes late per day.

Sen. Cudjoe: Tobago.

Sen. The Hon. E. Moheni: I did not get Tobago.

Sen. Cudjoe: Everybody is on time. [*Laughter*]

Sen. The Hon. E. Moheni: I do not believe so; I have worked there. The point is, how are we, first of all, going to tell our children to respect time and time is one of the critical factors where discipline is concerned; one of the very foundation blocks, the starting point of discipline? Secondly, how are we going to tell them that we care about them if we are not even there on time?

In terms of attendance, you were finding an average of each teacher being absent at least once per month; in some cases, more. I was not able to get all the statistics, but, in one particular school, you found absences among the students of an average of 20 per cent on a daily basis—one-fifth of the students absent on an average on a daily basis.

If we go to the media, we see that some—the question of the television was mentioned before, but we have allowed the television to replace our parents in terms of guiding our children; almost like a babysitter. Many of the programmes on the television were not designed for children. Our children, oftentimes, are allowed free access to the television without any supervision whatsoever.

A study was done worldwide where it was shown that on an average, children are spending as much as three and a half hours, on average, per day in front of the television. There is a particular cartoon which I know most of you would be familiar with and which most of you could bear me out on it—*The Simpsons*. When you watch *The Simpsons*, there is one message that goes through from day to day: teaching and training our children to rebel against their parents, to rebel against teachers and to rebel against authority, and then we ask ourselves why our children are rebellious.

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Sen. Dr. Armstrong had raised the question of the Children's Authority, as well as Sen. Prof. Ramkissoon. I agree that the Children's Authority is critical in the scheme of things, and it is one of those institutions which cannot fail, if we are to succeed in making sense of providing for the protection of our children. Not only do I support them in terms of more resources for the institution, but it is an institution that we must keep a close eye on, because it is so critical for the protection of our children. I believe wholeheartedly that it is more than just a question of sometimes what is done, but, even more importantly, what message we send to our children, as well as to the rest of our community.

So that this piece of legislation is more than timely, and it is more than critical because we have moved into a new era, a new age. We have seen where at one point it would have been the community providing sustenance and guidance to our children. Yes, you oftentimes may have heard the saying: children are to be seen but not heard; we have gone beyond that. But the important point here is the recognition of the humanity in our children which sometimes because they are so short, we look over that aspect of it, and fail to recognize that as small as they may be, as young as they are, we must appreciate their humanity, so that situations like abuse and violence could be eradicated.

7.45 p.m.

If we go back to the African tradition, when a young man was initiated into manhood, the first thing he was told was: "May all children call you father." And likewise, when a woman was initiated into womanhood, she was told the same thing: "May all children call you mother." So that we could express, and live and indicate the worthiness of being a father and a mother by our conduct, and our determination to protect something of such value; our children.

Yes, there is need to develop the national registry. I must also comment on the statement made by Prof. Ramkissoon with regard to the penalty. Here we need to consider and examine the question of the penalty very, very carefully. And what we need to remember, is that oftentimes when our children are subjected to such acts of violence, the scars remain for life and, therefore, the penalty must equal the crime. What we need is a national consensus, it cannot be done piecemeal. We need to start somewhere, but we need to recognize if we cannot respect the rights of our women, if we cannot respect the rights, the lives and the humanity of our men, if we cannot respect the rights and the humanity of our workers, even if we pass the best legislation for our children, we will go right back to square one within a very short period of time.

We have to change our attitude all around. To me, this is the starting point and this is the opportunity. And we need to go beyond the mere passing of an Act, but showing that sincerity not in words, but in actions. So that after we leave these Chambers, after this law is enacted, the question is, what do we do the day after, the week after or the month after? How do we take this effort into other areas of life to guarantee the success of this small effort that we are engaged in today? For it is often said: if you cannot love yourself, you can love anyone else. But I say if you cannot love everyone else, you cannot love yourself, because you are human just as they are human, and failure to respect one human being is failure to respect all, including yourself.

So I give my wholehearted support to this piece of legislation. I do agree with Sen. Dr. Armstrong that it calls for an integrated approach. I say we must strive to develop a national consensus on the value, and the need for the protection of our children who cannot protect themselves, who are most vulnerable, and we need to extend that consensus to the respect for the value of all human life and all citizens within our community.

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

Sen. Sherrie Ali: Assalamu 'Alaikum!

Sen. Karim: Wa'alaikum Salaam Wa Rahmatullahi Wa Barahatuh!

Sen. S. Ali: Madam Vice-President, colleagues, it is so pleasant to be here this evening, and to see that although we sit on different sides of the aisle, we are united for the children. [*Desk thumping*] The bottom line is this debate is about the children, it is, Madam Minister, for the protection of the children, and I thank you so very much for bringing this important issue to the platform.

Well, I got in a bit of trouble earlier this week for something I said that was misinterpreted, so I will keep my notes close—[*Laughter*—and I may do so to Allah—so let us hope this goes smoothly for me tonight.

Sen. The Hon. Brig. Sandy, when we were discussing the police Bill—I believe I beat him up a bit, and I admire him—[*Interruption*]

Hon. Senator: He is a tough guy!

Sen. S. Ali: He is. He is very tough skinned, and I admire him so tremendously, especially when you get an insight of his family values, because he has a great sense of family values, and just as he said there are mothers, and there are teachers, there are fathers, and he is an example of a father. [*Desk thumping*]

Hon. Senator: Hear! Hear!

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Sen. S. Ali: It is on his platform and on his contribution that I would like to open with presenting this poem, it is called *Never*; and unfortunately I do not know who the author is, so it is merited anonymous:

“We should never permit ourselves to do anything that we are not willing to see our children do.

Your children will become what you are; so be what you want them to be.”

Some things I would like to see as a result of the approval of this Bill which will, in essence, happen, because you have our support, you have my support for the Bill. In the spirit of making the Bill, I would like to see it become more wholesome. There are several avenues in this Bill to make it a more holistic Bill, to give it a—although there will not, to the Senator’s point, be a perfect Bill in any form, so I hope you do not take our little jabs personally. We can as a group on either side of the aisle come together legally, morally and intellectually and try to make it as perfect as we can humanly do. [*Desk thumping*]

My position is going to be that I would like to see specifically some loopholes and grey areas in the Bill that are open and subject to interpretation mostly on a legal platform, closed a little, so when it does get to the court and when it does go through our family court system—which to Sen. Beckles’ argument there needs to be more of—that we know what the interpretation of the law is, that our judges understand what the value of this Bill is meant to be and how it is intended to protect our most valuable asset in the words of the late President Kennedy, our children.

The Children Bill of 2012: this Bill seeks to repeal and replace the Children Act, Chap. 46:01. And another quote by Herbert Ward who is an English footballer and cricketer:

“Child abuse casts a shadow the length of a lifetime.”

And it does! Our children remember, our children will remember—my mother is astounded sometimes because I have memories way back when I was three years old, and she would say: “How do you remember that? “How do you know that?” As a child you remember, you take that with you, that creates the person you are, and that ultimately determines the individual you will become. That again lends to the importance of this Bill, because we are not just minding our children, we are raising our future; we are investing in our future.

What we are dealing with here is a Bill that will be best broken into two categories: you have the civil law aspect of it and you have the criminal law aspect of it. The civil law should then be further broken down into public law and private law—should I stand corrected? [*Sen. Al-Rawi nods*] Public law puts in place systems and processes in order to minimize the risk of children coming into harm, and lays out what action should be taken for children who are at that risk.

Private laws deals with content, and an issue that appears to be missing is an issue that, unfortunately, lives in the ugliness of this society which is divorce. This Bill, in essence, should also protect the emotional well-being of our children who are subjected to a divorce procedure. Criminal law deals with people who have been offended and are at risk of offending our children.

The Children Bill attempts to set out in detail what local authorities and courts should do to protect the welfare of the child. This Bill should in essence give such authorities the duty to investigate, and something I would like to see is more investigation of the process.

In my first reading of the Bill, I felt there was too much power put on the constables and I will address this later on in my contribution. There should be more of an investigative process. Although the greater importance is absolutely on the well-being of a child, and where a child is concerned, as I will give you adequate example in my contribution, there is no greater police of what is going on and what is happening to children than I am.

I am sitting here constantly—for as adequate and efficient as my loving husband is—given him little pointers throughout the day: “Please make sure you do this.” “Please make sure you do that.” “Please make sure he has that.” And that does not only extend to my child, but to every child I come into contact with.

If there is reason or cause to suspect a child who lives or is found to be living in danger, we should thoroughly investigate what is going on, because like an onion, there are several layers to every story. And as a society we are duty-bound to strip those layers apart and find out what is really going on, because at the end of the day there is a statistical fact that we have to deal with: abused children become abusers. So if we do not get to the root cause of the issue and the problems, the end result, our end result down the line is going to be far more hideous.

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This Bill should also empower local authorities with the duty to provide services for our children in need, their families and others. The said authorities must have the power to apply directly to the court for a court order if it believes a child is suffering, or is likely to suffer, significant harm.

In defining what “harm” is exactly, harm to a child is defined as ill-treatment, including sexual abuse and non-physical forms of ill-treatment; the impairment of health, physical or mental; or the impairment of the intellectual, emotional and social development of that child. The definition of harm should also be extended to include the witnessing of domestic violence because, as I mentioned earlier, the emotional well-being of our children is also a form of abuse that we need to greatly consider.

I would like first to look at Part V—Abuse of children through prostitution. That, I believe, was an issue touched on by almost, if not completely, everybody because that is such a sensitive but ugly truth. That is another onion in my opinion. What made me think of the onion in this specific instance is the broadness of clause 11:

“A person having responsibility for a child who allows that child to reside in or to frequent a brothel commits an offence and is liable—”

So, if a child is in or living in that brothel, the individual becomes liable and there is a morality issue there which I will not touch but leave alone. Let us look at the words that follow. There should be some investigation, as I pointed out earlier, as to why that child is being exposed to a brothel and why that child is living at the brothel. For instance, what hardship is the parent experiencing?

In my travels, I heard the song—I am a big Country and Western fan—Reba McEntire sings this song called *Fancy* and the words in *Fancy*, the gist of the story is that she prepares to put her child into the world of prostitution in order to give her a better life. The quote out of the song is:

“...your Pa’s run off and I’m real sick
And the baby’s gonna starve to death....
just be nice to the gentlemen Fancy.
And they’ll be nice to you”

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That song tells the story of her attempting to give her child a better life through prostitution. Now, there is a huge morality factor there. There is a huge morality factor for me there, but that is an instance where that is the best that mother could have provided.

So we need to look at these instances; we need to look at what is going on with the children whose home is a brothel. What is going on with the parents? What is the hardship? What can we do as a country and a society to take that element away and to make it better for everyone involved?

I would like to see local safeguard boards. The subject of a children's ombudsman was brought up. To define that more clearly, another term I would like to use is director of child protection, someone who oversees, investigates and reports; someone who creates, by virtue of ongoing investigation, a safe haven for reporting.

It takes, as Sen. Prof. Ramkissoon pointed out—and rightfully so—a village; it absolutely takes a village to raise a child. I cannot tell you how many times I got spanked by uncles, aunts and neighbours. You do that now and it is a whole different story. I was collectively raised by everybody I came into contact with in my life, and our teachers, our friends, our neighbours are somewhat shirking their duties when they do not do that. You do not have to have training to be an observant person.

As a teacher, if a child is falling off in their studies or is missing too much school, it occurs to me that you should think that there is something going on. Maybe I should go to that child's records and find out what their home phone number is or a home address. Maybe I would happen to be in the neighbourhood this evening and maybe I could see what is going on.

Maybe what is happening with that child is presenting itself in other forms: maybe in behaviour; maybe a drop off in school work, so there is more than likely a deeper issue there. We all need to take on the role of parent. We all need to be part of that village that raises the child. This child's ombudsman I would like to see would report back to the Minister and continue the investigative process. When children are pulled out of their abusive environments, albeit, I would like to see an ongoing investigation, a continuation of a checking-in process; a counselling platform made available.

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As Sen. Beckles pointed out, in the safe houses that we currently have available to us, there are no counsellors. The people who work there are poorly trained. These are all the things that should be corrected in order to give a better backbone and a better platform for supporting what is going on with this Bill. The Bill cannot just be a Bill on paper; it has to be live; it has to be moving; it has to be enacted; it has to be continually growing in order to be efficient.

Schools and communities are responsible for those children. Schools and communities get exposed to children for the greater length of the day in most instances and by the time, for instance, the SEA student makes it home in the afternoon, it is just enough time to have a shower, have a meal, do the homework and go to bed. Then, it is eight hours of school the next day.

When your child gets to be that age, your teachers, your counsellors and the community interaction, they are seeing more of your child than you are. So that is where parents are hoping—there is a little observation here; the abuse would not always come from the parent. The abuse can come from a neighbour, an uncle, an aunt, from whomever the individual is who is bringing him home in the afternoon, be it taxi driver or whoever. So, it is up to our teachers, our communities, our friends, our neighbours to be proactive in making these observations.

Do not just ignore our children. Do not put them off to the side and let them fend for themselves. By nature, our children are born trusting. They come into the world so very trusting. This is a lesson I am learning every day myself in my situation with my new baby. Unfortunately, it is by our action or lack of action as adults that they learn to distrust and that is an ugly truth.

Part VI—Other sexual offences. Incest is a fester in this society. Incest is an ugly, ugly, horrible reality and I commend the Minister once again. She put forth lifetime imprisonment for perpetrators of incest and that is wonderful. That is great. You do not want to know what my personal opinion on perpetrators of incest is. Lifetime is not near enough, but it is an ugly truth. It was very difficult for me to read the Bill because there are so many ugly truths.

This is not fiction, colleagues. This is non-fiction. This is reality. Children get suffocated; children get burnt. They are given drugs to “tote”; guns to hold. Their daddies crawl into their beds at night; their grandfathers father their siblings. This is the ugliness of the world that our children grow up in. It is very difficult to be a child these days. It is, in my opinion, more difficult to be a child than it is to be an adult.

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You throw into the mix the nowadays concerns such as competition to stay ahead of the game, to have the things that other people have and now the bullying. Bullying is a big factor and that is something else that we need to protect our children from. Bullying is becoming an ongoing factor and this society, on several levels, is encouraging it and, on other levels, making it more cruel.

You have the social media. Sixty-three per cent of our teens have cellphones. Almost 100 per cent of those cellphones have cameras in them. I am a product of Naps Girls. We took community showers. We were required, after gym, to go into a room about the size of this and the showers were lined up on either side and you stripped down to your skivvies. You took a shower and the gym teacher stood right there and made sure you did it and you were out. If somebody had a phone, there was no telling what they could snap a picture of and share that as a joke. That is not funny, but that is something we can realistically be faced with.

As I mentioned earlier, I am a huge advocate of policing children. I have a young lady, she is 13. She comes and helps me clean up the house and with the baby a little on weekends. In exchange, I sit and talk to her and I try to parent her. She is in a little bit of an unfortunate home situation, so I try to play a little bit of a big sister role to her as best as I can.

When she is not helping with the baby or helping around the house, she gets on Facebook. I loan her my personal computer to get on Facebook, but trust me, when she gets off that computer, I go behind her and see what she is doing. I feel it is my moral obligation and duty to do so.

One day, unfortunately, in so doing, I pulled up her Facebook account and, on that account, I looked at some photographs she was most recently looking at and there were two girls in these photographs, in their school uniform, apparently in a classroom, because they were standing in front of a blackboard, re-enacting an act of fellatio. I was appalled. [*Interruption*] Another “boom-boom” room. My stomach hurt so desperately when I saw that. I drew it to her attention immediately. I sat her down. I felt that I had to have a very serious conversation with this individual. To her it really was funny and this is not funny.

I, obviously, was not a stupid child. I went to Naparima Girls’ High School, but I promise you, at the end of the day when the Naps boys were walking up the hill and I was walking down the hill, I was walking on the other side of the hill because even then—

Hon. Senator: The Pres boys; the Pres boys.

Sen. S. Ali: The Pres boys we were looking at over the fence.

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Hon. Senator: We were next door. Naps boys were always good looking boys.

Sen. S. Ali: That is a separate argument. I was sure to maintain that I was walking on the other side of the hill because even as smart as I was as a teenager, I somehow still thought, in my naive little mind, that if I walked too close to a boy I would get pregnant; and here there are girls re-enacting fellatio at that same age. This is what our children are doing. This is what our children are becoming. We have to look out for this; we have to parent this. They are not going to police themselves.

I remember my mother, my poor mother, she got married—and I will address this later on in my contribution—at a very young age. I have always told my mother had you access to a college education, you would have been this country's first prime minister because she was so ahead of her time.

When I did become of age and when I did enter womanhood, my mother sat me down and she said: “I want you to hear this from me. You are going to think that your mother is an awful person for ruining your innocence, but these are the things that you need to know about life. These are—to be delicate—the birds and the bees because I do not want your friends to tell you. I do not want you to go to the school and learn it from your peers because they will teach you things that will just deprive you of your innocence even that much worse.” And she was right; being an adult and being now a parent.

8.15 p.m.

And I thank God he did not grace me with a daughter first but a son because I know my husband would be toting his gun seven days a week had that been the case. It must be more difficult to raise a girl than a boy, in my opinion. But I need to be vigilant, I need to check his book bag, I need to look at his computer, I need to ask who his friends are, I need to meet his parents, I need to see what he is reading, and you have to be that kind of parent. You have to be proactive and not just a Bill.

This Bill is wonderful; this Bill is an immaculate creation and it will do wonderful things for raising the bar, and raising the standards, and protecting our children. It is filled with so many wonderful ways for us to approach that. But I still make a plea to

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Trinidad and Tobago, as a society, for the adults of this society: be vigilant be parents. Single parent, it does not matter, take the time; grandparents, it does not matter, take the time. You can never be too busy to spend five minutes with your child because those five minutes are going to count.

In the words of Dr. Haim Ginott, who is a teacher, child psychiatrist, behavioural psychiatrist, therapist: children are like wet cement; what falls on them makes an impression; and that is so very true. No truer words have ever been said.

One in three girls and one in seven boys are currently being abused, those again are awful statistics. Statistically 30 per cent—as I mentioned earlier—of abused children become abusers. They re-enact what they learn. If they are seeing manipulation at home, they are going to become manipulative; children are little mirrors, what we show them is what they become. They learn what they live.

One of the wordings that popped out at me on the Bill, in Part VI, clause 20, I notice a lot of the words were sentenced around “he”, and another harsh reality is that crimes towards our children are not gender specific. Not just men in our society commit crimes, women do it as well. So this should be a he/she approach in describing a familial relationship with the child or in a position of trust in relation to the child. There was an article that was broadcast on *Fox News* August 09, 2011. Madam Vice-President, if I can; a law teacher aged 33 videotaped herself raping a 16-year-old male student. Women are liable too! We are no longer the weaker sex.

Sen. Dr. Balgobin brought up an interesting issue with marriage and that is something that again, I ask hon. Minister for some clarity on. I have two antidotes I would like to share with you before I go into that—which if this Bill were in existence when my grandmother and my mother were going through their processes—I probably would not be here today. Of course, being a Muslim and through the rights of Islam, my grandmother was married technically for the first time when she was 14. At 14, she still was very, very much a child, and my grandmother was a tomboy. On the wedding night—because it was an arranged marriage—when she met her husband and her husband being very much her senior, made his husbandly advances, my grandmother ran away. She packed her little things up, and she went back to her mother, and she said; “I do not know what is going on with that man. I think he is crazy; I think he has lost his mind”. She cried for days and that was the annulment of the marriage. At 14 back then, what do you know? Unfortunately, we cannot say that about our 14-year-olds now.

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My mother was married when she was 16 to my father who is seven years her senior. She gave birth to me shortly before her 18th birthday. And her marriage did not technically become legal because of her age, although, by Islamic rights they were legally married. So the running joke for my father when I misbehave is that I am illegitimate anyway.

With those antidotes aside, I would like to see some clarity on what exactly is an accepted age of marriage, lawfully, and what age protects the two individuals marrying. Twelve, 14 and 16 are very young, but like I said, it is a fact that makes it possible for me to be here myself.

I commend you for the harsh imprisonment terms offered for incest. However, I would like to see harsher punishment—and this is something Sen. The Hon. Brig. Sandy brought up—for specifically repeat offenders because that is another sore on society. There are individuals, whether it be mental illness, or whatever be the case, who do continue to repeat, who do continue to offend.

And if you have such an individual—for instance, there is a 25-year term—and if he committed an act of paedophilia at the age of 25, he can be out before his 50th birthday with whatever concessions are made within the prison system. And that individual can, unfortunately, take the innocence of another child again. However, if we had, as Brig. Sandy mentioned, some sort of database or reporting system for these repeat offenders, so that we know in the neighbourhood, or within our community there is an individual who lives in our neighbourhood that we need to guard our children against, I think that that would be something that the Government should seriously consider. We have vaguely touched on it on this side of the aisle and we would like the Government to give it some consideration too.

[SEN. DR. JAMES ARMSTRONG *in the chair*]

With this being said, you have the power of arrest which is—due to the severity of the crime and the punishment, I believe there should be once again, a more thorough investigative process. I am quoting from the Bill:

“A constable may take into custody without warrant, a person who has committed or who” he—”a constable has reason to believe committed an offence under section 18 or 19(3).”

This is an absolute power. So you have an instance here, if we look at Part II, with offences referring to tobacco drugs and alcohol. As my colleague mentioned, if you have a Christmas party or fete or a gathering at the house and there is a bottle of Black

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and White—or whatever the alcohol of choice is—and a police officer happens to be up in arms with that individual, I feel like that gives absolute power for that individual to intrude upon the sanctity of that environment because of the presence or the ability of the constable to make that arrest.

That clause as a whole—I am getting ahead of myself, and I am ultimately confusing myself, but let me give you some clarity here. What I am alluding to more specifically is where it exposes a child, or it causes a child to be exposed to a dangerous drug, or substance having the effects similar to that of a dangerous drug. That, in conjunction with the open ability for a constable to make an arrest, I believe is a dangerous combination. And that is what I am ultimately saying.

If there is no clarity on what a constable can and cannot do, and there is no clarity on what the investigative process is, if there is an instance where it may be something as innocent as that child's parent owns a bar, and the parent has no sitters and has to take that child to the bar environment; or that there is a party going on at the family's house and there is alcohol available, there is too much of a blank page there for the authorities to maybe abuse the situation. I hope I have given a little bit more clarity on that confusion right there.

Part III, child pornography; I would like to see this extended too. This is something that my colleagues also touched on, and I went through briefly with the Facebook example, to cybercrimes and the social media there. I know that we briefly talked about readdressing or maybe revising or taking another look at the Telecommunications Act—[*Crosstalk*]

Sen. Al-Rawi: Or the Computer Misuse Act.

Sen. S. Ali:—and the Computer Misuse Act. Children, thanks to today's technology can be exposed to and endangered by—like I pointed out earlier—a barrage of elements even from their own peers. There are so many awful things available to children and that children have access to. So many of these children, unfortunately, go unmonitored by very busy, granted, hard-working parents. But there—once again *Fox News* had an article and this was dated April 30, 2011. There was a widespread—before the United States aggressively attacked this issue more concisely, teens were sharing nude pictures of themselves and of their friends over their cellphones.

So, you have an instance here where our children are unfortunately—because we want to have smart children, we want to have progressive children, we want to create a more rounded child, but they have such access to technology, and they have such access to the things that sometimes we do not even understand, that they are

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endangering each other, they are endangering themselves. Because just as they can share it with their peers it can be available to an adult who is going to take that even further, and may go on to bring bodily harm to the child in question. And then you have a stalker incident and what have you.

There is another incident where—and this is once again the dangers of cellphones and the dangers of the social media. Remember, there was an article in our local newspapers recently where a teacher—and I cannot remember exactly what school he was a teacher at—took pictures of himself naked and sent them to a student. [*Crosstalk*]

That is a major issue. That gives a lot of merit to readdressing the Telecommunications Act, and higher monitoring on a cyberlevel. I do not know if the Government would consider an agency for attacking cybercrimes and monitoring these things that would get more prevalent in the age that we live in. It is not necessarily that—we have not created the wheel and we are definitely not reinventing the wheel. Abuses have gone on since the start of time. In fact, it is like we were discussing across the floor area, it was just a better kept secret, 10, 20 years ago; it is not so much anymore. On certain levels we have to be very thankful for that.

You do have the media doing some good in educating our children. Talk shows like Oprah—I am not even sure if she is on the air anymore—and *Lifetime* movies, and after-hours school programmes that tell our children it is not okay if somebody reaches out to touch them this way, or if somebody does this, or if somebody does that.

8.30 p.m.

Whereas 10 or 20 years ago, if it did happen to you, you did not talk about it, because there was also a guilt factor included with abuse, because whoever the abuser was would tell you, “Don’t tell mummy, don’t tell daddy and don’t tell so and so, because I would love you less, or I can hurt a family member of yours”, hopefully, children do not have that hanging over them as much as they used to. I am sure they do on several levels, but it is more discussed.

Thanks to the media and to the things that children are exposed to at an early age, because they are learning that it is not okay to be touched in certain places; it is not okay for this to happen; and it is not okay for that to happen, but it is still up to us through legislation and through a caring process to seek the interest of our children.

I have talked about the provisions for the safe houses, and Sen. Beckles expounded on that quite nicely. There is so much that needs to be invested in the continuing care of our children, once they are taken out of the environment. Sometimes,

unfortunately, as much as we would like to remove a child from the immediate abuse, and for their own psychological well-being, put them in an environment with another family member, it is not always beneficial to do so.

Sometimes when you remove a child from say, the abusive situation, with a mother and father, and you put them in a situation where they are now with grandma or “*aajee*” or “*aajaa*”, you are going to have a situation where that abusive parent would still find them. So, in a number of cases, it is more beneficial to remove the child altogether and put him or her in a safe house. However, if these safe houses are poorly funded, poorly supervised and there are poor resources, are we really doing our children any good at the end of the day? So, there is so much room for improvement here. Once again, these are things that we could bounce off on this Bill that I would like to see be re-enacted as a living process, thanks to the introduction of this Bill.

Unfortunately, like I said, putting a child in a relative situation can do more harm than good, and I do believe that the Family Court system needs to be more frequent and more proactive. Trinidad and Tobago, as a society, is capable of maintaining it and we are ready for it, so I would like to encourage it.

We do not want to teach our children to live in fear and we do not want to encourage our children to live in fear. When you stand and you have these discussions about all the awful things that can happen to a child, if our children can comprehend what we are talking about and the risks that they are exposed to, fear would be the only thing that comes naturally, and children should be children.

Children should be encouraged to be children. You do not see it anymore, and it is so sad that you do not see it anymore, but children should laugh, giggle and play in the streets and not work and worry about what is going to happen at the end of the day—who are they going to get a beating from, and who is going to crawl into their beds at night, who is going to ask them to tote drugs and who is going to put a gun in their hand.

For the best part, give our children back the ability to be children. I believe in this legislation we are trying to do so, but we have to do so very carefully, and not deprive our children in the process; not endanger them further and not give too many unlimited powers to the people who are supposed to do that, which opens an avenue for corruption.

Speaking of employment of young persons, I would like to touch on that briefly, because that is another part of the Bill that I was unsure about, and exactly where it was going. I got very confused when I read clause 105 which says:

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“Subject to section 106, a child under the age of sixteen years shall not be employed or work in any public or private undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed; and any person who employs...”

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. [*Hon. F. Karim*]

Question put and agreed to.

Sen. S. Ali: Thank you. I am going to readdress this clause:

“...a child under the age of sixteen years shall not be employed or work in any public or private undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed; and any person who employs any such child commits an offence.”

I am 11 years—and I am absolutely demonstrating my age on every level in this contribution—older than my baby brother and I, of course, spent a lot of time babysitting in my neighbourhood. So, how this clause is worded, I beg to ask for some clarity, because would that make the people in my neighbourhood that I offered my babysitting services to—were they committing a crime, because that seems a little vague to me?

Like I said, my general issue with this Bill—I think very highly of this Bill, Madam Minister—is that there are areas that need specific clarity, because I sure hope those good people were not committing a crime in helping me buy my favourite candy at the end of the week. .

In closing, I would like to offer just one more poem. It is entitled *I Am a Child* written by Lela Albert who, herself, was a victim of abuse from a very young age. It says:

“I am a child, who has been abused.

I am a child, who has been rejected by my parents.

I am a child, who has lost my childhood.

I am a child, that has many hurts.

I am a child, who needs love.

I am child, who needs to heal.

I am a child, that wants some one to love me.

I am a child, that has been wounded by all kinds of abuse.

I am a child, that needs some one to take care of me.

I am a child, that is some one, I am a human being.

I am a child, that wants to be abuse free.

I am a child, who needs a family.”

I am a child who needs to be loved. Thank you. [*Desk thumping*]

Sen. Basharat Ali: Thank you, Mr. Presiding Officer. I am pleased to join this debate, though I would hardly be speaking on the Bill itself. First I would like to congratulate the hon. Minister, Verna St. Rose Greaves, on an excellent job in bringing together the Bill before us today.

Secondly, I want to commend you also for the launching of your gender policy consultation. I do that also in the context and a forewarning that we have gone through that process already, once before, and thought we were there. I think Joan Yuille-Williams was the Minister at the time, but the ones above her chose not to so we lost all that. So, we are hoping that you will do the job in good order, and I am sure you will. So thank you very much for all that you are doing.

Mr. Presiding Officer, I have chosen the theme, “Prevention is better than cure”, so I am not speaking to the Bill directly, but will speak about what we can do to prevent what is happening some of the times. My first problem really is to the word “sex”, and the word “sex” seems to cause a lot of confusion throughout this Parliament, because Parliament has not come to grips with that, what “sex” is and what “sex” should be.

I am glad to hear the Minister saying today that she is looking toward a wider and more open view of sex. Let us face it, I am pretty certain that a lot of what eventually has crept into this Bill is to guide our way through a definition, and the definition of “sex” in the Equal Opportunity Act, does not include preference and orientation, and everything else seems to go around that.

It is interesting to note that that Bill which was passed with a simple majority and became the Act in 2000, went to the High Court and the High Court ruled that it should not have been passed with a simple majority and that it should have been passed with the three-fifths majority in order to be acceptable.

Interestingly, in 2007 the then Government brought back the Bill called the Equal Opportunity Bill, 2007. I was sitting here in the Senate, but I was not aware of it, because it never reached here. So, this Bill came while the other one was passed as an Act, and a very long debate took place.

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In fact, the Bill had one amendment, as far as I am aware, and that was an amendment of the definition of “sex”, but all it says in the previous one is that sex does not include whatever it is, but this one says sex excludes preference and orientation. That was the only change, and a very long, tedious debate took place.

I have here the summary from 2007, and it went from the first reading on January 19, 2007. The second reading started off March 21, 2007 and went on to April 20, 2007; April 25, 2007; May 21, 2007; and then it was referred to a committee. I am not quite sure what happened in that committee stage.

What I believe was happening is that the then PNM Government wanted to take it to the Senate—they probably had the majority to take it through the House, and to bring it to the Senate, but it never reached the Senate, because after it reached the committee stage, I think it got jammed up and that was in May, and for the next four months it languished there until Parliament was prorogued on September 28, 2007.

8.45 p.m.

This is why we do not have any other Act in terms of equal opportunity, except what we have in the books there and which we know is faulty. I believe it is time that we come to grips with this concept of sex and what we should look at in this modern age, specifically on the question of orientation or preference. There are so many people who are not in vice. In fact, some people were born like that, so they do not have any choice. But when you tell them, “Well, if you were not covered, you are excluded,” it becomes a terrible thing.

I wanted to make sure that everybody knew we did in fact have a second look, but we never got past it, so we are nowhere better yet. I am not too sure when we are going to be. Maybe the gender policy thing could be one of the areas—the consultation may be one of the areas where the matter could be raised again and we see where we could go from there.

So far in the debate I have to say that my colleague, Sen. Corinne Baptiste-Mc Knight, was the one who raised the subject of same sex being given a certain kind of position where, for example, touching between two people of different sexes is not an offence, but touching between two persons of the same sex is an offence, which to me is the oddest thing I can think of. When we will ever get a new Equal Opportunity Bill, I would not like to say.

I will go straight into what I wanted to do, Mr. Presiding Officer, that is, to look at the role of the media, because very recently the media dropped the ball very, very badly. I am sorry, because it was something that happened on CNC3. I am usually quite happy with CNC3 for the news at seven o’clock in the evening. About two months ago when I was on sick leave, I happened to be waiting at

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6.00p.m. to see what the headlines were going to be. Sure enough the headlines came on, and the next programme that came on had a notice which said that, “This programme may have material unsuitable for children and may have explicit language and may have matters of a sexual nature”, words to that effect, and then that programme started. I could not believe it; 6.00 p.m. is prime time for children, and this material came.

I was not surprised, because that particular person who runs the programmes, I will not describe him myself—but it is the Jerry Springer Show. The best thing to do is to read what Wikipedia says about the Jerry Springer Show. It says:

“The Jerry Springer show is ostensibly a talk show where troubled or dysfunctional families come to discuss their problems before a studio audience so that the audience or host can offer suggestions on what can be done to resolve their situations. In actuality, the show has come to epitomize the so-called ‘trash TV talk show’ which frequently results in fighting between guests. At one point, the show proudly boasted that it was the ‘Worst TV Show Ever’ by TV Guide magazine. The show also bragged to be “an hour of your life you will never get back’. [*Laughter*] The Jerry Springer show has received widespread criticism and caused many controversies for a variety of reasons including its elements of prurience, explicit language and the exploitation of the vulnerable. Jerry Springer’s talk show began the 21st season on September 19, 2011.”

So this is what ran at our children’s prime time, probably for about three or four days, and then it stopped. It should never have happened in the first instance.

Anybody who was doing programming on CNC3 should have known what the nature of that programme would be and would not even have gone there. Somehow or the other they eventually, after three or four days, got over it, but I think that CNC3 owes an apology to all our children who had to sit during that hour, if their parents were not around, and look at all that terrible stuff. I bring that to you as dropping of the ball by the media.

It is important, Mr. Presiding Officer, that there should be better vetting of programmes, especially in the hours that the younger people are looking. They are already exposed to so many things. So many of them are more Internet savvy than their parents, and can look at various things. We do not want the local station to be deliberately going where they have gone in this particular case. So I trust that it would never again happen, and I hope that CNC3 would be listening and would take note of the fact that we in the Parliament are very upset that this ever happened on a programme.

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This I believe is part of TATT's duty to look at it, but the onus really falls on the production element in CNC3, the people who vet the programmes, et cetera. I hope then that our television programming would be more suited. We say that children are up to the age of 18 years in our books, so let it not ever happen again.

The second item I want to talk about is the influence of alcohol through the media thrust. I would like to say that earlier today two of the brothers, Kevin James, aged 24, and Anthony James, 20, would have been laid to rest after a funeral service at the Holy Trinity Cathedral. They, together with a first cousin, lost their lives, as we would have read early last Saturday morning, in a really dreadful accident. My heart goes out to the respective families. I am sure the Members of the Senate sympathize with them, and I am sure we all would wish to extend our condolences to the bereaved friends and relatives.

There is one advertisement I look at, and it tends to be a little serious looking, that is for Carib lager beer. Carib beer is a big advertiser, and their revenue no doubt is also a huge figure. One of the advertisements is by JW. I think most of the people know who JW is; he is a soca artiste. I think last year he won the soca artiste competition. He starts his programme out in a very serious way, glorifying beer. That is what he does, he glorifies beer. Then the programme breaks into the usual around the bar having their round of Carib lager beer.

But nowhere on the television do you ever see, or included anyway, what the alcohol content of Carib is. Carib lager has 5.2 per cent alcohol. I think that should be made more public, because when you take three or four of those, you are drunk. That is why so often when people go for the breathalyser, they probably have had more than two or three, and they are over the 35 milligrams—micrograms or milligrams, I cannot remember—they would say, “Well, chief, I only had two or three beers,” and they then get penalized. I think Carib as a company has a very heavy advertising programme; looking at it, they call themselves the real beer actually. I do not know what the real beer means.

As I said, it is time that we once more get companies advertising alcohol to say what the content of their product is. It is on the bottle. Everybody's Carib bottle has: “Alcohol content 5.2 per cent.” Does anybody ever look at it, except when they are too drunk to even look at anything else? [*Laughter*] [*Interruption*]

[MADAM VICE-PRESIDENT *in the Chair*]

Madam Vice-President, we are into alcohol. [*Laughter*]

Hon. Senator: Happy hour. [*Laughter*]

Sen. B. Ali: Madam Vice-President, I was going to ask the question: how many people know that Shandy Carib is an alcoholic beverage? I do not know how many of you know that. [*Sen. Karim raises hand*] Well you are a good Muslim, so you must know. Yes, it is deemed an alcoholic product because it has 1.2 per cent alcohol. I am sure our little “children” would probably be downing a bottle of Shandy Carib, and they should not. In the supermarket they separate them into the alcoholic section, but can we be sure that those children—and children here is anybody under 18 years of age—are not procuring and drinking this material? So we need greater supervision. I am not sure what inspectorate needs to do it, but the advertising media themselves need to look at it. They only say, “Drink responsibly”, but I do not know what that means. [*Laughter*] I did ask my learned SC whether a child under 18 years could legally consume Shandy, and he said no.

The other alcoholic product that I wish to talk about is White Oak. Let me say that I am not a teetotaler. Some people may say “Basharat Ali is a Muslim and so he is defending alcohol.” I do not even understand the White Oak ads. I was speaking to my friend, Sen. Dr. Balgobin, and I asked him: “What does the advertisement, ‘When it pours you reign’ mean? He said, “Well, ‘reign’ is like a pun.” I said, “I know that, but what does it mean?” Does anybody know what that means? “When it pours you reign”?

If I were to circulate the advertisement, it is there with a bottle of White Oak, and this looks like an attractive DJ. It was one advertisement and on the same day there was another advertisement in another newspaper. [*Sen. Ali displays newspaper*] It says the same thing, “When it pours you reign”, and there is a nice young lady and a gentleman in a glass, in an Old Oak glass, dancing or hugging or whatever it is. [*Crosstalk*]

9.00 p.m.

R-E-I-G-N, reign, it sounds like “rain”, but that is why I say it is a pun, okay. Those kinds of advertisements really—[*Interruption*]

Sen. Dr. Tewarie: It left them mesmerized. [*Laughter*]

Sen. B. Ali: So I am appealing to the whole industry, when we know we have so many incidents. I do not like to call them incidents—when people get drunk and have accidents; that is no longer an accident, that is an incident. In safety in the industrial sector, they always say, accidents are caused—incidents may happen, accidents are caused.

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This is my appeal today that alcohol companies, beer, rum and whatever other beverage; because I did a summary of what the alcoholic content of beverages are, Carib lager 5.2; Shandy Carib 1.2; wines 12 to 14.5; that is all varieties of wine, including champagne; rums, 40; scotch, 40; gin and vodka, 40, and the only one that I know that seems to be above that is puncheon, somebody gave me a figure of 75 per cent; I do not know.

So this is what I wanted to contribute today, to appeal to us, through us, to the community to go easy on alcohol; enjoy yourselves, but do not enjoy yourselves to the extent that you kill yourselves. Thank you very much.

Sen. Dr. Victor Wheeler: Thank you, Madam Vice-President, for allowing me to make a contribution to this very important Bill, the Children Bill, 2012. Like my colleagues I would like to commend Sen. Verna St. Rose Greaves for bringing a challenging Bill to Parliament.

I just have a couple of brief comments, one of which is in the definition section, where it says:

“ ‘child’ means a person under the age of eighteen years...”

Now, prior to this, a child was considered 16 years, so what we are doing today, when this Bill is passed, is that you are going to tell those 17 and 18-year-olds that, up until the passage of this Bill who might—[*Interruption*]

Sen. Al-Rawi: Children up to 18 years under the Family Act.

Sen. Dr. V. Wheeler:—in practice—[*Interruption*]

Sen. Al-Rawi: Yes.

Sen. Dr. V. Wheeler:—and I am actually referring to my practice of medicine, 16 is what we use as the cut-off, and we have 16 and 17-year-olds who are having children who do not consider themselves children.

You could imagine that you have someone who is 16 years old now, having a child for someone in their 20s, which is not unusual, and then this Bill is passed and they become a child, and they get pregnant at 17 for the same person who is in his 20s, and according to this Act the individual would have breached the Act and could find himself facing a fine or penalty or imprisonment.

From the outset, once this is passed, I am actually hoping it would be delayed before it is assented to because it would require the whole country to undergo some serious education and preparation for it because it is going to have a drastic impact on how we live.

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Now the Bill is intended to protect those under 18 whom we will be considering children from now, but at this point in time, as some have mentioned before, I do not think that we are quite ready for what it would mean to the society. So I am hoping that, as we go through the process—we are going to pass it I am sure because we are all in support of it, but the required infrastructure to support the implementation of this, would be very critical.

The schools: for example, right now you have in secondary schools students who are 17, 18, 19, prior to this, those 17, 18-year-olds would have considered themselves adults, with the passage of it, they would be considered children.

If they get ill, right now the paediatric ward at the hospital generally considers under 16 as children. The wards comprise cots, and children size beds. When you now raise that age to 18—I have seen some 16, 17-year-olds weighing 200 pounds, and six feet. Now no way they are going to fit on a child's bed, and the children's ward, if you are going to keep them there, you would be mixing them with infants/children. So in practice, some of those actually would have to be housed in the adult wards.

So this is something that will have to be considered for the future. We would have to change, certainly, how we construct the pediatric wards, there would have to be some adjustments for that because this is going to have an impact.

The other area I would like to comment on is clause 4(1), where it deals prevention of cruelty to children:

“Where a person has responsibility for a child, and the person—

(a) wilfully assaults, ill-treats, neglects, abandons or exposes the child,...”
and the other things, that—”cause that child suffering or injury to his physical, mental or emotional health; that person commits an offence of cruelty to a child.”

But if you go down to subclause (6), it says:

“Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a child to administer reasonable punishment to such child.”

I would just like some clarification of what is really “reasonable punishment” because subclause (7) says:

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“Reasonable punishment referred to in subsection (6), in relation to any person other than a parent or guardian, shall not include corporal punishment.”

So is this reasonable punishment spank, slap, pinch, tap? Because, remember earlier on, it said, if the person wilfully assaults or ill-treats or neglect.

We have heard in schools where a teacher disciplines a child, maybe gives him two taps, next thing the parent comes in and want to beat up someone. I think when we are educating the public about this, we would need to clarify really what is “reasonable punishment” to the child, and I think it needs to be very explicit, leaving no room for confusion.

Part III clause 5 subclause (1) says, and this relates to begging:

“A person who—

(a) causes or procures any child; or

(b) having responsibility for a child allows that child, to be in any street, premises, or other place for the purpose of begging or receiving alms, without the written approval of the Authority, commits an offence...”

But what about a school having a raffle, donation, or you want to raise some funds for a projects, and you give the child a donation sheet? How is this addressed in this section? I would certainly want some clarification on that, so that we do not have parents or school children running afoul of the law. I know that some raffles require police permission, once they are above a certain amount, but there are others where you see students coming around, very glibly, asking for money, and there is no stamp. So, I would certainly like the Minister to comment on that particular area in this section please.

The other area I will come to now is VI subclause 18 and that relates to:

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

But when you come to clause 20:

“A person sixteen years of age or over but under the age twenty-one years of age is not liable under section 18...”

And it goes through paragraphs (a), (b), (c) and (d). I had some difficulty interpreting this. Is it that the person is not liable, and all of these “(a) he is less than two years older than the child against whom is purported to have penetrated the offence”, and/or “(b) he is not in a familiar relationship with the child nor in a position of trust in relation to the child”?

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We have heard comments about (c) before where it implies that heterosexual activity is okay, but same sex activity is not. I was a little confused as to what it really means because they say that they are not liable, and paragraph (c) “he is not of the same sex as the child”. This is a double negative, and I thought it could be put a little simpler, if possible, to really reduce the confusion that may occur. And this same thing, “he is not of the same sex as the child” is also present in subclause (2) when it relates to a 14-year-old, and subclause (3) where it relates to a 12-year-old.

Now I know that the intention is to decriminalize sexual activity between children because, as it stands now, any sexual activity with a child under the age of 14 is not permitted by law, but this clause 21 does seem to permit sexual activity with a child under the age of 14, provided the person is 16 years and over.

We have already heard that children are having sex from an early age. I have dealt with 12-year-olds, 13-year-olds, 14-year-olds who have been pregnant and coming to give birth. I am not certain if this would further encourage or legitimize that activity because, prior to this, it was known that if a child under 14 has sex, it is against the law.

So I just have a little concern with this particular part, how that is going to be received by the public. Particularly also when you come to subclause (2) where it says that a person fourteen years of age or over but under the age of sixteen years would not be liable for the same thing if he is less than two years older.

So, you can have a 14-year-old and 12-year-old having sex—this is clause 20(2). I am actually uncomfortable with this. You would actually be allowing, making it legal for a 14-year-old to have sex with a 12-year-old.

Now, when you look at clause 23:

“Where a person engages in activity and—

- (a) the activity is sexual; and
- (b) for the purposes of obtaining sexual gratification, the person engages in it—
 - (i) when a child is present or when a child is in a place from which the person can be observed; and
 - “(ii) knowing or believing that the child is aware, or intending that the child should be aware, that the person is engaging in sexual activity; and
- (c) the child is under sixteen years of age,...

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Some persons we know live in very cramped accommodations. Some people live in one-bedroom households where you could have six, seven, or eight people sleeping in the same room. At first I thought that you would be putting families in jeopardy; if the child is asleep—parents have to enjoy their conjugal rights—but I am seeing that in clause 27 it says, marriage is an exception to that.

9.15 p.m.

But what about a common-law relationship where they are not married but they are living together happily, should this not also be included so that it is an exception, marriage and/or common-law relationship? This is one suggestion I would like to make for that on clause 27 where it says:

“Conduct by a person in relation to a child which would otherwise constitute an offence against a child under section 23 is not an offence if there are only two persons involved and they are lawfully married to each other.”

Clause 24 refers to causing a child to watch a sexual act.

“Where a person, for the purpose of obtaining sexual gratification, causes a child to watch a third person engaging in an activity, or causes a child to look at an image of any person engaging in an activity...”

The activity is that—we heard of children engaging in cellphone porn. You have the use of the Internet to review porn, but the Ministry of Education has given out laptops to school children. Could someone make a case that the Minister of Education could be charged for providing a laptop to a child to look at porn and if it was not for the laptop the child would not be seeing the porn? Would that be possible? Could you have some bright person making that an issue? I do not know if you could probably think on that, chew on that for me. [*Interruption*]

Sen. Dr. Tewarie: [*Inaudible and laughter*]

Sen. Dr. V. Wheeler: Well I mean they would say, if not but for the laptop they would not have access to view it. And if this was a laptop given by the Ministry they could have been aiding and abetting the rampant viewing of pornography in our school system. I do not know, I am just asking.

There are just a couple other areas—clause 35:

“A person who exposes a child or causes a child to be exposed to a dangerous drug or a substance having an effect similar to that of a dangerous drug commits an offence...”

What about mothers who use drugs while they are pregnant, give birth and the babies come to harm? Could it be possible for that child to take action against his mother? I am certainly aware of a case some years ago where a child—the mother of that child was a heavy smoker during the pregnancy and the child was born with some effects of the smoking and the child actually took legal action against his mother for smoking in pregnancy. Could this section be used—I mean it says exposes a child, it did not say a foetus. Could this potentially be used to take action against a mother who endangered her foetus by using illegal drugs during the pregnancy? I do not know, I am just asking if this clause can be used for that.

Clause 38(1) of the Bill refers to:

“Where a constable reasonably believes that a child or person whom he reasonably believes to be a child...”

And he lists off these things: in possession of tobacco products, drinking alcohol.

“the constable shall—

- (i) issue a warning to the child or person;
 - (ii) obtain the name of and address of the child or person; and
 - (iii) immediately notify the Authority, who shall contact the parents of the child forthwith on receiving the information.
- (2) A person or child referred to in subsection (1) shall comply with the warning and request for information of the constable.”

But what happens if the child or person does not comply? I am not seeing that there is any consequence to not carrying out the instruction of the constable or if there was some consequence, I am not seeing it here. So I would just raise that as an issue.

The last point I want to make is on clause 54:

“A Court, on remanding or committing for trial a child who is not released on bail, shall order that the child be placed in the custody of a Community Residence named in the Order for the period for which he is remanded or until he is brought before the Court...”

Specifically, with respect to Tobago; we do not have any facilities to keep juveniles, so it would mean that person having to be brought to Trinidad. I know sometime last year when that question was asked, Minister Sandy had said that at some point in time they would be looking to construct some sort of detention centre in

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Tobago. So I am hoping that this would be acted on as soon as possible, because it would mean that the child will be separated from his family who would have a lot of difficulty visiting, because they would have to travel to Trinidad.

I think those are the things I wanted to say, but I just want to repeat that this Bill is a Bill I certainly will support. It certainly seems to aim to protect our children and we know that the children are in need of protection, but the passage of the Bill will have a very significant implication on how we do things, and I am concerned that the support systems would need to be properly in place so that we would truly benefit from what this Bill is intending. I thank you.

Sen. Albert Sydney: Madam Vice-President, I thank you for the opportunity to contribute to this very important debate on the Children Bill, 2012, to replace the Children Act, Chap. 46:01. Madam Vice-President, I wish to state and place on record that I am in total support of this Bill and I commend the hon. Minister for her dedication and commitment for doing so.

For several years Trinidad and Tobago has supported initiatives outlined by the United Nations International Year of the Child and continues to do so. Fifty years ago Dr. Eric Williams, our first Prime Minister, saw the importance of the nation's children and one of the major activities on the eve of Independence was a National Youth Festival and Rally, where over 22,000 children were in attendance, where he made his famous statement that: "You carry the future of the nation in your school bags". Before the major events carded for the attainment of our Independence, the fact is that one of the first activities at that time was focused on the importance of our nation's children.

Madam Vice-President, there may be several of us here in this honourable Senate who were present at that time when those words were spoken by Dr. Eric Williams. None of us who were around at that time would have ever imagined that 50 years later they would be sitting today in this honourable Chamber. That is why it is so vitally important that as the legislators with responsibility for the lawful directions of the citizens of this country, we must not fail our children and enforce laws to protect them from harm. I am of the view that members of youth organizations who are charged with abusing young children under their charge, that there should be stiffer penalties under the Bill for these individuals. Some of these organizations that we know about for example are Trinidad and Tobago Cadet Force, the Scout Association, the Girl Guides Association and the Red Cross. These are the guardians of the children and they must be aware of their responsibility. How often have we heard of incidents about children at the various orphanages and children's homes throughout the country that have

undergone various—some form of abuses. In our schools, what are the special duties and powers and responsibilities entrusted to principals and, by extension, deans, both public and private to deal with and treat with teachers under their charge who are caught in the abuse of children.

When the East Indians came to this country in 1845, after various reports of abuse were recorded, the then colonial Government appointed a sub-intendant or protector of immigrants. Madam Vice-President, we have just abolished the old colonial Masters and Servants Bill. In this same vein I would very much like to see an officer appointed with specific reference to this Bill for the sole protection of children in our nation. Maybe matters relating to the Children's Authority would deal with, and encompass this issue. Just yesterday, in one of the daily newspapers in Jamaica, the head of the Centre for Investigation of Sexual Offences and Child Abuse (CISOCA) has declared open war against prominent members of the society who are guilty of sexual abuse especially on minors.

Madam Vice-President, this comes from the revelation of a case in Jamaica last year where a three-year-old boy was brutally buggered. I do not want to go into details. In this country, the time has come to stop sweeping our society's misdeeds and misgivings under the carpet especially when it comes to our nation's children. The Ministry of People and Social Development has to be more vigilant in the area of dealing with street children. They provide a ready pool for exploiters who often kidnap them and send them abroad to be part of the child sex trade. We must never forget that a senior male public officer, in fact, a head of division and curator of a department of government close to the Queen's Park Savannah was arrested in 1993 with a collection of pornographic material, including child pornography. This individual went on to serve a convicted 30-month sentence in the United States on child pornography related charges.

I say today, shame upon those who encouraged this sort of practice then, and shame upon those that continue to practice it today. But hopefully, Madam Vice-President, this Bill will deal with them once and for all. Technicalities in the courts must not be allowed to get the better of the judicial process where it relates to the stampeding of the fundamental human rights of our nation's children. We must not fail them. The State and the nation have failed many a young persons in this country and when I say young persons, I mean children as well. We have failed them. Three of the most classic examples have been the Akiel Chambers case—if he were alive today, he would have been a happy 25-year-old. To date, the State has failed after 14 years to convict anyone of this disgraceful crime.

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The second sad case that comes to mind where the State has failed or neglected one of our children is the case of the Dole Chadee killings in Williamsville in 1995. A 13-year-old boy and his sister were witnesses to the brutal murders of his parents and siblings. After all of this trauma he was only offered \$171 a month by the Ministry of Social Development and no psychological help from our social services. It is now sad that that same young boy, now in his 20s, was taken to the St. Ann's hospital after having seen his closest family members murdered, is now charged with the attempted murder of two school children. Sen. Sherrie Ali and Sen. Prof. Ramkissoon reiterated the point that children who are subject to extreme trauma or abuse, themselves become abusive towards others. We have failed as a State.

The final case that I wish to mention is the case of eight-year-old Daniel Guerra who was found dead in Tarouba, San Fernando. Madam Vice-President, that case is still undergoing preliminary enquiry before the courts so I shall not dwell on it any further, but it does not mean that we should forget. I agree with the sentiments expressed by Sen. Baptiste-Mc Knight that the time has come for us to speak out and stop hiding behind a veil of secrecy, where we speak in *sotto voce* about the incidents relating to the abuse of children.

When we hear about cases of incest in this country, both here in Trinidad and in Tobago, we have to deal with them and not, as a society, remain silent. It would be interesting to see the statistics released by the CSO of the cemeteries in this country where there is a high number of infant mortality graves, especially in the rural villages of this country. Maybe that may point to a direction where the work needs to start, from the Ministries of the People and Social Development and, of course, of Gender, Youth and Child Development.

I support the views of Sen. Dr. Balgobin on the issue of a paternal presence in the society, or rather lack thereof. But I think there is hope. I commend Sen. Brig. Sandy and his Ministry for the initiative, I believe it was last year when he hosted an event titled, "Fathers, bring your sons and come". I hope that the hon. Minister will continue with this very worthy initiative.

I want to make the point that just across in our neighbouring Venezuela, I remember just a few years ago President Chavez declared that for all public servants, I think one day a week they will work for half-day, because he said family is important,

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and to go home and spend time with your family. I also recall very much in the past that Sen. Pannelope Beckles, when she was Minister of Public Utilities, every year hosted an event for the children of her constituency.

So there is hope. For those who may be religiously inclined will remember the famous words by Brig. Sandy from someone 2,000 years ago:

“Suffer the little children and forbid them not to come unto me.”

And for those of us present who believe in the afterlife, the well-known words by the same individual:

“Unless you turn and become like children you will never enter the kingdom of heaven.”

In this Republic of Trinidad and Tobago here on earth, this Bill will, hopefully, protect our nation’s children and help sentence those perpetrators of brutal crimes against our nation’s children in whatever form or fashion, to the swift justice that they deserve. Hopefully, our children will be protected and we shall not fail them as a State, as a Parliament and as a nation.

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

Sen. Elton Prescott SC: Thank you very much, Madam Vice-President. Thank you, colleagues in the Senate. Thank you, Minister St. Rose Greaves for giving us this opportunity to scrutinize the piece of legislation that it appears everyone is satisfied is going to be of monumental importance to the society, and so I should join them, but first I must make my usual critique of the legislation.

I took the time to examine some related bits of legislation which may or may not have been overlooked, but which I think ought to be taken into account. So that at the risk of being regarded as presumptuous, I will put on record my observations about them and maybe when you get an opportunity you can let us know whether they have been taken into account or not.

Firstly, the Children and Young Persons (Harmful Publications) Act is to be found at Chap. 11:18. This was enacted in 1955, and it treats with the printing, selling, publishing, possession of books or magazines or other like works likely to fall into the hands of children or young persons. Material which:

“...consists wholly or mainly of stories told in pictures...stories portraying—

- (a) the commission of crimes; or
- (b) acts of violence or cruelty; or
- (c) incidents of a repulsive or horrible nature, in such a way that the work as a whole would tend to corrupt a child or young person...”

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I raised this because it appears to me that in treating with the Children Bill as it stands, there may not quite be the same offence created in that Bill, and one needs to go to the Children and Young Persons (Harmful Publications) Act and either repeal it or ensure that it does not collide with the provisions in the Children Bill. The offence created there is the offence of possession for the purpose of selling or letting on hire, the material.

You would be interested to know that a defence is also created in the legislation and it is the offence of not having reasonable cause to suspect that the material was repulsive or of a horrible nature. It would fall very heavily from the lips of a sensible adult, but some people do have difficulty determining what is repulsive and what is of a horrible nature. When I listened to Sen. Shamfa Cudjoe this evening I realized that I belong to a generation far removed, because I would not have thought that what we heard today does not constitute repulsive behaviour, but it seems that the world has changed while I was growing up.

That Act also permits—not permits; it directs the court to forfeit offensive works, and strangely, though—and I hope that when you go back to it you will decide not to allow that—if the convicted person should appeal the decision, the order for forfeiture does not take effect until the appeal is decided or abandoned. In today’s world that means that by the time the appeal is heard, the social media would have sent it around the world; it would have gone viral, I think is the expression used. So it would have been an academic exercise by the time the Court of Appeal is finished with it, because the perpetrator has had it in his hand all this time, not forfeited.

The second piece of legislation is the Gambling and Betting Act. Through you, Madam Vice-President, we cannot close our eyes to the fact that children have been used in betting transactions from time to time. One may even be inclined to say parents innocently—if I may say so—send their children to place a bet. It is wrong both on the part of the parent and the person with whom he conducts the transaction, but we have been doing it for ages and the law has been there for ages prohibiting it.

The Gambling and Betting Act, which is Chap. 11:19, speaks to betting transactions with young persons; a young person being a person under 18. It says:

“(a) has any betting transaction with a young person; or

(b) employs...in...betting transaction or in a licensed betting office;...”

I remember reading something about “licensed” written by a Dr. James. Is he the man from Tobago?

Hon. Senator: Winford James?

Sen. E. Prescott SC: Winford James, very perceptive. So let me say, “licensed” betting office:

“(c) receives or negotiates any bet through a young person,”

So that you send someone to the betting office, you are guilty of an offence; the person who transacts the business with him is guilty of an offence, and the fine is \$750. Perhaps we can look at it again, Minister, if only to address the amount of the fine.

That piece of legislation contains what will now be an absurd defence, that is to say, he appeared to be 18 when he came to place the bet. I notice in the Children Bill that there is a provision for people thinking that a child might be of a certain age and, therefore, allowed to do certain things, and I do not know that we should keep that kind of subjective provision in the legislation at all. We will address that, I am sure, when the time comes.

Thirdly is the Domestic Violence Act. I do not know why it struck me that some reference ought to have been made to that Act. It is to be found in Chap. 45:56. That Act provides, above all, for immediate injunctive relief to victims of domestic violence, and it ensures a prompt and just legal remedy for them.

I do not find in the Children’s Authority Act that kind of power or that leaning towards immediacy, towards acting expeditiously to treat with children who find themselves in situations of domestic violence. It probably is an oversight; it probably has been taken into account. If it has been, neither the Children Bill nor the Children’s Authority Act contains the force which commendably the Domestic Violence Act does have.

Having made that observation, I now go on to look at some other parts of the Domestic Violence Act. In section 3, a child is someone who is under the age of 18 and unmarried. I will say some more about the current move towards changing the age of a child. A child who is under the age of 18 and unmarried and living in a situation of domesticity may find himself the subject of physical, sexual, emotional, psychological or financial abuse. There is no reason why the Children Bill should not be looking at those elements of abuse at all.

An adult in this case, a person over 18, would have the opportunity to undermine the well-being of a child—a person under 18 in a domestic situation—by simply refusing to provide the books or the uniforms for school, or in the way that he or she treats with the child when it comes to the child’s socialization or the

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child's education; the child's efforts to do work at home, to study, to prepare himself or herself for classes. Emotional or psychological abuse certainly ought to attract the attention of the framers of the Children Bill, and it ought to, if it has not found its way, be regarded as a means by which—well, as coming within the definition of cruelty. I suspect it is covered.

9.45 p.m.

If you look at clause 4 of the Bill, which all of us have looked at from time to time, the language used is wilfully assaults, ill-treats, neglects, abandons or exposes the child, in a manner likely to cause that child suffering or injury to his physical, mental or emotional health. The Domestic Violence Act treats with sexual as well, and my reading of it is that it is the mental well-being of the child, and the emotional well-being of the child that are the tinderboxes. One must be very, very cautious in that regard, and I would urge that the framers of the Bill once again look at the Domestic Violence Act and see if they have managed to cover all the many ways by which one could be cruel to a child.

The Children Bill, Madam Vice-President, does not include domestic violence against the child among family matters. If you would look with me at the definition of “family matter”—I think it is at page 3; yes, in clause 3 at page 3 the definition section:

“‘family matter’ means any cause, matter or legal proceeding—

- (a) concerning maintenance, guardianship, wardship, access, custody, care, adoption or welfare of children excluding probate and the administration of estates; and
- (b) arising out of a written law and connected with a matrimonial, familial or other domestic relationship;”

It appears that that may have been an attempt to cover matters of domestic violence, but I am not certain that it does it appropriately. I would invite that they take a look at it again with a view to ensuring that it does. In any event the provisions in clause 121 of the Bill which give pre-eminence to offences charged under this Act over any other, would mean that whereas the Domestic Violence Act, as I say, seems to deal with more grave offences they must give way to offences under the Children Bill, and I suspect that that ought not to have been the case. I would recommend that we once again look at it and see if we could not bring it in line.

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Section 23 of the Domestic Violence Act ought to be looked at. It applies criminal law provisions and there needs to be some clarity in the way we look at section 23.

The Criminal Law Act, you see, applies to arrestable offences, and an arrestable offence is any offence for which a term of five years or more is legislated. It covers attempts to commit criminal offences. It says that a person may be arrested without a warrant even on reasonable suspicion that he is about to commit an arrestable offence.

It is an arrestable offence if you are capable of being sentenced to five years imprisonment or more, and a police officer may arrest you without a warrant even on reasonable suspicion that you are about to commit an arrestable offence.

When we are dealing with children it is very likely that a provision such as this makes it even clearer that anybody who has the impression—let me put it differently—any police officer who reasonably suspects that you are about to do something to a child can move in and bring an end to it, and I make bold to urge that that may be the case. It might be better if you have to put up a defence after the fact.

May I just proceed then? Look at clause 4(2) of the Children Bill, you would see it provides for summary offences. And at clause 4(2), the offence of cruelty as described in clause 4 warrants a summary conviction of \$5,000 and imprisonment for six years and on indictment \$50,000 and imprisonment for 10 years. Those provisions are reasonable; they are probably more substantial than in the Criminal Law Act, and they probably should be retained, but I am wary that we should not overlook those provisions in the Criminal Law Act.

I think I will just give myself a little more liberty because of what is likely to be happening later this evening, and invite another look also at the Summary Offences Act, Chap. 11:02, section 5 of which provides for assaults on children, a six-month term of imprisonment. Section 121 will no doubt take care of it, because we probably need to repeal it and get it out of the way and not confuse police officers and people who go to lay complaints before Justices of the Peace and lay them under the wrong section.

Madam Vice-President, I now wish to move on to three pieces of legislation, which—I suspect that politicians are wary to address this. Our society is developing quite nicely I think; over 50 years we have made some strides and we

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continue to do that. The new Government says that it is doing things differently and that is very apparent, and so I make bold to say that perhaps they could look again at the Muslim Marriage Act, the Hindu Marriage Act and the Orisha Marriage Act, and say once and for all, that we are not going to permit religious freedoms of the sort that those Acts provide in relation to marriage.

We cannot continue to pretend that we are anything but Third World if we allow children to marry at the age of 12, as one of these Acts does or 14 as another does. Some of them even permit marriage within certain degrees of consanguinity, you marry a relative; and I do not think it is limited to these three, I suspect that in the Christian world you may marry your cousin. Perhaps we should clean up our act a little and remove all of these things from our contemplation. I would not be surprised if there are people who disagree with me and say that there is law, there is Islamic law and law is law. But if we are going to revolutionize the society in the way that we are doing, slowly and deliberately with a positive aim, these are some of the things that we need to be moved out of the way. It will take a very, very bold and adventurous Government to do it. They would have to be very secure in themselves, but somebody needs to address it.

If you look at them you would find—let us take for example the Muslim Marriage and Divorce Act, Chap. 45:02. The requisite for a valid Muslim marriage is that each party shall, “as regards age, mental capacity and otherwise, be capable of contracting marriage.” They are not prohibited from marrying one another according to Islamic law. But the age for contracting and consenting could include a female of 12. And there was a colleague of mine who was—when I heard him repeat “12” a third time, I knew he had a problem and the problem probably was this: it probably was cemented in this provision. There are people in this country who are allowed to marry at 12 and they are regarded by the law as capable of consenting to marriage at 12. The law says they must be capable of understanding the nature of the contract, but many adults in our country do not understand contracts. [*Laughter*] And I did not say it frivolously. [*Laughter*] There are many people who do not know what it means to enter into a contract.

Now, it is not therefore enough to say that their parents or guardians must consent. Sometimes the parents themselves think it is better to get the 12-year-old married off and avoid trouble, and they alone know what “trouble” means in the circumstances.

It is probably found in this way, this penchant that we now have for abdicating the responsibility for bringing up our children ourselves. So that we say “marry them off.” I have heard of a situation of a woman who allowed a young man to come into her

home and live with her teenaged daughter because she just could not deal with the trouble of having the child go out there and find her own way. So the first little gentleman who came along, she said: “Look, move in and that takes some strain off me.”

So, maybe, I have focused for too long on these three pieces of legislation. As I say, they are bound to be controversial steps, but any government worth its salt and confident in itself could take that opportunity to revisit it. Let the public talk about it. Let the public talk about it. Those who have strong views on it have already begun to talk about it. They have columns in the newspapers and they berate us every day, and there is no need for me to call any names.

So, in relation to Sen. Dr. Balgobin’s question: at what age would you be mature enough?—I would urge certainly not before 18. Indeed, I thought 24 was the best age to start thinking about marriage. [*Laughter*]

ADJOURNMENT

The Minister of Public Utilities (Sen. The Hon. Emmanuel George):
Thank you very much, Sen. Prescott SC.

Madam Vice-President, before I move the Motion on the adjournment of this Senate and of this debate at this time, I would like to take the opportunity to thank my colleague, Sen. Pennelope Beckles, and the Senators of the Opposition for so graciously agreeing to meet on a Friday like this. And I am certain this was a great sacrifice on their part, in particular for those who like to go on a “lil” Friday evening after-work “lime.”

So, too I would like to thank the Senators of the Independent Bench, who may not be as inclined as those in Opposition—[*Laughter and desk thumping*—]—to go on Friday evenings after-work “limes”, but who certainly would have given up their Friday evening at considerable sacrifice; and also to thank my colleagues on this side for agreeing to be here to continue this debate.

I would also like to indicate to this Senate, which I omitted to do at the question time when I sought leave to have certain questions deferred to next week, that written answers to questions Nos. 61 to 65 were laid and distributed, and I simply would like the Senate to take note that this was done today.

Certain amendments to this current Bill that we are debating have been circulated and that is so that Senators have time between now and when next we meet to discuss, to debate this Bill to enquire into the adequacy and the necessity for those amendments to be included.

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So, Madam Vice-President, I beg to move that this Senate do now adjourn to Tuesday, May 22, 2012 at 1.30 p.m., which is Private Members' Day, and in keeping with my promise to this Senate and to the Senators of this Senate to allow—[*Interruption*]

Hon. Senator: What time?

Sen. The Hon. E. George: 1.30 p.m., next week Tuesday, May 22, 2012. It would be Private Members' Day. We will not take away the Private Members' Day from this Senate and from Senators, so we will continue the debate on Sen. Baptiste-Mc Knight's Motion on the tributes that the Senate may wish to consider paying to former Presidents and Prime Ministers of this country.

Madam Vice-President, I beg to move.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 10.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

Housing Development Corporation (Land Earmarked for Housing)

61. Sen. Fitzgerald Hinds asked the hon. Minister of Housing and the Environment:

- A. Would the Minister kindly identify and/or name the locations of the parcels of land, owned by or vested in the Housing Development Corporation (HDC) that are earmarked for housing, across Trinidad and Tobago and the anticipated start date for such housing development in each case?
- B. Would the Minister kindly provide the pertinent details as to this ownership and/or vesting?
- C. Would the Minister indicate those parcels at (A) above which are occupied in whole or in part, by farmers/squatters and are now under cultivation or other illegal occupation?
- D. Would the Minister also advise whether and when the HDC proposes to take occupation of the lands at (C)?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):

- (a) The information below indicates the names and/or locations of parcels land, owned by or vested in the HDC that are earmarked for construction of housing units across Trinidad and Tobago and the anticipated start dates:
- Union Hall, San Fernando - Construction commenced on July, 2011
 - Fairfield Estate, Princes Town - Construction commenced on October, 2011
 - River Runs Thru, Arima - July, 2012
 - Buen Intento II, Princes Town - June, 2012
 - Bon Air North, Arouca - October, 2012
- (b) The table below provides the pertinent details on the ownership and/or vesting status for the parcels of land which are earmarked for construction:

| Proposed Sites | Ownership Details |
|--------------------------------|--|
| Union Hall, San Fernando | This property is owned by the Corporation as noted by our Deed dated August 5, 1993 and registered as No, 16474 or 1993. |
| Fairfield Estate, Princes Town | This property is owned by the Corporation as noted by our Deed dated May 29, 1971 and registered as No.64556 of 1971. |
| River Runs Thru, Arima | This property is owned by the Corporation as noted by our Deed dated April 2, 2008 and registered as No. 20372 of 1990. |
| Bon Air North, Arouca | This property is owned by the Corporation as noted by our Deed dated April 20, 1990 and registered as No. 20372 of 1990. |
| Buen Intento, Princes Town | This property is vested in the Corporation pursuant to the HDV (Vesting) Amendment to the First Schedule) Order, 2012, legal Notice no. 122 of 2012. |

- (c) Fairfield Estate, Princes Town is occupied in whole or in part by farmers/squatters
- (d) The Housing Development Corporation has already pursued action to reclaim its property by proposing to conduct negotiation with said occupants.

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**Housing Development Corporation Housing Units
(Details of)**

62. Sen. Fitzgerald Hinds asked the hon. Minister of Housing and the Environment:

With respect to housing units under the purview of the Housing Development Corporation (HDC), could the Minister indicate:

- (a) the number of housing units owned by the HDC that comprise the entire housing stock;
- (b) the number of units of this stock that have never been occupied by tenants and those other than units for rental, not yet sold, and when such units will be made available to citizens; and
- (c) how many units have been allocated to beneficiaries between September 01, 2010 and the current date, and the addresses of these units?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):

- (a) The HDC is currently conducting an inventory into its housing stock and is unable to provide an accurate answer at this point in time. However, upon completion of this exercise a response will be provided.
- (b) The HDC is currently conducting an inventory into its housing stock and is unable to provide an accurate answer at this point in time. However, upon completion of this exercise a response will be provided.
- (c) During the periods September 1, 2010 to May 14; 2012; the HDC has allocated approximately one thousand, five hundred and two (1,502) housing units.

A copy of the listing of addresses of these housing units is attached as **“Annex 1”**.

ANNEX 1

| NAME OF DEVELOPMENT | NUMBER OF UNITS | AREA |
|--|-----------------|---------------|
| Bien Venue Housing Development | 2 | La Romain |
| Bon Air West Housing Development | 1 | Bon Air |
| Buen Intento Housing Development | 8 | Princes Town |
| Charlieville Housing Development | 4 | Chaguanas |
| Clifton Hill Housing Development | 72 | Port of Spain |
| Cleaver Heights Housing Development | 190 | Arima |
| Coconut Grove Housing Development | 2 | Mayaro |
| Corinth Housing Development | 55 | San Fernando |
| Carlsen Field Housing Development Phase 3B | 3 | Carlsen Field |
| Couva North | 2 | Couva |
| Debe Housing Development | 25 | Debe |
| Dyette Estate | 2 | Cunupia |
| East Grove Housing Development | 20 | Curepe |
| Edinburgh Close | 24 | Chaguanas |
| Edinburgh 500 Housing Development | 8 | Chaguanas |
| Edinburgh South | 259 | Chaguanas |
| Exchange Village | 1 | Couva |
| Fidelis Heights Housing Development | 17 | St Augustine |
| Fyzabad Housing Development | 1 | Fyzabad |
| Golconda Housing Development | 153 | San Fernando |
| Goya Housing Development | 2 | Tacarigua |

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ANNEX 1

| NAME OF DEVELOPMENT | NUMBER OF UNITS | AREA |
|--------------------------------------|-----------------|---------------|
| Graham Trace Housing Development | 1 | Sangre Grande |
| Harmony Hall Housing Development | 7 | Gasparillo |
| Ibis Gardens Housing Development | 1 | Caroni |
| Las Alturas Housing Development | 47 | Morvant |
| Lion's Gate Housing Development | 36 | Enterprise |
| Malabar Housing Development | 53 | Arima |
| Mendez Drive Housing Development | 2 | Champs Fleur |
| Olera Heights Housing Development | 3 | San Fernando |
| Orchid Gardens (Apartments) | 1 | San Fernando |
| Oropune Housing Development | 216 | Piarco |
| Ramdial Mahabir Lands | 1 | Morvant |
| Retrench Housing Development | 89 | Retrench |
| Peastree Housing Development | 1 | El Dorado |
| Picton Housing Development | 12 | Sangre Grande |
| Southern Gardens | 1 | Point Fortin |
| Strikers Village Housing Development | 1 | Point Fortin |
| Tarouba Housing Development | 1 | San Fernando |
| Tarodale Gardens | 177 | San Fernando |
| Valencia Housing Development | 1 | Valencia |
| TOTAL | 1,502 | |

Pineapple Crescent, D'Abadie
(HDC Compliance with Environmental Management Act of 2000)

63. Sen. Fitzgerald Hinds asked the hon. Minister of Housing and the Environment:

- A. Would the Minister kindly indicate whether the HDC complied with the provisions of section 35(1) of the Environmental Management Act of 2000, when it caused approximately 40 acres of land at Pineapple Crescent, D'Abadie, to be bulldozed?
- B. If the answer is in the negative, could the Minister explain why not?
- C. If the answer at (A) is in the affirmative, would the Minister provide this House with a copy of the relevant Certificate of Clearance?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):

- A. No, the HDC did not comply with the provisions of Section 35 (1) of the Environmental Management Act of 2000, when it caused approximately 40 acres of land at Pineapple Crescent, D' Abadie to be bulldozed.
- B. The HDC took the necessary measures to protect its interest in the lands at Pineapple Crescent, D'Abadie by taking possession of these lands which had been previously cleared and occupied by illegal occupants. Therefore, there was no need to obtain a Certificate of Environmental Clearance pursuant to Section 35 (1) of the Environmental Act 2000.
- C. Not applicable.

Board of Management of the HDC
(Details of)

64. Sen. Fitzgerald Hinds asked the hon. Minister of Housing and the Environment:

Would the Minister indicate:

- (a) the names, academic qualifications and other certification of the members of the Board of Management of the Trinidad and Tobago Housing Development Corporation (HDC);
- (b) the date of appointment of each such member; and
- (c) whether any of these persons hold any other office within the said HDC or the Ministry of Housing and the Environment, whether on contract or otherwise?

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The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):

- (a) The names, academic qualifications and other certification of the members of the Board of Management of the Trinidad and Tobago Housing Development Corporation (HDC) are indicated in the following table.

| Name | Academic Qualification/Other Certification |
|------------------------------|--|
| Henkle Lall - Chairman | <ul style="list-style-type: none"> • BA Economic & Administrative Studies- York University of Toronto; • MBA- Marketing / Finance- Andrews University, Michigan, USA • Completing Theisis- LLM-Corporate and Commercial Law- UWI. Cave Hill |
| Graig Davis- Deputy Chairman | <ul style="list-style-type: none"> • Presently pursuing Executive MBA – Arthur Lok Jack, UWI; • Diploma in Process Plant Operator; • Certificate in Fire and Occupational Safety; • Certificate in Ammonia Plant Catalyst Training; • Certificate in Boiler Water Chemical Treatment; • Certificate in Operation of Axial and Centrifugal compressor Control Systems; • Certificate in Pump Operation and Troubleshooting; • Certificate in Documenting Plan Operations; • Certificate in OSHA 1910.120 Hazwoper; • Certificate in OSHA 29 CFR 1910/1926 Subparts L&M Scaffold & Fall Prevention; 10 Hour Construction Industry Regulations Standard Outreach Training Programme; • Certificate in Supervising for Operational Effectiveness; • Certificate in Standard Advanced First Aid-Adult, Child, Infant CPR; • Certificate in Industrial Fire Fighting; • Certificate in Microsoft Project 2007. |

| Name | Academic Qualification/Other Certification |
|-----------------|---|
| Douglas Johnson | <ul style="list-style-type: none"> • Graduate Diploma in Purchasing & Supply – MCIPS – Chartered Institute of Purchasing and Supply (CIPS) |
| Gunness Sudama | <ul style="list-style-type: none"> • Presently pursuing MBA- University of Wales • AIA Qualified – Member of Association of International Accountants (UK). |
| Reyna Kowlessar | <ul style="list-style-type: none"> • Bachelors of Law (LLB) – University of London; • Legal Practice Course (LPC) – College of Law, London; • ICSA Certificate – Institute of Chartered Secretaries and Administrators. |
| Ronald Carter | <ul style="list-style-type: none"> • MBA Finance – New York University; • BSc Business Management – UWI. |
| Nadia Ali | <ul style="list-style-type: none"> • Presently pursuing Bachelor in Education in Early Childhood and Care Education; • Diploma in Special Education – Lady Hochoy Home and Special Child Foundation; • Certificate in Events Management – Arthur Lok Jack Graduate School of Business. |
| James Lambert | <ul style="list-style-type: none"> • Industrial Relations-Cipriani Labour College; • Industrial Relations, Communications and English – Victoria Institute (English). |
| Terrence Henry | <ul style="list-style-type: none"> • Certificate in Public Administration – UWI, Mona Campus. |

(b) The date of appointment of each of these members is December 22, 2011.

(c) It is to be noted that none of these members hold any other office with the HDC or the Ministry of Housing and the Environment.

Adjournment
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**Pineapple Crescent, D'Abadie
(Compensation paid to Farmers)**

65. Sen. Fitzgerald Hinds asked the hon. Minister of Housing and the Environment:

- A. Would the Minister advise whether compensation was paid to the farmers who were in occupation of lands at Pineapple Crescent, D'Abadie, which were bulldozed by the Housing Development Corporation (HDC) for housing purposes?
- B. If the answer to (A) is in the affirmative, would the Minister indicate how many farmers were affected, the amount paid to each, and for what specific loss?
- C. Would the Minister further indicate what has the HDC done to relocate, to what location(s)?
- D. Are the sums identified at (B) above the full and final settlement?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal):

- A. Yes compensation was paid to the farmers who were in occupation of lands at Pineapple Crescent, D'Abadie, which were bulldozed by the Housing Development Corporation (HDC) for housing purposes.
- B. Four illegal occupants presented claims regarding damage to crops and property at Pineapple Crescent, D'Abadie. One of them accepted payment in the total sum of Two Hundred and Twenty Eight Thousand, Four Hundred and Thirteen Dollars (\$228,413) whereas the other three refused acceptance of payments. It is to be noted that this payment was based on evaluative reports conducted by the Ministry of Food Production, Land and Marine Affairs
- C. The HDC is not mandated to relocate any of the illegal occupants.
- D. The sums offered to the illegal occupant represent full and final settlement which the HDC is mandated to pay based on evaluative reports conducted by the Ministry of Food Production, Land and Marine Affairs.