SENATE

Wednesday, January 11, 2017

The Senate met at 1.30 p.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Madam President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Franklin Khan, Sen. Daniel Solomon and Sen. Wayne Sturge, who will be absent due to illness and to Senators Jennifer Raffoul and Taurel Shrikissoon who are both out of the country.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President, Anthony Thomas Aquinas Carmona O.R.T.T., S.C.:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: MS. ALISHA ROMANO

WHEREAS Senator the Honourable Franklin Khan is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago and acting in accordance with the advice of the Prime Minister, do hereby appoint you, ALISHA ROMANO to be temporarily a member of the Senate, with effect from 11th January, 2017 and continuing during the absence by reason of illness of the said Senator Khan.

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 10th day of January, 2017."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: DR. WAFFIE MOHAMMED

WHEREAS Senator WAYNE STRUGE is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago and acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, DR. WAFFIE MOHAMMED to be temporarily a member of the Senate, with effect from 11th January, 2017 and continuing during the absence by reason of illness of the said Senator Wayne Sturge.

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 11th day of January, 2017."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: MR. NIKOLI EDWARDS

WHEREAS Senator Jennifer Raffoul is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, 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, NIKOLI EDWARDS to be temporarily a member of the Senate, with effect from 11th January, 2017 and continuing during the absence from Trinidad and Tobago of the said Senator Jennifer Raffoul.

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 10th day of January, 2017."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago.

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: PASTOR CLIVE DOTTIN

WHEREAS Senator Taurel Shrikissoon is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, 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, PASTOR CLIVE DOTTIN to be temporarily a member of the Senate, with effect from 11th January, 2017 and continuing during the absence from Trinidad and Tobago of the said Senator Taurel Shrikissoon.

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 10th day of January, 2017."

Madam President: Hon. Senators, we are to receive one further Instrument of Appointment so that when we receive that I will revert to this item, but the Senators are now required to take the Oath.

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Alisha Romano, Dr. Waffie Mohammed, Nikoli Edwards and Pastor Clive Dottin.

JOINT SELECT COMMITTEE
(Establishment of)

Madam President: Hon. Senators, I have received the following correspondence from the Speaker of the House of Representatives:

"January 10, 2017

Dear President of the Senate,

Establishment of the Joint Select Committee

At a sitting held on Friday, January 06, 2017 the House of Representatives agreed to the following resolutions:

1) 'Resolved:

That in accordance with Standing Order 68(3), the Tax Information Exchange Agreements Bill, 2016 be withdrawn from the Committee of the Whole and referred to a Joint Select Committee; and

That this Committee be required to report by Friday, February 3, 2017."

2) "Resolved:

That subject to the concurrence of the Senate on this matter, the following Members be appointed to serve on the Committee:

Mr. Colm Imbert, MP

Mr. Faris Al-Rawi, MP

Mr. Stuart young, MP

Ms. Marlene Mc Donald, MP

Dr. Bhoendradatt Tewarie, MP

Dr. Tim Gopeesingh, MP"

Accordingly, I respectfully request that the Senate be informed of these decisions at the earliest convenience please.

Respectfully,

Bridgid Mary Annisette-George

Speaker"

TRIBUTES

(MR. SURENDRANATH CAPILDEO)

Madam President: Hon. Senators, as you are aware, two former Senators passed away: Mr. Surendranath Capildeo passed away on December 24, 2016 at the age of 76, and Mr. Nicholas Simonette passed away on December 29, 2016 at the age of 91. I will now invite you to offer tributes and may I suggest that we begin with the tributes to former Senator Capildeo. We would deal with that and then we will deal with the

tributes to former Senator Simonette.

The Minister of Agriculture, Lands and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, thank you for the opportunity to say these few words in tribute to former Senator Suren Capildeo.

Madam President, there is no debate that former Senator Suren Capildeo was an extraordinary person. This has nothing to do with his lineage; he coming from the Capildeo, Naipaul and Tewarie clans. It had to do with his extraordinary capacity for argument, debate, engagement, the occasional sabre-rattling and bravado.

Sen. Capildeo's spectrum was wide—personal recollections of the lives and activities of the infamous Dr. Dalip Singh and the controversial Bhadase Sagan Maraj, larger-than-life expositions of the characters and characteristics within Naipaul's *Miguel Street* and deep, detailed and strongly argued notions on Hinduism, politics, law, the legal profession and even the most innocuous activities and habits of us Trinidadians and Tobagonians.

Sen. Capildeo's oral and written contributions cannot be fully catalogued or recounted in a few minutes. What can be recalled are his physical stature, penetrating voice and his consummate attention to debate and advocacy.

On behalf of the lawyers amongst us and from all of us in the Government we reflect upon a life lived to the fullest and a contribution well made. To his friends, family and every life that he touched, we extend our condolences. May his soul rest in peace.

Sen. Wade Mark: Madam President, it is with a heavy heart but with pleasant memories that I join with my colleague on the Government Bench in this hallowed and august Chamber to pay respect on the passing of one of our former Senators and colleagues, the late Surendranath Capildeo, whose mortal remains were recently cremated. Every so often, in our universe a meteorite strikes across the galaxy. Ever so often interstellar space, whose constant state is a void of darkness, is illuminated by a fallen star that burns up leaving a trail of brightness that lights up the universe for a brief moment in time and then the light goes out for an eternity. There are considerable similarities with developments in interstellar space with what goes on in our sphere of existence and place of human activity called planet Earth.

And so, Madam President, once upon a time a distinguished family led by the name of Capildeo—in fact, Simbhoonath and Indradai Capildeo, the grandson of the legendary Pundit Capildeo and his wife Saagi of Chaguanas left an indelible

imprint on our society.

Our dearly beloved brother could not have ascended to the level of a dewtaa in his transition to another realm, where he now sits in council with his ancestors and with his brahma.

When we review the antecedents of this great individual, we see Madam President, that he was the nephew of Rudranath Capildeo, who was a first cousin of the legendary Nobel writer, VS Naipaul. He was born in his maternal grandmother's house, known as the House of Shores, and who ultimately grew up on Luis Street, Woodbrook, which has given rise to the epic novel *Miguel Street*, in Woodbrook.

Surendranath Capildeo was educated at Tranquility Government School, and then on to Queen's Royal College. He did his law degree at the University College, London and practised in his father's chambers of Capildeo and Capildeo. He was treasurer of the Law Society, then, for some 18 years and was elevated to the rank of silk, Senior Counsel, in 2012.

His career in the realm of politics was a long history of excellence in representation, which commenced with the DLP in 1976, when he contested the St. Augustine seat. He became a UNC Senator, sitting next to me during that period 1991 to 1995.

In his sojourn, or in his travels, in the world of politics, enabled him to be associated with luminaries such as Basdeo Panday, Ramesh Lawrence Maharaj, and in his closing stages of his career he was an ardent supporter of the Congress of the People.

He was a delightful orator whose capability in this region was frequently and widely manifested in his numerous passionate speeches and at social functions in the wider community. He was the author and expert deliverer of numerous speeches, which the most memorable is, perhaps, one delivered in 1989 at City Hall entitled, "Let Us Consider Ourselves", which eloquently elaborated on the contribution of the East Indian population of Trinidad and Tobago. His initial classic, *The Lotus and the Dagger* chronicles eloquently his numerous speeches which were delivered over the years.

In his service to the community and the nation as a whole, he was an important member of the Maha Sabha, including being President of its youth arm. He was also the President of the Hindu mandir of St. James for many years.

The Capildeo family was involved in the management of this said mandir for over 50 years. In his management of the mandir, the Capildeo family was an equal

opportunity proponent.

Few of us, Madam President, would recall that it was Mrs. Capildeo, his mother, who, on the advice of and recommendation of his great grandmother, agreed to allow the Confederation of African Associations of Trinidad and Tobago, better known as COAATT, to hold one of its Emancipation interfaith services at that mandir in St. James.

Madam President, I learnt it was the first time that 11 different religious denominations prayed at the mandir on an occasion which celebrated a very important cultural activity—that is, Emancipation—and all of this was done with the encouragement of the Secretary General of the Maha Sabha.

Madam President, Surendranath Capildeo embodied that spirit of openness, expansiveness in all his social, economic and political undertakings. In fact, it was his badge of honour; indeed, a true reflection of his cultural antecedents.

He was well known in international circles, having contributed to many international publications and local newspapers. He was well versed in Hinduism, which, of course, is understandable, given the fact that his father was an authority on Hinduism.

Another aspect of his life, Madam President, was his willingness to give, a virtual philanthropist of distinction. Madam President, he was an ardent proponent of conservation of historic buildings. Indeed, a friend of the conservationist. Madam President, this was aptly demonstrated in his restoration of Lion House in 2001 at his own expense. It was the family home on the main road in Chaguanas. He contributed also to the restoration of his alma mater—that is, QRC—and many other schools.

Madam President, he also preserved the original exterior of the house of Julianna Chambers, the wife of the former Prime Minister, George Michael Chambers.

Even the Port of Spain City Corporation acknowledged his contribution to the City of Port of Spain. His contribution was also acknowledged by the Maha Sabha when this school, called Capildeo Tunapuna Hindu School, was named after his family. Madam President, he was honoured by the National Council of Indian Culture at Divali celebrations in 2006.

There is no doubt, in closing, that we have lost a star, a stellar performer in every facet of life, both privately and publicly. Indeed, a star has pitched from the earthly realm into the heavenly firmament. The meteorite has blazed the sky. It has lit up the firmament. The length of his incandescent stream would light up over societal space for many years to come. He is irreplaceable. His contribution has been

immeasurable and will be unmatched for many years to come.

In closing, Madam President, finally, we on this side, on behalf of the Leader of the Opposition and my colleagues, express considerable empathy and sympathy to the Capildeo family and indeed his wider family in their period of grief. We also join with our colleagues in mourning his passing and we record his invaluable contribution to the growth and development of our nation. May his soul attain the state of moksha. I thank you, Madam President.

2.00 p.m.

Sen. Sophia Chote SC: Thank you, Madam President, for the opportunity to offer my own condolences to the wife and children of the former Sen. Surendranath Capildeo SC. The words and condolences which I offer, are extended on behalf of all of my colleagues who sit on the Independent Bench with me. Much has already been said about the late Senator, so I will keep my words few.

I must say that despite his heavy legal practice, Mr. Capildeo, who was a prominent son of a prominent family, was one of the persons who had a great impact on our country's development in a unique and peculiar way. I say this because Mr. Capildeo started speaking out about his religion, speaking about himself as a Hindu, at a time in our country's development when many people were afraid or shy to say so. I think he gave many young Hindus the confidence to speak about their religion by his own example. I know that while he was a politician for a brief time in this Senate, and a politician all his life outside of this Senate, the Prime Minister under whom he served, the former Prime Minister Basdeo Panday, had once observed that if Mr. Capildeo had to be remembered for one thing it would be for his promotion of Hinduism in this country.

For citizens in this country where we all stand equal under the Constitution to have the confidence to express our faith, and to worship in the manner in which we choose is certainly something which is fundamental to the rule of law and, in this way, I ask your agreement to say that Mr. Capildeo did much for his religion in that respect.

People have spoken about the fact that he came from a prominent family, but I wish to say this. This man was not in the least dwarfed in stature by the reputations of his family members. His contribution to the nation and to nation building was spread across so many fields of endeavour in our society that certainly he was a citizen who had a reputation which is very hard to emulate or to

live up to. He gave it his all.

It is true to say that he was at times acerbic, colourful, controversial, leonine in appearance and I think he took great delight in the use of words, and he took great delight in articulating arguments and ideas for debate. This was his way of seeking to lift the intellectual life of our country, and I think we have to be grateful for that.

May I end by saying that this lion has gone to rest and, through you, Madam President, I wish to offer my sympathies and the sympathies of the Senators of this bench to the family of the late Suren Capildeo.

Madam President: Hon. Senators, I too wish on add my words of tribute on the occasion of the passing of former Sen. Surendranath Capildeo. Try as we might, and today in this Chamber we have, it is impossible to capture everything that former Sen. Capildeo was and represented in the few words and in the limited time which we in this Chamber have to do so.

Former Sen. Capildeo was all of the things that have been said about him in this honourable Chamber today and so much more. Our generation has lost another great champion. It is my hope that we will never forget the qualities and the abilities that lent to the success of former Sen. Capildeo. It is my prayer that we will pay him the truest tribute by conducting the affairs of this country in a manner which will make him proud and do justice to his legacy. My condolences to his family.

(MR. NICHOLAS SIMONETTE)

Sen. Daniel Dookie: Madam President, I pay tribute on behalf of the Government Bench to former Sen. Nicholas Simonette who passed away recently. This distinguished gentleman served in this honourable institution in the first, second and third independent Parliament of Trinidad and Tobago, which embraced the period December 29, 1961 to June 19, 1976. A family person, married with six children, grandfather of nine, great grandfather of seven. His outstanding careers include that of being a teacher where he would have added value to the lives of many young children, many of them today who lead and led successful families and successful careers. His service in this honourable institution, I said, would have spanned three Parliaments during the period 1961 to 1966, 1966 to 1971 and 1971 to 1976.

His service would have included contributions in various committees, including the Regulations Committee, House Committee, Joint Select, Special Select and Privileges Committees. Also in this honourable institution, Mr.

Simonette would have contributed to many debates lending his learning and knowledge to the benefit of the nation.

Mr. Simonette was well known as an event promoter, having organized the first and only visit of the legendary boxer, Muhammad Ali, deceased, to Trinidad and Tobago for three days and included in that contingent which visited Trinidad and Tobago was also the equally legendary boxing trainer, Angelo Dundee.

Mr. Simonette was also well known as a promoter for the development of local and regional talents. Indeed, this gentleman who was also a gentle giant, served with outstanding distinction as general secretary of the People's National Movement during the period March 19, 1962 to January 15, 1978, and was a chief pioneer of the buy local competition organized by the movement with great success.

His leadership, organizational and people skills and his acumen for organizational restructuring were well known and benefitted the many institutions he served, including the institution of government and the institution of the People's National Movement. So, Mr. Simonette made his mark and his contribution to the nation and the People's National Movement. And, accordingly, the People's National Movement honoured him at its anniversary celebrations in 2012. So whilst we are saddened by his passing, we take the opportunity to offer sincere gratitude to his family for allowing him to serve the nation so diligently for such a large part of his life.

So on behalf of the Government led by Prime Minister, the Hon. Dr. Keith Rowley, we offer our heartfelt condolences to his wife, his children, extended family and friends, and wish them God's grace during this time, and further we wish them God's richest blessing in all their endeavours. May his soul rest in peace.

Madam President: Sen. Mark. [*Cellphone rings*] Let me make it clear Senators that all phones should either be put on silent or left outside of the Chamber. I am not going to tolerate a repeat of the last sitting that we had. Okay? Can I just ask your ring tones to change to a normal little ring tone and not a whole piece of music that I have to hear, you know? Thanks very much. Sen. Mark.

Sen. Wade Mark: Madam President, thank you very much. Madam President, I rise on behalf of the hon. leader of the United National Congress and the Leader of the Opposition and Senators on this side of this august Senate to pay tribute to a fallen warrior. Madam President, we are undoubtedly in a *Season of Anomy*, a season of harvest when the good seeds of honesty, probity, fearlessness and wisdom are being harvested by our eternal master who is the embodiment of love, truth, forgiveness, honesty and light. We have been reaping the good seed

which we have now literally sown with the passing of Nicholas Simonette, 91 years of age.

Madam President, it was in this Senate just only recently we paid tribute to a fallen Prime Minister. We have just paid tribute to another son of the soil. Today, we in solemn conclave pay our respects to another fallen icon, the late Nicholas Simonette.

We all know that the late Nicholas Simonette was an unrepentant PNM, a foundation PNM. He held the post of general secretary of the PNM for many years. Nicholas Simonette was also a man of many parts. He was multi-talented and excelled in everything that he set his hands, heart and mind to. No greater example of his greatness and unbridled pursuit of quality and elegance as is reflected in his choice of spouse and also reflected in his children and his many friends who have been left to mourn his passing.

Madam President, who really is this fallen icon, this man who has lived beyond the proverbial three scores and 10 and, Madam President, and who, to employ cricketing terminology went on to score another 21 runs in fine style as only he could have done? He was a southerner like you, Madam President, of distinction having lived in our southern peninsula of Cedros where his family was well known. His roles as general secretary of his party and that of teacher in his professional calling were all superbly executed.

I would not elaborate on how it can be claimed that he was the ultimate general secretary of any party and of all times in the history of our country. I would leave that to the stalwarts on the other side of this honourable Senate to unravel and to decipher. The *Hansard* record of our august Senate will forever chronicle his towering and monumental contribution to the debates in this Senate, and I wish to implore senatorial colleagues to research and read them.

Being the multi-faceted personality that he was, it is perhaps in the sphere of culture and an identification with his cultural heritage that he was one of the original flag bearers. Madam President, up to today the Simonette family led by its great icon, the incomparable Niko as he was popularly called, was the leading light in forging, developing and sustaining our African consciousness and our diasporic links with continental Africa.

Madam President, the Simonette family led by the late Nicholas Simonette, was one of the pre-eminent leaders in our African community whose love for Africa and its culture was unsurpassed. When the late Ooni of Ife visited in 1988 to celebrate the 150th anniversary of emancipation at the invitation of the Confederation of African Association, led then by one Patrick Edwards, Niko and all the members of his family made a monumental contribution to ensure that the visit of the first Yoruba King and

spiritual head from Nigeria was well received and, in so doing, Madam President, contributed to the development of our African consciousness and a more profound awareness of the grandeur and majesty of our African ancestry.

Given his antecedents and his cultural roots, it did not blind him to an awareness and appreciation of other cultures which comprised our polyglot society. He was a steel pan enthusiast. He sought to promote steel band music and Calypso music, and to promote the steel band fraternity as a whole. He developed a sense of self-worth and respectability in our society. He brought numerous international groups and artistes to our shores. He was in his day, undoubtedly, the duende of cultural confraternity in our country. Madam President, during his period as a Senator, he was a member of numerous parliamentary committees, and together with former Simbhoonath Capildeo, were responsible for the successful passage of many pieces of legislation in the Senate. Together they were involved in the passage of over 21 Bills.

Madam President, let me close by telling you that he was involved in many sporting activities. The most notable of which was when, as my friend said, he brought the legendary Muhammad Ali, along with his famous trainer, Angelo Dundee to Trinidad and Tobago.

Madam President, our country has undoubtedly lost a great son of the soil, a great patriot, an unparalleled promoter of the art and culture, a true Africanist but, above all, an unsurpassed nationalist and in every sense of the word, Madam President, "A Trini to the bone". Madam President, may his soul find eternal rest in the bosom of his ancestors, and may Olodumare in his infinite wisdom and mercy welcome him, welcome him, in that very ethereal mansion in the sky. Ashe.

Sen. Dr. Dhanayshar Mahabir: Thank you very much, Madam President. Madam President, I consider it the greatest of honours to be delivering the tribute to Mr. Nicholas Simonette on behalf of my colleagues on the Independent Bench. I never met Mr. Simonette, but I knew his name growing up, and researching his background I have unearthed the fact that as indicated by colleagues prior, he served in the very first Senate in the Republic of Trinidad and Tobago. In fact, on the very first day that the Senate sat in our Republic, the 29th of December 1961, Mr. Simonette was a member, and for three terms in this Chamber, from 1961 to 1976, three continuous terms for 15 years, which is an extremely long time for a Senator, Mr. Simonette served this Chamber in a manner that today, Madam President, we take for granted.

Because I took the liberty of reading some of the *Hansard* contributions, not of Mr. Simonette, surprisingly, but of what members who worked with him on the other benches had to say about him. He was the consummate consensus builder.

You would be hard-pressed to find in the records an Opposition Senator or an Independent Senator indicating that he was not the go-to individual to resolve difficulties.

In fact, Madam President, on the Rules Committee, which is the precursor to our Standing Orders, the traditions that we now take for granted in the Senate were largely established by Mr. Simonette on the Rules Committee so that the courtesies we display, the conventions we have developed, the persona of the Senate as opposed to the other place, the more gentile environment within which we offer our debates and our conflicting opinions to a large extent would be due to the personality and to the ability of Mr. Simonette to settle differences and to seek common ground, and the legacy we in this Chamber now have inherited which makes the Chamber a very pleasant place to be is to a large extent on the account of the institution of the Senate that he built, and I pay homage to him for that contribution.

Sen. Mark said he was an "unrepentant PNM", I would prefer to call him a committed party loyalist. For a number of years he also served as General Secretary of his party, and in that capacity we saw with the birth of party politics in 1956 onwards, the need for a strong organization, a strong party mechanism to ensure that general elections and local government elections could be contested. As General Secretary he would have had to interact with a range of individuals. He was eminently qualified for that particular function at the level of the ground, at the county council level, at the village council level, at the constituency level, at the general council level, he would have been a stalwart in the party putting together things in place so that when he demitted office in 1976 the party that he left that he had built would be able to weather all sorts of storms. It is not surprising to me that after the defeat of his party in 1986, a tremendous defeat, the party was able to recover. It could not have recovered without the effectiveness of the party structure that he had left when he was in that position, and to build the institution was, of course, his forte.

I think in public life we tend to look at people who are academic superstars and people who had excelled. He was a teacher, but it demonstrated to me that in public life there is a space for a range of individuals once they are committed to excel, and he was one of those committed to the Senate, committed to his political party, committed to the country, to the democratic traditions of the country.

Mr. Simonette was not only a party individual or a Parliamentarian, he was also a successful business person. Together with his wife he founded one of the earliest travel services in this country at the corner of Keate Street and Frederick Street called Ernicks Travel. That was how his career subsequently went after he left the Senate, 15 years of service. In addition to that business, he had a number of gift shops, and as we heard prior

he was also involved in the promotion of sporting activities. This was clearly a man of many talents, and we learn a great deal from how he conducted himself. We learn a great deal from the integrity he displayed in discharging his duties. We appreciate on the Independent Bench the legacy he has left for us so that the Senate is a far better place.

Madam President, I put myself in his position in 1961, they had nothing to work with. Today we have our Standing Orders. We have all our conventions, a number of years, 55 years later, we have a tradition developed by him and his cohort. He may perhaps be the last member of that first Senate. If that is the case, certainly we need to celebrate his life in a significant way. I need to extend deepest condolences on behalf of all members of my bench to his wife, to his children and to express our deepest gratitude for his unwavering service to our Chamber and to the country, and we would like to indicate that may his soul rest in peace always. With much gratitude, thank you, Madam President.

Madam President: Hon. Senators, I, too, wish to add my words of tribute on the occasion of the passing of former Senator, Mr. Nicholas Simonette. Former Senator Simonette's life spanned every dimension of national endeavour. It is because of contributions like those of former Senator Simonette that we can claim to be the country we are today. It is because of contributions like his that we can today aspire, and with more than a reasonable belief in our ability to actually achieve it, to be a democratic nation built on the pillars of inclusive participation, of patriotic values and of basic human respect for one another.

I am acutely conscious that as we stand here in this Chamber today, we stand on the shoulders of persons like former Senator Simonette in the words of the poet:

> "Lives of great men all remind us, we can make our lives sublime, and, departing, leave behind us, footprints on the sands of time."

My hope and my prayer is that we in this honourable Chamber and in the wider society will see it fit to do tribute to this man by following in his footsteps of service and of dedication to our fellow man.

Hon. Senators, I hereby instruct the Clerk of the Senate to convey to each of the former Senators' families our deepest condolences and our kind sentiments that were expressed here today.

Hon. Senators, it is now time for us to observe a minute's silence.

The Senate stood.

PAPERS LAID

1. Annual Report of the Trinidad and Tobago International Financial Centre Management Company Limited (TTIFCMCL) for the year ended September 30, 2016. [*The Minister of Trade and Industry* (*Sen. The Hon. Paula Gopee-Scoon*)]
2. Audited Financial Statements of Evolving Technologies and Enterprise Development Company Limited (eTeck) for the year ended September 30, 2013. [*Sen. The Hon. P. Gopee-Scoon*]
3. Audited Financial Statements of Evolving Technologies and Enterprise Development Company Limited (eTeck) for the year ended September 30, 2014. [*Sen. The Hon. P. Gopee-Scoon*]
4. Annual Audited Financial Statements of Caroni (1975) Limited for the financial year ended June 30, 2016. [*Sen. The Hon. P. Gopee-Scoon*]
5. Annual Report of the Financial Intelligence Unit of Trinidad and Tobago (FIUTT) for the year ended September 30, 2016. [*Sen. The Hon. P. Gopee-Scoon*]
6. Audited Financial Statements of CLICO Investment Fund for the financial year 2014. [*Sen. The Hon. P. Gopee-Scoon*]
7. Audited Financial Statements of CLICO Investment Fund for the financial year 2015. [*Sen. The Hon. P. Gopee-Scoon*]
8. Criminal Procedure (Amendment) Rules, 2016. [*The Attorney General* (*Hon. Faris Al-Rawi*)]
9. Response of the Service Commissions Department to the First Report of the Public Administration and Appropriations Committee on an Examination into the Current Expenditure of Ministries and Departments under three (3) Sub-Heads: Current Transfers and Subsidies, Development Programme—Consolidated Fund and Infrastructure Development Fund. [*The Vice-President* (*Sen. Nigel De Freitas*)]

2.30 p.m.

URGENT QUESTIONS

National Debt
(Effect of Settlement with Petrotrin)

Sen. Wade Mark: To the hon. Minister of Finance: What effect, if any, will the 5 per cent settlement with Petrotrin have on the country's national debt?

The Minister of Finance (Hon. Colm Imbert): We do not anticipate any impact at this time.

Sen. Mark: Madam President, would the Minister indicate to this honourable House whether it is the intention of the Government to borrow moneys in order to meet that obligation?

Hon. C. Imbert: It is not our intention at this time.

Sen. Mark: Madam President, may I finally? Could the hon. Minister indicate to this House how the Government of Trinidad and Tobago intends to finance that 5 per cent settlement?

Hon. C. Imbert: The Government of Trinidad and Tobago does not intend to finance that 5 per cent settlement.

National Carnival Commission Board (Appointment of Representatives to)

Sen. Wade Mark: To the hon. Minister of Community Development, Culture and the Arts: In light of the pending 2017 Carnival celebrations, what steps are being taken by the Minister to appoint representatives of Pan Trinbago, the National Carnival Bands Association, and the Trinbago Unified Calypsonians' Organisation to the Board of the National Carnival Commission?

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Madam President. All the organizations called have been contacted, so they have sent their nominees. The process is ongoing and should be completed by next week.

Sen. Mark: Madam President, could the hon. Minister indicate to this Senate how long ago did these stakeholders send the names to your good office or to the NCC for appointment to the board of the National Carnival Commission?

Hon. Dr. N. Gadsby-Dolly: The names were sent in between December 15th and 19th, and they were forwarded on the 20th for action.

Sen. Mark: Madam President, could the hon. Minister indicate to this Senate definitively, when will these appointments be effected with those names in the possession of your good self and the NCC? When are these stakeholders going to take their seats around the NCC table in light of pending Carnival activities?

Hon. Dr. N. Gadsby-Dolly: As indicated, by next week they should be able to take their seats.

ANSWERS TO QUESTIONS

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Madam President, the Government will answer all oral questions on the Order Paper. With regard to question 7 the written response is now in circulation.

WRITTEN ANSWER TO QUESTION

Retention of Private Legal Services
(Details of)

7. Sen. Wade Mark asked the hon. Attorney General:

With respect to the retaining of private legal services for the period September 7, 2015 to September 19, 2016, by the Attorney General and Minister of Legal Affairs, could the Attorney General please indicate:

a) the names of the attorneys-at-law or legal firms retained;

b) the total amounts paid and/or owed to said attorneys or legal firms; and

c) the details of each engagement including the nature of each brief?

Answer lodged in the Parliament Library.

ORAL ANSWERS TO QUESTIONS

European Union Grant
(Details of)

10. Sen. Wade Mark asked the hon. Minister of Planning and Development: In light of Government's commitment and promises to the cane farming community, can the Minister inform the Senate whether any payments have been made to farmers from the proceeds of the European Union Grant of eight million euros?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Madam President. The Government has honoured its commitment to cane farmers and as such Cabinet, by Minute No. 40 of August 04, 2016, agreed to the payment of the sum of $57,965,675 to cane farmers as the final settlement to the 2007 transitional payment out of the sugar industry. The sum is the equivalent of eight million euros received from the European Union for payment to cane farmers.

By letter dated September 20, 2016, Mr. Sundaresan Seepersad, President of Direct Delivery Cane Farmers' Co-operative Society Limited agreed to accept on behalf of himself and his members the offer of Government to settle payments under tranche two and three, as agreed to by Cabinet. These outstanding payments represent tranches two and three under the agreement with the previous Government in 2015. The payment of tranche one continues.

At a meeting on September 20, 2016, between the Permanent Secretary Ministry of Planning and Development and Mr. Seepersad, Mr. Seepersad agreed to the formulae for the distribution of the approved sum of $57,965,675 to cane farmers.

The main features of the compensation package are as follows: 2,324 farmers will be eligible to receive payments under tranches two and three. An amount equal to 53 per cent of the sum of tranches two and three will be paid. A minimum payment of $12,000 will be paid. In this compensation package to former cane farmers, the highest money value is a little over $500,000, and the minimum payment or lowest payment is $12,000. It is in keeping with the previous agreement and depends on the value of the cane farmer production.

A breakdown of payments in ranges is as follows: The minimum payment of $12,000—644 farmers will receive this amount; between $12,001 and $100,000, 1,638 farmers will receive this amount; between $100,000 and $200,000, 34 farmers will receive this amount; between $200,001 to $300,000, six farmers will receive this amount; between $400,001 and $500,000, one farmer will receive this amount, and between $500,001 and $600,000, one farmer will receive this amount.

On September 25, 2016, Mr. David Darsan, Vice-Chairman of the Trinidad Island Wide Cane Farmers' Association, advised via email that his membership is willing to accept the Government's offer. I wish to take this opportunity to point out, Madam President, that although the two other organizations, namely the Cane Farmers' Association of Trinidad and Tobago and the Cane Farmers' Co-operative Society, have not as yet accepted the offer of the Government, this does not debar individual cane farmers from accessing the funds. Government has commenced payment to cane farmers from the proceeds of the eight million euros, and to date cheques have been prepared for 97 cane farmers which amounts to the sum of $2,430,306, and payments to cane farmers continue daily.

It is to be noted that the sum of $57,965,675, which makes it a total of $84,965,675, in addition to the already paid sum of $82,111,774, that was paid to the cane farmers in 2007. The 2007 and 2015—[*Interruption*]

Madam President: Hon. Minister, your time is up.

Sen. Mark: Madam President, through you, before asking the hon. Minister a supplemental, would the hon. Minister be so kind to circulate your paper in terms of the remaining parts of the answer that you were giving.

May I ask what efforts, Madam Minister, are being made to ensure that the two other cane farming bodies are able to meet with your good self and the Government with a view to having this matter finally settled, so all cane farmers would enjoy the benefit of this agreement that you have mentioned and receive the necessary payments?

Hon. C. Robinson-Regis: Madam President, I would like to indicate that we have indicated that all cane farmers can come in individually and receive their payments. However, there has been a pre-action protocol letter issued by Sen. Ramdeen which has indicated that some farmers are not willing to accept the amount. But we have indicated that once farmers are interested, they could come in individually and receive and we have indicated this to all farmers. Thank you very much, Madam President.

Sen. Ramdeen: Madam President, through you, could the hon. Minister indicate to this honourable Senate whether the Ministry of Planning and Development has answered the pre-action protocol letter that was delivered to them to which reference was made by the hon. Minister, to date?

Madam President: Sen. Ramdeen, the Minister in her response indicated apparently you are on record in this matter. Correct? So I do not think that—the Minister has referred to the pre-action protocol letter, but I am not sure whether it is proper for you to be asking these questions on this matter.

Sen. Ameen: I would like to ask the Minister, Madam President.

Madam President: Do you want to ask the Minister a supplemental question?

Sen. Ameen: Yes.

Madam President: Please do.

Sen. Ameen: The same question, in fact, Madam President. The question as to whether the pre-action protocol letter has been responded to.

Hon. C. Robinson-Regis: The pre-action protocol letter was directed to the Prime Minister and to the Attorney General, and so I do believe it is before the Office of the Attorney General.

Sen. Ramdeen: Madam President, through you, could the hon. Minister indicate to this Senate the reason why the Ministry of Planning and Development only proposed to pay 53 per cent of what was promised to the cane farmers pursuant to the Cabinet agreement?

Hon. Al-Rawi: Madam President, if you would just permit me on a matter of privilege to assist my learned colleague. My learned colleague has not yet declared a conflict of interest, but perhaps if he did there would be no problem because when one has a pecuniary advantage to be gained on an interest of the floor of the Parliament or otherwise, it is proper to declare a conflict. Just to assist my learned friend, that that declaration perhaps ought to be made. [*Desk thumping*]

Sen. Ramdeen: Madam President, I am grateful to the hon. Attorney General for the assistance. I have no pecuniary interest in this matter, but I do act on behalf of two

of the interested parties that are referred to by the hon. Minister with respect to the cane farmers, and that is a matter of public knowledge, Milady. I apologize for not doing so earlier.

In those circumstances, if I can be allowed to ask the Minister again: What is the reason that the Government only agreed to pay 53 per cent of the promised sums of money that were due in tranches two and three to the cane farmers?

Hon. C. Robinson-Regis: Thank you very much, Madam President.

In 2007, the Government of Trinidad and Tobago paid to the cane farmers who are the ones who still remain interested in further payments, the sum of $82,111,774. They have already been paid this amount. Between 2015 and 2016, the payments would amount to $27 million further for tranche one and the further sum of $57,965,675, which would be a further $84,965,675, making it a total of $167,077,449 to 2,324 cane farmers.

Madam President, as you may be aware, the payments to the cane farmers was in order for them to transition from cane farming to other forms of agriculture or other industries. In fact, the eight million euros was not intended to be a cash payment to cane farmers. However, the last Government did agree in January of 2015 that a further cash payment should be made to the cane farmers from the European Union grant and that the Government would increase the amount from the $8 million.

This Government, after the Ministry of Planning and Development brought this to the attention of the current administration, it was determined that the cane farmers, having received quite a substantial amount of money and many of them having already transitioned out of cane farming—that the eight million euros would be the only amount given in cash to the cane farmers, and that would be the end of the payments in cash. Further transfers were made to the cane farmers in terms of giving them training in other areas, and each farmer was given two acres of Caroni land.

So, Madam President, in further answer to the question, the current administration's policy was that the eight million euros was the last tranche and that would be the amount paid in cash to the cane farmers.

Teenage Murders
(Government's Plans)

11. Sen. Wade Mark asked the hon. Minister of National Security:

In light of the recent murders of four teenagers in less than a week, what measures are being taken by the Government to address this issue of murders of teenagers?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Madam President, the murders referred to took place in September 2016 and since that time the Trinidad and Tobago Police Service has put several initiatives in place to complement its normal operation to deal with criminal activities. These initiatives which pay special attention to the areas in which these teenaged victims lived, include the following: enhanced mobile and foot patrols in the main shopping locations and inner city, during the days and times when there is an expectation that there will be high occupancy of teenagers within those areas; the conduct of raids of abandoned buildings in an effort to minimize the opportunity to establish hiding places for narcotics, illegal firearms and ammunition.

We have also initiated community outreach patrols that focus on frequent communications within the communities, more so with respect to religious heads and community leaders who it is believe have some degree of influence on the young people within the areas. The use of technologically equipped vehicles outfitted with cameras have also been introduced in the operational areas. This vantage point provides the opportunity for targeted deployment of foot and mobile patrols which can prevent impending action by perpetrators.

High focus on areas where schools and other youth facilities such as early childhood care and education centres are located, have seen an increase in police presence and communications with the various institutions. Enhanced partnership between the Trinidad and Tobago Police Service and institutions such as the Parent Teachers' Association has also been initiated.

In addition to the aforementioned, the Trinidad and Tobago Police Service has also taken steps to strengthen several ongoing youth programmes which include the police service youth clubs, the Caring Intervention for Troubled Youths, referred to as the CITY programme, the Hearts and Minds Programme, the school liaison officers initiatives, anti-bullying campaign and school visits and lectures.

Sen. Mark: Could the hon. Minister indicate whether these various initiatives and measures outlined by the hon. Minister have had the requisite results and/or effects in addressing the excessive and sometimes unconscionable rise in the murder rate among young citizens in our Republic? Could you explain to us the measures that you have outlined, what effect they have had if any?

Madam President: Before I call on the Minister, Sen. Mark, if you could just be a little tighter with your supplemental questions.

Hon. Maj. Gen. E. Dillon: Madam President, the measures outlined are being assessed and evaluated as we go along.

Sen. Mark: Madam President, could the hon. Minister indicate to this Senate when the assessment of these measures will be finalized, so that the people and this Parliament could at least be made aware of the efficacy of those measures?

Hon. Maj. Gen. E. Dillon: Madam President, the security situation is not a static one, but very dynamic, and therefore the assessment is taking place at a very periodic time, and as we continue we change our strategies based on our assessment. To date, in fact, for 2017, the operational team between the Commissioner of Police, the Chief of Defence Staff and Director of the Strategic Services Agency, we have met, we have reviewed some of the strategies of 2016 for instance and are now developing new strategies to deal with issues of crime for the 2017 year.

Sen. Mark: Through you, Madam President, could the hon. Minister indicate to this House whether he is satisfied in 2016 with those measures having the kind of results that you would have wanted, hon. Minister or whether you are dissatisfied with the outcome of those measures as at the end of 2016?

Hon. Maj. Gen. E. Dillon: Madam President, in dealing with the issues of crime and criminality one is never satisfied. If there is one murder in Trinidad and Tobago one is never satisfied, and therefore the question of satisfaction does not come into play. However, as we continue to assess our situation on operational commitment, we will always look for improvement to deal issues of crime and criminality in Trinidad and Tobago.

Union Presbyterian Primary School Construction Project (Status of)

12. Sen. Wade Mark asked the hon. Minister of Education:

Can the Minister advise the Senate on the status of the Union Presbyterian Primary School Construction Project?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam President. The Siparia Union Presbyterian Primary School construction project involves the construction of a new school at its present location at Lalla Street, Siparia for a capacity of 420 students. The project is to be conducted in three phases as follows: phase one—construction of the main building, including administration and

classrooms; phase two—decanting of the old school building into the new main building and demolition of the old school building; construction of a second building, including classrooms, computer, art and science rooms and the car park; phase three—demolition of the old administration building and the construction of the auditorium, cafeteria, library and computer rooms.

Works on the projects were suspended on August 26, 2015, prior to the September 2015 general election, due to the non-payment of bills totalling $11,194,259.13, VAT exclusive. The project is 36 per cent completed.

Madam President, this project is one of many incomplete and suspended projects inherited by my Government in September 2015. Under my watch the Education Facilities Company Limited has embarked upon an exercise to authenticate outstanding claims for payment and certify works completed. The Ministry of Education is committed to ensuring that contractors are paid for services rendered, and every effort is being made to source the necessary funding. Thank you very much.

Sen. Ramdeen: Could the hon. Minister indicate how long has the process been to verify these works that were referred to in his answer, and if it is not completed now when do you expect that audit to be completed of those works?

Hon. A. Garcia: Madam President, as I have indicated in the other place, because of the enormity of this exercise it has taken a long time, but I gave the assurance, as I do now, that perhaps by Easter we will have a completion of this project.

Sen. Ameen: Madam President, can the Minister just indicate—I mean, I know you indicated that you expect by Easter to be able to wrap up—how long this exercise has been going on?

Hon. A. Garcia: Madam President, I indicated that when this Government took office in 2015, on close examination of the past EFCL board audit—and that audit was commissioned in October 2015 and since then it has been ongoing.

Madam President: Hon. Senators, you may recall that I indicated we were awaiting one further instrument of appointment. I am now in possession of it, so I would like to revert to item 3 on the Order Paper. So I will now read the instrument.

SENATOR'S APPOINTMENT

Madam President: Hon. Senators:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C., President and

Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago

/s/ Anthony Thomas Aquinas Carmona O.R.T.T. S.C.
President.

TO: MR. BHADASE SEETAHAL-MARAJ

WHEREAS Senator Daniel Solomon is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago and acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, BHADASE SEETAHAL-MARAJ to be temporarily a member of the Senate, with effect from 11th January, 2017 and continuing during the absence by reason of illness of the said Senator Daniel Solomon.

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 11th day of January, 2017."

OATH OF ALLEGIANCE

Senator Bhadase Seetahal-Maraj took and subscribed the Oath of Allegiance as required by law.

3.00 p.m.

DEFINITE URGENT MATTER
(LEAVE)

Worsening Crime Scourge (Government's Inability to Address)

Sen. Wade Mark: Thank you, Madam President. Madam President, I hereby seek leave to move the adjournment of the Senate today under Standing Order 16 for the purpose of discussing a definite matter of urgent public importance, that is, the failure of the Government to address the ever worsening crime scourge in Trinidad and Tobago.

The matter is definite because it relates explicitly to the inability of the Government to address the rapid escalation in the number of murders and the

worsening crime scourge in Trinidad and Tobago.

The matter is urgent because the crime scourge is getting worse and the Government's war on crime is failing horribly. It is urgent, Madam President, because it has not been 11 days—today in fact is the 11th day of the year—into the new year and already 11 persons have been murdered including several of whom were shot at a birthday gathering with three of our citizens being killed and another three injured. Madam President, if this situation continues to be unaddressed it would mean that justice would have failed our people.

The matter is of public importance because the increasing number of serious crimes is provoking widespread fear and distress in our country. The Government has lost its hold on the situation, and as the policymakers in charge of the country, the Government needs to address this matter as a priority here and now. With each passing day spouses are being made to mourn their loved ones. Our parents are losing their children and our children are losing their parents.

Madam President, our society has lost faith in the Government's ability to address and arrest this growing crime epidemic. But what is worse is that they are losing hope that there is unlikely to be a better tomorrow under this incompetent and clueless administration. I beg to move and I thank you, Madam President.

Madam President: Hon. Senators, I am not satisfied that this matter as presented qualifies under this Standing Order.

JOINT SELECT COMMITTEE (APPOINTMENT OF)

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Having regard to the correspondence from the Speaker of the House in relation to the establishment of a Joint Select Committee to consider and report on the Tax Information Exchange Agreement Bill, 2016, I beg to move that the Senate concur with the House of Representatives in the establishment of the committee and the following six Senators be appointed to serve:

Mrs. Paula Gopee-Scoon, Mr. Clarence Rambharat, Mr. W. Michael Coppin, Mr. Gerald Ramdeen, Mr. H.R. Ian Roach, Mr. Taurel Shrikissoon.

Question put and agreed to.

MISCELLANEOUS PROVISIONS (MARRIAGE) BILL, 2016

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you Madam President, I beg to move, Madam President, that:

A Bill to amend the Marriage Act, Chap. 45:01, the Muslim Marriage and Divorce

Act, Chap. 45:02 the Hindu Marriage Act, Chap. 45:03, the Orisha Marriage Act, Chap. 45:04 and the Matrimonial Proceedings and Property Act, Chap. 45:51, be now read a second time. [*Desk thumping*]

Madam President, may I by order of first entry say to the honourable Senate through you, that I wish all Members a very bright and prosperous new year. God willing, this year will see Trinidad and Tobago take steps in directions that have not been taken before and certainly in a move to reclaim decency, good order and good governance for all of our citizens.

Madam President, the Bill before us is one which has been long in the making. Twenty-six years ago Trinidad and Tobago saw the coming of international law particularly the United Nations in its landmark, most adhered to, most ratified convention saw the birth and beginning of the rights of children in particular.

We saw the world in 1990/1991, 1991 when ratification by Trinidad and Tobago came about, we saw the world give a solemn pledge to deal with rights of children, the benefit of children and what is referred to as the voice of the child now, today, paramount in our society.

We are here today to amend four pieces of law. Four pieces of law which essentially deal with the rights and privileges of the contract of marriage and then a fifth piece of law which deals with how the lacuna in law is to be tied up in relation to matrimonial proceedings themselves. But these four pieces of law, Madam President, really give us a good example of Trinidad and Tobago when we say in our national anthem "every creed and race find an equal place".

In 1923, we saw the Marriage Act now called Chap. 45:01. That was some 94 years ago. A piece of law amended some 18 times, last in 2013. We saw next coming on deck the Hindu Marriage Act, Chap. 45:03; Act No. 5 of 1945, some 72 years ago, amended nine times, last in 1993.

We then had in 1961 the Muslim Marriage and Divorce Act which saw only four amendments, last again in 1993. And then we had in 1999 the Orisha Marriage Act, now called Chap. 45:04 which has never been amended.

These four pieces of law represented for Trinidad and Tobago the evolution of acknowledgment of the rights of our citizens in particular as it relates to the freedom of religious belief and practice.

Prior to 1945 when the Hindu Marriage Act came around there was a very different standard set apart for persons of the Hindu faith, Christians— in fact, it was that very different standard, as my grandfather told me the story that caused him to change his name from Lutchmidath Sharma Dhar to Lionel Frank Seukeran because a drop of

water to convert one to Christianity was supposedly what was done to allow one to achieve a fate more than just a bus driver because the doors of entry to education, society, et cetera, were very, very different in 1945.

The one law that we have before us, the Muslim Marriage and Divorce Act is the only that actually deals with divorce itself. But the Hindu Marriage Act, the Muslim Marriage Act were definitely landmark pieces of law that came to our country and which bound our fabric of our society tighter together in recognizing the diversity.

The Bill before us today is one which is a first of its kind. Never before in the history of Trinidad and Tobago, I am told by the staff at the Ministry, has a Bill been brought to the Parliament to seek to do what we do today. [*Desk thumping*]

And this particular approach taken by the Government today was not one taken in an isolation or vacuum of experience. Indeed, Madam President, 26 years after the 1991 ratification of the United Nations Convention on the Rights of the Child, Trinidad and Tobago saw many people enter into the forum of discussion as to what is appropriate to speak about in terms of law to guide the age of the contract of marriage.

You see, the Bill before us today has a few limited purposes. Simply put, firstly, it seeks to harmonize the age for the contract of marriage. Secondly, it seeks to ensure that offences are in harmony across the various pieces of law. Thirdly, it seeks to balance gender rights and issues. Fourthly, it seeks to ensure that the penalties are updated by way of offences and that where there are loopholes in some of the laws, that too is harmonized. Then next, it seeks to advance an omission which was left in the Matrimonial Proceedings and Property Act where the Orisha was not mentioned in section 13 of that law, perhaps just by mistake.

It then also seeks to achieve the objective of meeting international criterion to meet the obligations which we are bound to meet as a country when we are talking about holding on to our international obligations as a State. And in particular the conventions which were abound to address would include: The Universal Declaration of Human Rights; the UN Convention on the Rights of the Child as I have mentioned; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on Civil and Political Rights; the International Convention on Economic, Social and Cultural Rights.

Next, Madam President, we of course seek to ensure that our country deals with an incongruity in law which perhaps prevails between a comparison of the Children Act, No. 12 of 2012, and the various marriage Acts that we seek to amend to today.

We also seek to ensure that there is a savings of law, in that any amendments to law do not affect retroactively all marriages which have been solemnized and consummated and stand validly on the books of Trinidad and Tobago.

Next, we also seek to update the regulations and the purview of regulations to allow for offences to be provided. We seek to ease the manner in which regulations can be brought forward and forms amended by the Registrar General. And lastly, we seek to modernize the language of the schedules. Those are, in bullet point, the objectives of the legislation.

In dealing with the eight clauses only before we, of course, have a long, a short title, we have a proclamation date. We recognize that there is a need for a three-fifths majority which is in effect a debatable issue in and of itself because there is a collision of rights between section 4(b) of the Constitution and section 4(h) of the Constitution. Section 4(b) of the Constitution, of course, providing the position that there are rights of the individual to equality before the law and protection of the law, a point which I will come back to a little bit later. And then, of course, the 4(h) right that there is a freedom of conscious and religious believe. There is a competition of rights.

It is, of course, well known that not every piece of law which automatically intrudes upon a section 4 or section 5 right needs to be canvassed by way of three-fifths majority. That has been stated in a number of appellate decisions and also in the Privy Council by Baroness Hale in well-known dicta, be it the utterances in the Court of Appeal in Northern Construction or be it Surratt in the Privy Council.

However, when we get to the issue of changing the age to contract marriage, we must recognize where we are as a country. This is not a position where we are dealing with a persuasion in one element of religion only. The Government has had a number of consultations. We have had several public forums. We have had hundreds of persons in attendance. We have had hundreds of submissions. There has been a lot of public carriage of this issue in the newspapers, and there was this unfortunate and terrible condemnation by some in society that this was apparently a Hindu or a Muslim issue. I want to deal with that squarely.

The Marriage Act passed in 1923 which deals with civil marriages and all Christian marriages-the Muslim Marriage and Divorce Act and the Hindu Marriage Act all allow for child marriages, so too does the Orisha. And that is so because in the Marriage Act the definition for marriage is essentially in section 23 before it is proposed to be amended. When you read it a minor can be married,

provided consent is given. And in a number of jurisdictions that has been interpreted to mean by canon law that boys of 14 years of age and girls of 12 years of age upon attaining puberty, under the civil or Christian element of our laws, of our religious beliefs can, in fact, be married.

Also, under the Muslim Marriage and Divorce Act the age in terms of reflection is one where we have minors that can be married. And I use the term minor in the cascading shadow of the Children Act, No. 12 of 2012, assented to in 2015, where the age of majority has been set at 18 years. A child is defined in section 3 as anyone who is under 18 years of age.

But the Muslim Marriage and Divorce Act certainly does permit boys of 16 years old to be married, girls above the age of 12 years old—12 years old and above to be married. And the Hindu Marriage Act provides 18 years for a boy and 14 years for girl. And the Orisha, as I said earlier, provides for 18 years for a boy and 16 years for a girl.

So this thing has no religious boundary, it is across the board. That is to be borne out in the statistical information. And Trinidad and Tobago has been since June when Government entered into the public domain to conduct seminars and information sharing exercises and to canvas views in the many sessions that we had, we have been given statistics. Certainly, on the website of the Ministry of Attorney General and Legal Affairs there is a publication, a slide show presentation which shows statistics from 2006 to 2016.

And at that point in time the marriage statistics then showed that there were approximately: 548 child marriages; 117 civil marriages under the Marriage Act; 328 Hindu; 103 Muslim; none under the Orisha; none in extremis, meaning where one of the parties was dying as recognized by the Marriage Act, giving a total of 548 marriages. Which when taken as a percentage for that 10-year period 2006 to 2016 represented 0.65 per cent of marriages because at that point up to June last year there were approximately 84,330 marriages, 548 then over 84,330 giving a percentage yield of 0.65 per cent.

But I heard many people say the statistics do not go far enough. And so I took the opportunity, Madam President, and I will share this with all Members. I just got it today from the Registrar General to look at the statistical information for child marriages in the period 1996 to 2016. And I can say here today, so far as advised by the Registrar General that there were: 3,478 child marriages in that period; 1,156 civil, meaning Christian or non-Christian marriages who are not Muslim or Hindu or Orisha; 526 Muslim; 1,796 Hindu. And the statistics when extrapolated mean that the civil or Christian marriages included amounted to 35.25 per cent in that period; the Muslims

amounted to 15.1 per cent; and the Hindus amounted to 51.64 per cent.

But hear this figure, females against males. Of the total number of 3,478, 3,404 were girls, a whopping total of 74 were male. That gives you a percentage distribution 97.85 per cent of child marriages are in the female bracket and 2.156 per cent are in the male bracket.

I wish to go, before I string the arguments together a little bit tighter, into giving a little bit more while we are on statistics before I bring the argument back to the Bill; and if you will permit, Madam President. You see, some of this relates to the arguments as to the pros and cons for the maintenance of child marriages. I can say that the total number of abortions, teenage abortions—forgive me. Before I move on, let us get back to the statistics on the marriages in that period 1996 come forward, I want to give the age brackets. You see, 12-year olds were married, 13-year olds were married, 14-year olds were married, 15, 16, 17 and they were married in the hundreds.

We did in relation to the age gap analysis a tour of some of the age differentials and certainly we see in the child marriage phenomenon that we are dealing with age gaps in between as shown on the Ministry's website, brackets for 11-year olds, 12-year olds, up to 16 we took. When we compared it against the marriages to the age of the male, we saw males' age brackets hitting close to 36, 46 and 52-year olds.

So we have a phenomenon where the law as it exists in Trinidad and Tobago permit somebody who is more than two or three times the age of the child, of the girl, to be married to a man two or three times in age. That is the law of Trinidad and Tobago and the facts demonstrate it and these facts are taken from the marriage certificates.

There is an argument that this is a rural phenomenon. But when we go to the trends in the location of underage marriages, we notice in the period 1997 to date, that the rural areas actually account for the least number of child marriages, and the urban areas, in fact, account for the greatest number. And in the 45-minute time frame being so short, I would just ask Members and I will circulate that information which is on the Attorney General's website to all Members to just look to the figures on the tabular pages that are provided.

We looked as well, coming to the second point which I am now coming back to, we looked at live births. Because, of course, some of the arguments for the maintenance of child marriages include, one, the most powerful argument, this is religious and customary practice, that is the largest argument.

Two, that this is an alternative to a healthier life, to perhaps a more unfortunate lifestyle particularly in the case where there is a pregnancy or there is a genuine case of love or where parents think that this is the right course for the child. There is the argument that child marriages can, of course, avoid the stigma of pregnancy which in some instances people say can lead to suicide. There is the argument put forward that this kind of provision also permits one to avoid social disgrace in families. Those are the essential arguments, but the number one argument is the maintenance of religious practice and of course, the convention practices as recognized in other parts of the world and Trinidad and Tobago certainly.

So, what we did is that we looked at the pregnancy issue. And we did a tour of live births in Trinidad and Tobago. In other words then, we looked at birth certificates, we looked to where we found children giving birth recorded on a birth certificate. And the figure that we came up with in terms of births was actually quite startling. The figure in terms of live births taken across all of the hospitals in the period 1999 to 2015 inclusive is 15,231 live births to children.

We looked at the figure of abortions, births that did not quite make it. In the period 2011 to 2015, a very short period taking across all of the medical institutes that are in the public sector, north-west, north-central, south-west, et cetera, including Tobago, the total number of teenage abortions that is reported abortions, not at private clinics, et cetera, or what people call backyard or illegal abortions, is 743 abortions reported including abortions to 13 to 16-year old girls.

We looked as well at the position of pregnancies. And if I were to look just to the 2016 figures alone, the Ministry of Health has confirmed that the amount of children between 11 and 16 years who became pregnant for the 2016 period is 168 children, 11 to 16 years old. The amount of children between 11 to 16 years old who had abortions for 2016 is 12. The amount of children between 11 to 16 years old who gave birth for the period 2016 is 159. That is one year only.

Now, Madam President, I am raising these touchstones for a number of reasons. Firstly, at least as long as I can recall I have not heard a Government put this information in the public domain. And I genuinely believe that legislation should really be informed by the position in Trinidad and Tobago. Very often we are able to quote statistics and information from other jurisdictions, but hardly ever do we have the ability to deal with information and statistics from our own jurisdiction.

Secondly, I am raising now the issue of the voice of the child. Because in this

larger conversation about the contracting age for marriage is really the big question of the voice of the child; the protection of the child; what society must do to balance the interests between religious belief and between protection of its most vulnerable.

3.30 p.m.

And when we look to this kind of statistical information, what we see in our country is that we have been turning a blind eye to an issue for a very long time. Now, this is not an issue which is an easy one. This is Trinidad and Tobago. I as an individual, I am born to a Muslim father, a Presbyterian mother, a Hindu grandfather, and married to a Catholic wife. This is Trinidad and Tobago, each person, each entity in our country respects the other, we celebrate each other's religious events. There have been heartfelt submissions coming from all elements of society. There are those who are for, there are those who are stoutly against, there are those who say let us have more consultation, after 26 years of consultation, because who wants to upset a position of sweet T&T.

The reason why we bring this law to the Parliament today is really to touch the issue, and in particular to claw back to a conversation which was held right here in the Senate as I sat on that seat opposite me now, in the debate on the 23rd of May, 2012 when we were debating the Children Act. You see, when we were dealing with sections 18 to 20 of the Children Act, section 18 criminalizes sexual penetration for anybody who is under 18 years; and section 20 gives a number of exceptions which we refer to as the Romeo clause exceptions for children who have sex with anybody who is within three years of their age as a child. That is the linkage.

And back then, every single Independent Senator abstained on the Bill on a matter of two core principles. They said this is in direct contravention and contradiction to the age of 18 years in this Bill as standing with the various laws that we now seek to amend— the Muslim Marriage and Divorce Act, the Marriage Act, the Orisha Act, and the Hindu Marriage Act, and also they stood upon the position that they did not want this thing to be without recognition of homosexuality in Trinidad and Tobago. Those were the two reasons.

And in those days, back in 2012, sitting as an Opposition Senator as I did, we worked together with the Government, we sat down and we dealt with all 123 clauses, we ended the Senate at 4.04 a.m., and we passed the Bill, Opposition and Government, with no Independent support, because there was a heartfelt view that it was time to deal with this. And we in the Opposition said then, we will consult upon it, we will take a policy decision after consultation, and we will deal with it if we have the opportunity,

and today recognizes that promise made on the 23rd of May, 2012. [*Desk thumping*]

Our friends in the Opposition—in the Government then, now Opposition—undertook to do a similar consultation, perhaps they have, I am not aware. But what I can tell you on this very thorny and heartfelt issue is that we have received a whole host of submissions from civil society, all going for, against, or with exceptions. In essence, I could read them all out: Muslim women, Muslim associations—the various versions, some for, some against; some of the Hindu organizations and non-profit organizations, some for, some against; Christian organizations, mostly for. But there was a wide disagreement or election of choice because tied up in this issue is also the position of making sure we fix everything else that we want to fix, but today we start with one part.

What came before the Government, essentially, Madam President, was a few options. Option one: deal with the contracting age for marriage as 18 years without exception. Why? Because around the world a number jurisdictions have dealt with this issue. You would be surprised to know, hon. Senators, through you, Madam President, in India, for instance, the official law says for men to be married you must be 18 years old, and for women you must be 21 years old; in Kenya, 18/18; in France, 18/18; in Greece, 18/18; in Mongolia, 18/18; Morocco 18/18; Libya, 20/20; Liechtenstein, 18/18; in Nepal, 18/18; Nigeria, 18/18; St. Kitts and Nevis—our neighbours—18/18; St. Vincent and the Grenadines, 18/18; Tanzania—and that is an important one which I will come to—18/18.

However, there are numerous exceptions, for instance, Trinidad and Tobago finds itself as one of eight countries only, in the world, ranking alongside a few other jurisdictions where the age to marry can be as low as 12. Trinidad and Tobago, we have the position of standing alongside the other part of where I come from, Iraq—nine years old; Saudi Arabia, 10 years old; Sudan, 10 years old; Colombia, 12 years old; Ecuador, 12 years old; Uruguay, 12 years old; the United States of America, 12 years old; and Trinidad and Tobago, 12 years old, being the youngest age at which you can contract a marriage

So, we could have come, done like the Far East, Africa, the Middle East, gone to 18, as we say, stone cold, or we could have looked to the experience as you have in Europe, in different parts of the United States of America, where you have 18 years with exceptions to 16 years, where you have the consent of the child, of course, the consent of the parent and perhaps judicial consent, that was one of the options. Or, you could quite simply have not amended the law at all and hope that we would migrate ourselves out of the phenomenon of child marriages, but that is where we come back to statistics in Trinidad and Tobago in 2016 where you have heard that we have had child marriages for 13 year olds in 2016. So, the prospect of that maturing anytime soon is probably not upon us.

So, we could have done that. We could have gone to the position of saying, let us have the law with exceptions. We elected by way of policy for the Government to come to the Parliament, making a recommendation for 18 years old for a number of reasons. We thought in perspective that Trinidad and Tobago, really, if we went along the route of judicial acknowledgment, that we may find ourselves colliding with one of the arguments which happened in Tanzania, where the law stood with child marriages on tribal and other customs, traditional customs, at 12 years old being the lower layer, and a constitutional Motion was brought against the Government arguing that there was an inequality of treatment for women in particular, and so the courts upheld that the age of marriage under 18 years old was unconstitutional, and they dictated that the Parliament amend the laws. That is what happened in Tanzania, not far off from our jurisdiction in terms of jurisprudence

We could also have recognized that if there was a judicial consent position that that is a costly measure, but sometimes certain costs are worth it; there is a good and bona fide purpose in saying that. However, the question is, how long would it take for a petition to be heard in a court? Are we really just fiddling with time and expense in the period of the age limit of 16 to 18? We also recognized that in Trinidad and Tobago there are a number of laws which prohibit persons under 18 years of age to actually engage in marriages. And when you look to that, Madam President, if one cannot contract under 18 years of age without having certain supervision, for instance in relation to land, as settled land as it becomes, one does not have the ability to contract for a mortgage, or a car loan, and, believe it or not, one cannot purchase a SIM card by law under 18 years of age for a telephone, one cannot vote until one is not quite 18. It depends on how passionate you are. You cannot get your driver's licence until you are 17.

We are recognizing on the one hand that the state of maturity ought to really be 18 years of age, and on the other hand our laws are speaking to children at 12 years old in the Christian faith; and in the other faiths that we have, in the range 12 to 16, we are saying that women in particular, in the very disproportionate number that I have just given the country, that women in particular are to be subjected to the position where 3,404 females, 97.85 per cent of them are to be considered differently from 74 males, and that is why we deal with the position of the equality of law argument in section 4(b) of the Constitution.

So, the large issue inside of this room is really this age to contract a marriage. We recognize for instance in the law that we bring forward that after you have contracted the marriage you are no longer a child. You are no longer a child and you have what is referred to in law as the emancipation of the child, because if you are married at 12,

divorced at 14, surely you are not a child if you have got two children under your belt as well. So, the law considers the emancipation of the minor in a very different way. But, can a 12 year old, can a 13 year old, can a 14 year old holding a child, looking after a home, looking after a family, really access the same level of education, really have the same opportunities for advancement, really not have to deal with certain social stigmas, be treated equally at school? These are live questions which I do not propose to give any answer to. I am asking the obvious questions. I think we can all answer it ourselves.

So, this policy of 18 years old coming before us right now is really the representation of a government policy saying, we have drawn a line. We are here today to hear from the Senate. We have heard from hundreds of people in the public domain, we have dealt with it over seven months in the public domain. Trinidad and Tobago as a society has dealt with it for 26 years this year. Both the UNC Government then and the PNM Opposition then, now UNC Opposition now and PNM Government now, on May 23, 2012 said that we were going to look at the policy and come back to the Parliament. Today we have kept that promise. [*Desk thumping*]

Madam President, there is a lot to say and 45 minutes cannot say it, so I will obviously have to keep a lot for the wind-up and listen to hon. Senators. The fact is, if I were to touch the cornerstones of the legislation, of the Bill that is proposed for passage by the Senate today, I can say by way of importance, the offences which we propose, and I will categorize them because they are meant to be harmonized across the base, there is a new offence, there is a conviction on indictment for solemnizing the marriage of persons under the age of 18 years, i.e. an obligation upon the marriage officer to actually be penalized in the event that a marriage is conducted with a minor or for a minor. We have updated the non-compliance with transmission of marriage book; we have updated the forging and making false entry in the registers; we have updated the destroying register book, et cetera; we have updated losing or damaging register book or certified copy; we have updated the solemnizing of marriage of persons within prohibited degrees of consanguinity and otherwise; we have updated the offences committed by unlicensed marriage officers; we have updated the making of a false declaration—the breach of all of those have now gone to conviction on indictment to fines of $50,000 and seven years' imprisonment, or in one instance $40,000 and five years' imprisonment, and we have borrowed by way of matrix comparison from the laws in relation to perjury which provide for $50,000 and seven years, if you wanted to know where the comparator comes from.

We have amended the lacuna which exists in the Matrimonial Proceedings and

Property Act where the Orisha laws were not referenced in terms of the recognition of marriages under section 13 there; we have allowed for breaches of regulations to except us out of the application of the Interpretation Act which only provides for a breach of regulation amounting to $500 in penalty; we have allowed instead now for a summary offence for a fine not exceeding $3,000 and for imprisonment not exceeding six months; we have standardized offences across all. We have left a savings provision to say that all marriages prior under the previous laws, if this honourable Senate, and if the House of Representatives agrees to pass this law, that those should remain intact.

We have allowed for the inclusion of night weddings. Before, you had to be married between 6.00 a.m. and 6.00 p.m. when one was on the mission to avoid clandestine marriages, but now we have taken them from 6.00 a.m. to 9:00 p.m., knowing that we are better lit and dealing with our society in more current form. But, Madam President, what we are really dealing with here is a question as to whether this law is proportionate. We are dealing with the question as to whether there is a legitimate aim. Is this law going so far to intrude upon rights as it should with the least incursion of intrusion of rights? And, is there a proportionality in this law? Those are the tests of proportionality set down in the cases which bind us in Trinidad and Tobago.

I dare say that this is law which has a definite and proper aim, which is more than legitimate. I dare say that this law encourages the balancing of gender rights so far skewed, 98 per cent to 2 two per cent female to male. It encourages the health and welfare of children; it encourages children to be encouraged to be children; it encourages education; it encourages the ability to achieve proper maturity before making serious choices in life. Those are legitimate aims. It brings us in harmony with our Children Act, it bring us in harmony with the current perspectives on education, on medical treatment, on voting, on buying a SIM card. Legitimate aim is certainly there.

The question for the hon. Senators and for the country right now is going to be, how much more analysis do we need to engage in? What is the correct balance in the rights to be had? Should we encourage exceptions to the provisions? Do we accept that there is going to come a point when we will never all agree? When do we step out of analysis paralysis? When do we say to the rest of the world, Trinidad and Tobago wishes to claim its space as the United Nations has told us we should? You see, the United Nations, in their positioning of what Trinidad and Tobago should do, told Trinidad and Tobago in our peer review in 2016, specifically, and told us in the reviews in 2016 as well in relation to the elimination of discrimination of children—the specific reference from the United Nations was, change your laws that deal with child marriages and harmonize

them—

Madam President: Hon. Attorney General, you have five more minutes.

Hon. F. Al-Rawi: Thank you—and harmonize them to 18 years of age. That is what our peer review said in May 2016, if I am not mistaken as to the date, and certainly what the United Nations geared by way of specific recommendation to Trinidad and Tobago. One may say Trinidad and Tobago ought not to be guided by what the outside world has to say. However, we in Trinidad and Tobago have to ask ourselves, do the arguments that say that child marriages protect against pregnancy which is unwanted, or shame, that child marriages protect against a dilution of religious belief and convention—are those arguments to be proportionate?

Do we say that our religious beliefs mandate that we must keep to what motherlands once said we should? Do we say that our Hindu belief, our Christian belief, our Muslim belief, says that we must maintain the laws as we do, when the law in India—mother India—says 18 and 21, when the law in most of the Middle East and sub-Saharan Africa and Central Africa says, above 18 years of age, when the law in China says a different thing? Do we in Trinidad and Tobago still believe that there is an eye for an eye and a tooth for a tooth? Do we believe that we must stone and pelt adulterers still? Do we believe that we must treat by criminal sanction the adulterers we propose in Islam, for instance? Or, have we matured beyond those perspectives?

You see, it is a serious conversation. There is no easy answer. Where do we go? Where does this country go? In our local "look at ourselves in the mirror" perspective, or in the international "have others view us" perspective? Where we go is entirely up to the Parliament of the Republic of Trinidad and Tobago only, which has the obligation to make laws for the peace, order and good governance of our society. Where we, 71 of us only, have the obligation, representatives as we are, and appointees as we are, to call the shot on where the line is drawn.

I want to say for the record that I appreciate every single point of view. I stand here with collective responsibility of the Cabinet of the Republic of Trinidad and Tobago to advance a proposal for discussion in this Parliament. I wish to thank all of the contributors who poured in their perspectives on their respective views. I wish to especially thank the hard-working members of the AG's secretariat, the Children's Authority, the prisons, the Ministry of Health, all of the young people that turned up at our door-busting forum to say, as some of the young girls did, "I eh mining no chile as a child myself". Some of it was downright forthright but the thanks and gratitude goes to them, because this is simply the keeping of an undertaking and promise given by

then Opposition on the 23rd of May, 2012, when we debated the Children Act, which we brought into law, which we supported with the Government, notwithstanding the understandable abstentions from the Independent Bench.

But ladies and gentlemen, hon. Senators as you are, Madam President, if you permit me, the buck stops right here. [*Desk thumping*] I look forward to the debate. There is a whole lot more that I would provide in detail to hon. Senators in the wind-up, because you cannot barely touch this more than philosophically in the manner that I have so far, and I thank you, Madam President, for the opportunity to bring this issue to the fore.

And I beg to move. [*Desk thumping*]

Question proposed.

Sen. Dr. Maulana Waffie Mohammed: Madam President, hon. Senators, I begin my contribution with praise to God, and with prayers for guidance so that good sense will prevail, and at the end of the day we will be able to contribute something very valuable and tangible to our legacies, that they too will be able to adhere to the things that will benefit them in this world as well as in the onward journey.

Madam President, if you do not mind I would refer to my notes, I hope you permit me? I am happy to be given this opportunity to participate in an exercise of contributing to the debate of the Bill entitled, an Act to amend the Marriage Act, Chap. 45:01, and the Muslim Marriage and Divorce Act, Chap. 45:02. I wish to make a very important point as we go along and I would want to give a preamble to it, and that is, Islam is the last of the revealed religions, and Prophet Muhammad, peace be upon him, was the last of the divinely appointed messengers.

Something special about Islam is the fact that we are guided by the revealed code called the Holy Quran, and that is considered, it is accepted, it is known, it is acknowledged as being the unadulterated words of God, because that was revealed directly through the Angel Gabriel to Prophet Muhammad, peace be upon him, and to date from the time it came to now not a single dot has been changed. So that the laws of the Holy Qur'an remain final for every single Muslim, at all ages, everywhere in the world, all through the time. No one is authorized to change even a slight punctuation of that book.

With that in mind I wish to make this humble contribution, and that is, as I just said, Islam is the last of the revealed religions, and it brought to an end the need for revealed guidance from the Lord as he revealed to man the following message which is recorded in the Holy Qur'an, and that is, this day I have perfected your religion for you, completed my favour upon you, and have chosen for you Islam as your religion.

Madam President, a reason why I am making this very strong emphasis on the fact that we are guided by the laws as they are in the Holy Qur'an, it is because—with what the hon. Attorney General would have heard in the contributions of some of the delegations, references to what is contained in the Holy Qur'an, and because we are guided by that, and we cannot change anything there, we take for guidance what the Lord has given to us with regard to marriage, and this will be coming about just now. So the merciful Lord has given us a book of guidance containing all the laws that are required for man to represent him, to represent God here, in the proper and correct way. You know, Islam teaches that we are representatives of God, and we are supposed to represent him in the way that he has ordered. So, he says to us, this is the book, in it is guidance sure without doubt to those who fear Allah, who believe in the unseen, are steadfast in prayer and spend out of what we have provided for them.

I heard our hon. Attorney General making a statement that it is time for change, and it is time for this, and it is time for that, and I was thinking in my mind, how can the change of the age of marriage impact upon all the immoral things that you see going around all in the place and all? How can it change? And I am wondering, and I hope he will give an explanation of that, because as we go along the journey of life, change is going to take place. Change is going to take place in situations, in conditions, in health and wealth, and even our physical being. God tells us in the Qur'an, every day he is manifesting himself in some form of glory and majesty so that we are seeing changes taking place. Changes may take place in physical matters, but what about the change that the merciful Lord gave us to as command, can we change that? Can we do like the Israelites, where God gave Moses the first thing in the book, "thou shall have no other God before me", but as soon as they crossed the sea they took the gold and made it into a golden calf and worshipped it. Do we want that kind of change? We have to be cautious and careful, Madam President. And it is because of that we take our guidance, and we would want to stick to what God says is better for you here in this world, as well as in the life that is to come afterwards.

Because Islam is a complete way of life for all people in every part of the world, for all ages, its revealed laws and principles are so beautifully put in the Holy Qur'an, so that they will be meaningful and applicable at all times and places. You will understand the wisdom as I go along, how God in his mercy and wisdom gave to us guidance in a way that is applicable and meaningful to people all over the earth at all times.

To uphold the revealed law is a great blessing. And all those who do so must be commended, because Islamic culture is a revealed one, you will understand

since Prophet Muhammad, peace be upon him, came here in this earth, from then to now the lifestyle of the Muslim has not changed. The basic requirements and elements, they are not subject to change. Why? Because Islamic culture is a revealed culture, and when you study sociology and you see that you study the lifestyle of the people and so on, and all the change, and that is acceptable, not in the case of Islam, because God tells us in the Holy Qur'an the habit of God does not change.

4.00 p.m.

And because the habit of God does not change, what type of representation he wants from us, that remains constant and it is not subject to change. Upholding the laws contained in the Holy Qur'an benefits the people. God does not need us, you know, we need him. He has made laws for us, for our benefit and welfare. Not for his good. He is the Lord above all laws and everything. So Muslims believe that the marriageable age of a female begins with puberty. That is what the Holy Qur'an says. And as such, it is not an offence if a girl is allowed to be married after attaining that age. The Holy Qur'an informs us about it as follows:

"…Marry women of your choice…

Make"—the trials of the—"orphans easy until they reach the age of marriage…"

And the age of marriage is defined in Islamic religion as the age when puberty starts.

So you will understand the wisdom in this because the age of puberty will vary in climatic conditions from place to place. If we would have said, like the United Nations, 18 years of this or that, it would be varying with regard to the standard of judgment and as a result it may have had some kind of complications and problems here or there. But look at what God says, the basic condition is puberty, the attainment of puberty. And because of that, if in Saudi Arabia it is nine years or—because the hon. Attorney General quotes 18, 18 here and there but in those countries in the Middle East, he did not quote the age at the time of marriage permissibility, you see. I think he quoted one of nine years, you see. So it will defer and it will vary based on climatic and other conditions. We therefore do not agree with what is contained in clause 27B(1) under the subheading:

"Solemnising the marriage of a person under eighteen years of age."

The clause reads as follows:

"A person who knowingly and wilfully solemnises the marriage of a person who is under eighteen years of age commits an offence and is liable on conviction on

indictment to a fine of fifty thousand dollars and to imprisonment for seven years."

The Council of Islamic Scholars, of which I am the Chairman, wishes to place on record the following: The Council of Islamic Scholars wishes to place on record its support for the Muslim Marriage and Divorce Ordinance, Chap. 45:02, as it relates to marriage in Trinidad and Tobago. It notes that there are two phases in a Muslim marriage.

1. The Nikah, that is the contract.
2. Consummation of the marriage.

So there are two phases. While Nikah can be done at any time during the infancy, the marriage can only be consummated after the individual has attained puberty. And this is taken from a letter sent to the hon. Attorney General, Faris Al-Rawi on the 23rd of August, 2016.

This amendment appears to be oppressive towards the Muslims. The fine, $50,000 and seven years' imprisonment. The fine plus the time in prison, it appears to be oppressive. It has not also defined which aspect of the marriage is considered to be the offence. Is it the Nikah or is it the consummation? Which aspect of it? That has not been defined?

In some countries, especially in the East, young boys or girls within the families are married at a very early age. Some of them three years, four years they are married, the performance of the Hindu rite or the Muslim rite is done. The marriage takes place but the consummation does not. This is done to protect the inheritance of the child and sometimes to keep the wealth within the family and so on. Some physical or some social reasons they will contract marriage like that. But in every case the marriage is not consummated until the child reaches the age of puberty.

The Islamic Ladies Cultural and Social Association in May 2013 in a letter sent to the Minister of Gender, Youth and Child Development wrote the following:

> Changing the laws of Trinidad and Tobago regarding the age of marriage will not protect our youths from the serious ills in our society, such as illicit sexual activity, unplanned pregnancies, STDs, incest and abuse among others.

The letter went on, and they close by saying:

> Changing the age of marriage is not the solution.

So here we have a situation where we are looking at one dimension of an

issue, but you are not looking at the related matters that pertain to it and as a result the result may not necessarily be beneficial for all, as is envisaged by the hon. Attorney General. While the hon. Attorney General is desirous of restricting young people from getting married until they should reach a particular age, with the possible intention that such a change will help solve some of the ills that are now plaguing our society, he is not doing anything to solve the problem of unrestricted sexual activities amongst our youths. What is being done?

As a matter of fact, a more positive contribution in helping to save the youths from straying away from the path which upholds moral and spiritual values would be to revisit the Children Act, 2012. Well, you know, when I mentioned this the first thing some of them say, the Romeo Act. Well, I was wondering what is the Romeo Act? But when we look at what goes on and what is contained in that clause, Madam President, in this Act we see that boys as young as 12 years can lawfully have sex with girls of 10 years. The clause permits it. And here you are talking about restrictions for 18 years because of this and that and there you have supported something, not too long ago, which permits free sex and that is why you have so much problems in the secondary schools and in all these places. As a matter of fact it is becoming uncontrollable, Madam President. And you see from the clause that we have there, it has:

1. Males between 16 and 21 years can have sex with girls not more than three years younger than they are.
2. Boys 14 to 16 years of age can have sex with girls not more than two years younger than they are.
3. Boys 12 to 14 can have sex with girls not more than two years younger than they are.

So if a boy is 12 and he can have sex with a girl two years younger, look at what you are having, and free without any restrictions, without any penalty, without anything at all.

We can conclude from what has been enacted by this Parliament a few years ago, that boys of the age of 12 can have sex with girls who are only 10 years old. And that will not be considered an offence as long as there was an agreement between both parties. What is the hon. Attorney General doing about that? It would be good to hear what he will say. No wonder why there is such an unbelievable breakdown in the moral lives of the younger ones in the schools and colleges all over the country.

Madam President, if we should go out and we should hear what goes on

outside there, "Ohhh my God" it is pitiable to see our young children, how they are being dragged into moral and spiritual and all kind of degradation and they believe that what they are doing is something good.

Islam strongly condemns any form of sexual activity outside a marriage and condemns the permissibility of young people having unrestricted sexual activity just because they are of a certain age bracket. Islam does not uphold that. It is something outrightly wrong and, as a matter of fact, the hon. Attorney General made mention of a punishment that is given to an adulterer. He puts it in a way that it is something, "Ohh my God" we should try to avoid that if we want to have a good society. But which is better, to have a clean society with people fearing, sharing and caring and the brother thinks of the other brothers as he would like him to think about himself or you have a society where you have adulterers and fornicators and all these things, what do you want to have?

So the answer to the problem is not to change the law, but to do things that will enable people to appreciate the value and the lives, the honour and dignity of others and to share and care and to treat everyone as you would like to be treated and only then we would be making a proper move forward to have a very healthy and admirable society. While the Muslim Marriage and Divorce Ordinance allows for a girl to get married at the age of 12 here in this country such a practice is very rare as the statistics show that from 1987 to 2007 there were only 16 such cases. But it is still advisable to retain the law as it will not exclude the isolated cases as this is a complete way of life and we even take into consideration the isolated cases.

The advocates against allowing a girl to give consent at the age of 12 have failed to treat with the issues of perpetration of crimes against children—rape, incest, domestic violence, abuse and all the whole line-up that you can talk about—which disturbs the peace and quiet and security of the people living in any particular area.

The Council of Scholars hereby wishes to recommend the following: One, the Muslim Marriage and Divorce Ordinance be retained without any changes being made to it. So that is the first thing. We would want that it remains as it is without any change. Two, the religious organizations, elders scholars, teachers, parents, guardians, all work together to develop a programme designed to educate and sensitize the youths regarding the importance of abstention from sex before marriage, and the physical, moral and social, and even spiritual, consequences that can result from such unlawful activities.

Human beings are different from the rest of the creation, Madam President, as we are created from clay while the rest of the creatures are created from water, according to Islamic teachings. God created all the plants and animals from water but he created man from clay. Every one of us according to the Islamic teachings began life as a tiny grain of sand. And one day we will again return to the earth as a grain of sand. The greatness of the Lord is that he has given man the blessings to represent him here on the earth, a finite insignificant creature has been given that great responsibility to behave like God here on the earth. This can be possible when we abide by his divine commands and cultivate within our personalities the divine attributes, such as love, compassion, mercy, forgiveness and so on and so forth.

One of the ways of fulfilling our obligations and responsibilities as the Lord's representatives here—towards our fellow human beings, towards the environment, even our connection with our Lord—is to enjoin what he says is good and to stay away from what he says is prohibited. When we look at the lifestyle of our youths today we see them following the devil rather than representing God and that is unfortunate.

So therefore I wish to humbly present today, Madam President, this very important understanding that it is very good for us to retain the law as it is because it is the nearest thing to a girl beginning to experience her periods at the age of 12 and as a result become qualified theologically to be married and instead of creating hardships because—what you will have? You say 18 years and people will run helter-skelter and they would do anything they want until they reach 18 years and some of them may even hide all the wrongs that they did through abortions and all these things and now sit to get married with that understanding and that feeling that, "now we are mature". Islam does not want that and we want to advise and to request that we take the position that will be the best for us all in society as—you know, the Qur'an gives us a parable, Madam President, and I would like to bring this to the attention of all of our dear friends here and that is, every human being is like a tree in the forest of trees and a good human being, a good tree, is one that has sweet juicy fruits and gives shade.

In contrast to that you have trees with thorns and bitter fruits and so on. We are all enjoined upon to try and be those good beautiful trees that can give juicy fruits and has nice shade. If we can do so the Qur'an says for such people—the Arabic terminology can be translated as—no fear will ever come upon them, nor will there be reason to grieve. If we abide by the laws and we try ourselves to conform to what God says is good for us here and there, the minimum age of marriage, and so on, will be something very insignificant because we fear God and we would want to submit to him. And as a

result we would want to do those things that will benefit us here and in the next life.

So, Madam President, with due respect and humility I wish to propose on behalf of the Islamic Scholars whom I represent, and myself, that we retain the law as it is but we take all the necessary steps to try and change the lifestyles of our youth so that their thinking will be acceptable morally and spiritually and socially and they will be progressive in this world as well as in the next. I thank you. [*Desk thumping*]

Madam President: May I commend Sen. Mohammed on his maiden contribution. [*Desk thumping*] Sen. Roach.

Sen. H. R. Ian Roach: Madam President, perhaps, if I can crave your indulgence, could it that we could take an early break, rather than it being broken—

Madam President: No, no, let us continue. We have enough time until 4.30 p.m.

Sen. H. R. Ian Roach: Fine, thank you. Madam President, I thank you very much for the opportunity to engage in this debate. I think it is a very important debate, one of the most important that has reached this Chamber and thank God it has reached as early as it has. I have listened very carefully to the hon. Attorney General in his presentation and I welcome it significantly. I find a lot of merit in what he has assisted us in coming to grips with, in terms of having statistics that normally would not be readily available to us locally, in terms of the marriages, under age and the number of other information he has brought forward for us. I mean, on my own search I was not able to unearth that. Most of the information you will get will usually be from foreign jurisdictions. I think we all here, we all have a significant responsibility in doing good by those most vulnerable in our society which are the young ones without a voice in this Chamber today. They are not even of the age in which we are debating at this point where they can vote under the age of 18.

I think in large, most of the discussion has gone in and outside of these Chambers concerning the age of marriage, for child marriage has premised on the basis of sexuality. What is the right age to engage in sex and so forth? Well, you would have heard from hon. Sen. Mohammed about the puberty, about what puberty is. I believe I knew what puberty is, But it caused me to go back to the dictionary and look at what puberty is. And puberty has to do, the definition is:

> "The period during which adolescents reach sexual maturity and become capable of reproduction."

When we are going to base a discussion and make a decision in changing the age of sexual consent or what is right for a child to be able to engage in sex as being lawful and limited just to puberty is to miss the point. Because we are dealing with an institution and the institution is dealing with marriage; by entering marriage and in entering marriage you are entering in an institution where a number of things are expected of you and a number of things are expected to happen, one of which is that sexual intercourse will take place.

If you look at it from a scientific point of view, I mean, information is replete with information outside there by the behavioural scientists, the medical fraternity that somebody now entering into puberty is not yet properly and fully developed. It may be the commencement of your sexual maturity but certainly it is not the fulfillment or the rightness of your entire maturity as an individual. The institution of marriage brings a lot of, it has a lot of good in it but it also has a lot of responsibility in it. The responsibility is about a child, imagine a child 12 years old being hoisted into a marriage. I cannot fathom my daughter at 16 years—I am giving consent to her to be married. Because in my early practice as a lawyer, some 20-something years now, the first two, three years of my practice as a lawyer I was not a divorce lawyer and I did at least three to four divorces per month and none of the divorces that I did were with people under the age of 20-something years old. And I was frequently asked by my clients if their problem was a unique problem or if it was a common problem. But it was just so significant that my specialty was not a divorce lawyer, yet I was doing three to four divorces per month, eh, this was some 20-something years ago.

I used to tell people the only reason why I believe that divorce had not overtaken marriages is because you have to get married before you get divorced. So difficult it was. These are people who would have been of a ripe, of a mature age, over 20-something years of age, would have experienced work, would have experienced a number of other experiences that mature people do over a period of time. Puberty in itself does not just mature you into the institution of marriage. You do not go to sleep as a young girl one day and get up the next morning as 15 or 12 years old and you are ripe for marriage. There is a lot of responsibility, there is a lot of literature, there is a lot of research that has gone in to show that when children, where you hoist the institution of marriage on a child you are doing a child a grave injustice. That child is unable to be properly educated, that child is being robbed of the most significant part of the child's life if the child is going to have a long life, as I tell my daughter.

The shortest part of your life if you are going to live long is your youth, being a child. If you live until you are 50 you are only young for a very small portion of that. If

you are going to live to 80 you are going to be for a very short portion of that and we need to be able to protect our children to be children, to be able to mature in the full sense of maturity in order to go through that whole spectrum of human development [*Desk thumping*] from child, to adolescent, to an adult. You cannot hoist the responsibility of adult expectations on a child. I mean, most research have shown children who have been married earlier or women who have been married earlier in their age are on the lower side of economic development. They have the lowest amount of education if educated at all. They are economically most times impoverished. They are subject to abuse, physically, mentally and all the other negatives that goes with being in a vulnerable situation and I see it personally as an injustice.

We have heard from the Attorney General, I mean, on my research as well, he showed the United Nations has passed requiring a number of countries who are signatory to it to revise the age of maturity to 18 years. Apart from it just being—I mean, one can argue whether 18, 16, 17 is the right age. That in itself, I mean, one cannot scientifically or otherwise come down suddenly and say, well yes, 18 is it. But 18 has been found to be a reasonable age in terms of psychological, physical development. It is an age that is almost universally recognized as an age where persons are being able to make more cognitive sort of decisions as opposed to being in a stage where you are still evolving in terms of your cognitive development.

And therefore if we are going to allow ourselves in this Parliament to be bogged down alone by historical dogma, by religion, by customs, by traditions and ignore what is facing us in terms of evolving and being enlightened from scientific data across the board, we would be failing our children. We will continue to expose our children, unfortunately, to a life of servitude. The International Labour Organization has recognize that child labour is a form of slavery. When you are married into an institution, when you get married and you are institutionalized into that marriage you are performing certain type of services. And that is recognized as being a form of slavery, it is labour for a child to engage in that at this point in time.

Madam President, we can go on and find whatever reasons in terms of historical customs and so forth to justify 12 years, 13 years and so. But I think in light of the information we have before us as an enlightened people we cannot allow ourselves to be stymied by that type of thinking and not do the right thing today which is to pass a law, which would certainly once and for all correct that injustice to our most vulnerable in our society, which is our children.

I also was privileged like the Attorney General to have a number of

information shared with me by the civil society organizations. I think there was a list of 23 of them where this matter was discussed, ad nauseam, among them for a number of years and they all, from what I have seen the gist of it comes down to, basically recognizing that, yes, the age of 12, under 18 ought to be adjusted. The only thing I did not agree with in the Hindu Women's Organisation, however, they were making an exception in terms of 16 years or 17 years.

I understand what they were saying, but I respectfully disagree with it. To me 18 years should be it, because as the Attorney General said one can engage in the legality of having a judicial supervision with consent and different things like that. To me it is to make something that is supposed to be much more straightforward, more burdensome, there is an expense attracted to it and, of course, why thwart the judiciary system with something that ought not to be in that domain. We already have to deal with it upon the breakdown of marriage. I do not think in the inception of it, it should be, again, before there.

So, I think that 18 years is not an unreasonable age to peg the legality of a young person being allowed to engage in the institution of marriage. Also the aspect of the Attorney General spoke about, the constitutionality and requiring a three-fifths majority in passing this. I also had the benefit of discussion and I am looking at also the case of Suratt and the Attorney General which was, Privy Council Appeal Case No. 84 of 2006—[*Interruption*]

Madam President: Sen. Roach, you used up 11 minutes of your time. You are going to be sometime after this?

Sen. H. R. Ian Roach: Sure.

Madam President: So we will take the tea break at this stage. We will suspend for 30 minutes and resume at 5.00 p.m. So this sitting is suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. VICE-PRESIDENT *in the Chair*]

Sen. HRI Roach: Thank you, Mr. Vice-President. Mr. Vice-President, as I was saying before we took our tea break, I just want to head straight into the aspect of the legality or the need for passing this piece of legislation requiring a three-fifths majority. It is my submission that notwithstanding the fact that sections 4 and 5 of the Constitution would be, in some way, offended, I took my

guidance from the case—and I am sure there are a number of other cases since this decision has been given—the Privy Council Appeal Case, No. 84 of 2006, which is Kenneth Suratt (on behalf of himself and 14 others) v the Attorney General of Trinidad and Tobago.

In that case, Baroness Hale of Richmond stated at page 24, paragraph 58 in the appeal—this was an appeal from our Court of Appeal dealing with the Equal Opportunity Act being unconstitutional. And she had this to say. She said:

> "This appeal will also be allowed on the other points where the courts below found the EOA unconstitutional."

She said:

> "It cannot be the case that every Act of Parliament which impinges in any way upon the rights protected in sections 4 and 5 of the Constitution is for that reason alone unconstitutional. Legislation frequently affects rights such as freedom of thought and expression and the enjoyment of property. These are both qualified rights which may be limited, either by general legislation or in the particular case, provided that the limitation pursues a legitimate aim and is also proportionate to it. It is for Parliament in the first instance to strike the balance between individual rights and the general interest. The courts may on occasion have to decide whether Parliament has achieved the right balance."

In the present case, Mr. Vice-President, the amendment which is being sought here, it does restrict the freedom of religion, belief and observance, as in section 4 and section 5, yet the restriction is one that is for a legitimate purpose, which is child protection and gender equality and the restriction is proportionate because it raises the age up to 18 years from 14 for Hindu girls; 12 for civil and Christians and Muslim girls, and 16 for Orisha. So in those circumstances, I want to submit to the hon. Attorney General that I do not think that this Bill requires a special majority to pass. It can be passed with an ordinary majority.

Getting back to the position that I am talking about, which is, I said for far too long, globally, children have been subject to injustice due to circumstances and forced into premature marriages at ages when, in most other civilized countries they are not even allowed to vote legally. Right? It hoists upon them a burden of an adult which is unbecoming of human dignity.

According to UNICEF, and I quote:

> 720 million women, alive today, were married before the ages of 18 years and up to 280 million girls are currently at risk of becoming child brides.

UNICEF also states that:

> "…child marriage is a manifestation of gender inequality, reflecting social norms that perpetuate discrimination against girls."

—since figures they have published show the distribution of males married before 18 years of age is 156 million compared to females which is 720 million. The number speaks for itself.

The United Nations Population Fund, in its overview on child marriage dated the 20th of October, 2006, stated categorically that:

> "…child marriage"—is—"a human rights violation.
>
> …despite the laws against it, the practice remains widespread, in part because of persistent poverty and gender inequality.
>
> In developing countries, one in every three girls is married before reaching age 18, while one in nine is married under age 15.
>
> …Child marriage threatens girls' lives and health, and it limits their future prospects. Girls pressed into child marriage often become pregnant while still adolescents, increasing the risk of complications in pregnancy or childbirth. These complications are a leading cause of death among older adolescents in developing countries."

Mr. Vice-President, this is not positive or uplifting information, but we here in the Eleventh Parliament have an opportunity by passing this Bill and making it law, to abolish once and for all the miscarriage of justice against our most vulnerable, our young people. [*Desk thumping*]

The proposed age of 18 years is reasonable given the physical and psychological development of a young adult at 18 compared to a child who may still be going through puberty and may not be emotionally developed enough to understand and cope with the full implication of marriage, far less the challenges of rearing a child in a complex and demanding world. What we have in this country, in many instances, unfortunately, we have children raising children. I have also considered child marriage to be a gross injustice to children. It represents first and foremost an interruption of the natural human development of a child's life. Adulthood is a nurturing process that simply cannot be achieved under the tender age of 18 years.

It always perplexed me in Trinidad and Tobago that our laws prohibit sexual intercourse of a child under the age of 14 years as it is deemed statutory rape,

since a child that age does not have the legal capacity to give consent, yet we have laws for that—for religions and customs and traditions that permit marriages under the ages of 18 and even 14 years old. In other words, in Trinidad we have laws that once the consent of the parents are given, children under age can be married legally and permitted to have sexual intercourse, even under the age of 14.

It reminds me when I was reading this, you know, I am saying the well-known adage of Charles Dickens in *Oliver Twist*, that "The law is an ass" is apposite, simply meaning that the application of the law lacks common sense. The Trinidad law, in this regard, regards children marriages is wrong and it is not good enough and should be abolished once and for all in our legal system, so that our laws, as they pertain to child marriages, will be enlightened and protective of our children.

Mr. Vice-President, a stronger case cannot be made in support of this Bill than a simple rationale that children should be in school realizing their God-given educational potential and not raising a family, the purview of an adult. This matter, I am aware, has been discussed the length and breadth of Trinidad and Tobago in the public arena and I am of the impression that there is wide support for this piece of legislation by the public. Without any hesitation whatsoever, Mr. Vice-President, I am in full support of this Bill [*Desk thumping*] as it finally addresses an anomaly in the laws and seeks to protect our most vulnerable, precious treasures, the children of our blessed nation.

With those few words—sorry, before I close, there is one matter I need to raise and submit to the Attorney General for his consideration, and that is, I notice in the amendments nothing was said about the recognition of foreign marriages as civil marriages in Trinidad and Tobago. I had the opportunity of reasoning with him. I think he has some concerns. I think the Government has looked at it and we probably will hear something from him. The point I am making is that in recognizing foreign marriages, if a marriage that is undertaken by underage persons, not in keeping with our law, it should not be recognized by our law. It should be null and void. I think some provision should be made within the amendment, if at this point it is possible, to address that situation.

With those few words, Mr. Vice-President, I thank you. [*Desk thumping*]

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Mr. Vice-President. I thank you for the opportunity afforded to me to contribute to this Bill, entitled the Miscellaneous Provisions (Marriage) Bill, 2016. Mr. Vice-President, as a practising Hindu and a Member of this Parliament, this Bill caused me to reflect deeply on the teachings of my faith and the oath of office which I am bounded. The

contents of this Bill have resulted in some controversy because it seeks to amend the laws which currently enable minors to enter into contracts of marriage. Representatives from various faiths have objected to the proposed legislation, arguing that it is wrong for the State to interfere with religious practices, traditions, beliefs and customs. Mr. Vice-President, I must say, I felt somewhat conflicted at first because some well-respected leaders of my faith expressed great objections to the Bill while others have indicated that the Bill is a step in the right direction.

Mr. Vice-President, I also wish to put on record that I have seen some correspondence from other religious organizations with reference to the Muslim faith and it also has variant views in opposition to what we heard today. However, after careful consideration and meaningful discussion with some of those said persons, I am satisfied that there is nothing objectionable about this Bill. [*Desk thumping*] It seeks to promote the welfare and best interests of the child. I am also satisfied that the Bill does not, in any way, violate the religious beliefs and spiritual teachings of my faith. In fact, Mr. Vice-President, all faiths speak to treating others as we would want to be treated, and in the case of minors they must be treated with dignity, compassion and respect at all times.

I am aware that there have been—and there are—successful marriages that began when either or both parties were minors, but there are also horror stories of minors, mainly young girls who were the subject of abuse because they were forced into marriage at too early an age. Mr. Vice-President, if this legislation therefore saves at least one, or even two young girls and boys from a life of strife and abuse, then, in my view, the passing of this law would have been worth it. [*Desk thumping*]

Mr. Vice-President, with your permission, I wish to read the extracts from an article titled: "Survival stories of life as a child bride", found on the Internet and dated November 06, 2013. The following is a story of a girl—you can get her name on the website. And while it may be very easy for some to immediately say that this young girl is not from Trinidad and Tobago and so her story is of no relevance in this part of the world, quite the opposite is true.

Mr. Vice-President, we heard the AG give some staggering figures that here in Trinidad and Tobago we have 3,800 marriages of children under the age of 18. That is significant because if you check, the average school has about 600 students—okay? If you check the average school with 600 students, that is about, what?—almost six schools. And, I mean, we could full about 10 halls like this with under-aged marriages from 1996 in Trinidad and Tobago. So it is a real problem we have here. You see, Mr. Vice-President, because we may not be

aware of the plight of some of the young girls who have been child brides, does not mean that we should sit idly by and do nothing. So here is the story of this young girl, now 18, not from Trinidad and Tobago but still very relevant. As I read, I want you to picture a young girl going through what this girl experienced, and for some of us who have a daughter, try and picture if that is your daughter. I quote:

> "I got married when I was just 10.
>
> At the time of the marriage, my husband was a school student, just 16 years old.
>
> My father had a second wife and he had a conflict with them, so he gave me away in order to settle the conflict with the second wife's family.
>
> The marriage was arranged by family, it was not a forced marriage - but I was a little girl at the time, I did not know the meaning of marriage and I accepted it because I did not know any better. My husband was really harsh with me because of the fact that I did not know what a marriage was, and what the duties of a wife were.
>
> He wanted a sexual relationship but I did not even know what that was at the time, and so he started beating me to get it.
>
> My hand was fractured and also my eyes suffered injuries and were severely affected from the beatings. Very early on in the marriage I fell pregnant twice. Both children died due to my extremely young age.
>
> No one could help me - everyone remained silent. I guess they thought this is a tradition - that every woman should be beaten by her husband and this is his right to get his demands, to get what he wants.
>
> I did not escape - I compromised with him and stayed for the sake of two children we now have (two more, after the first two died).
>
> My children are the reason I have stayed. And my father is old now, I can't hurt him by leaving, so I will stay–it's tradition. This is a tradition here in my village (in the Bannu district). Most females get married at 10-12 years old.
>
> What I would say to other young girls in your position is never get married at an early age.
>
> If you do you will have psychological problems like I do. I don't get to live like other girls - and I never will."

Mr. Vice-President, various reports from around the world dealing with child marriages make general observations. Girls who marry too early cannot go to school and are very

often victims of domestic violence, abuse and rape. They become pregnant while they are still children themselves and even risk contracting sexual transmitted diseases, such as HIV.

Mr. Vice-President, according to the "Every Last Girl" published by *Save the Children*, every seven seconds a girl child under 15 years of age is forced to marry a man much older than her. A survey carried out by UNICEF reported that, to date, women who were married in childhood are 700 million. In 2030 that number will be 950 million. Imagine that. By 2030, if we too do not join the campaign to stop child marriage the figure will reach close to one billion. Mr. Vice-President, in Trinidad and Tobago we had 3,800 from 1996 to now. A lot of people feel this is not a problem in Trinidad—3,800 is a lot. We need to understand that.

Every nation that hears horror stories about child marriage and does nothing in its own law to end child marriage is encouraging a practice that is damaging millions of innocent children around the world. Mr. Vice-President, Trinidad and Tobago has signed and ratified the UN Convention on the Rights of the Child and so we must not be delinquent in our international duties to fix our laws to protect young children.

Mr. Vice-President, I was very fortunate to attend a luncheon hosted by the Children's Ark, an organization committed to promoting the welfare of children—right next door at the Hyatt hotel in 2016. The feature speaker was Miss Anuradha Koirala, an internationally recognized activist against human trafficking. Miss Koirala, in answering a question fielded by the audience about child marriage, made it clear that in her homeland of Nepal there was an active campaign encouraging parents to educate their children instead of marrying them off. And that must be a key focus of any country such as ours serious about taking our country forward. We must ensure that all children are given the opportunity to reach their greatest potential without their childhood being taken away from them.

My contribution is not about bashing any cultural tradition or demonizing any religion, including my own, but rather supporting that legislation that is in the best interest of our nation's children. [*Desk thumping*] I am no lawyer. I am of a business background and I have a working knowledge of the law, especially as it relates to contracts. I know that under our laws contracts made with persons who are minors are generally unenforceable and invalid. Why? Because the law recognizes that minors do not have the capacity or maturity to understand terms and conditions that may be harmful to their best interests.

Many people would agree that marriage is the most sacred and important

contract that any individual can enter, so using this simple logic, if a child is considered, in law, not sufficiently mature to enter into a normal contract, how can we condone or justify the existing law which allows a child to enter the contract of marriage? To leave the law as it stands, that is, allow child marriage, is applying a lower standard for a much more complex contract. That is not a bargain for any child. It is more likely a death trap.

Mr. Vice-President, if you allow me to once again quote from an article published on the Internet on which I have used, just to put in simple points the reason in favour of banning child marriages. The following points are a summary from the website: *girlsnotbrides.org*.

1. Health: Child brides are often expected to bear children soon after marriage which makes them vulnerable to pregnancy and childbirth complications.

2. Isolating girls: Girls are often cut off from their families and peer networks and thrust into hostile environments where they are obligated to their new husband and their in-laws.

And, Mr. Vice-President, I think this is where this "mother-in-law pepper sauce" thing came about, because of the little conflicts that some find "theyself" in.

> Advocates for girls' rights say this isolation can have emotionally scarred effects as well as violent consequences. If these new families mistreat them, the typical large age gap between the child bride and her spouse makes her more vulnerable to domestic abuse and non-consensual sex. Even those girls with the opportunity to divorce abusive spouses are vulnerable because they have little earning power, education and financial support.
>
> Human rights groups have reported cases of girls facing abuse after attempting to escape their unions. Brides may also find themselves without support if they are widowed early, leaving them with little means by which to raise their families.

3. Education: A shortened education is both the cause and effect of early marriage which, the lack of educational opportunities may contribute to girls earning—early marriages—girls are also likely to drop out of school sooner. These restrict their wage earning opportunity and leave girls dependent on their husband and with less power in the household.

4. Poverty: Girls who marry young are more likely to be poor and remain poor. On the other hand, expanding girls' access to safe quality schooling and employment holds amazing potential for reducing poverty and boosting

economic growth.

Is that not what we need in Trinidad and Tobago at this time?

> When women and girls are educated they work more productive and spend more money on food, housing, education and income-generating activities. They contribute to building a more prosperous future for their communities and themselves.

Mr. Vice-President, most of the world has recognized that child marriages are harsh and oppressive to all parties involved, usually the child bride, and we saw the statistics again from the Attorney General where 97 per cent of the child marriages are girls under the age of 16; 97 per cent. I agree that in our country there is a serious situation with respect to teenage pregnancy, but allowing child marriage is not the answer. This Government will deal urgently with the matter of teenage pregnancy, and we all know it will not be a quick fix.

After listening to the learned Attorney General, his stunning presentation on this Bill, I do not think I need to say much more on the relevance and importance of this Bill. So in conclusion, Mr. Vice-President, I wish to end by quoting and not singing, the lyrics of the first verse of that very popular song, "The Greatest Love of All" by the late Whitney Houston.

Hon. Senator: Sing it.

Sen. The Hon. R. Sinanan: No, "I doh" want to sing.

Hon. Senator: "Sing de ting nah man."

Sen. The Hon. R. Sinanan:

"I believe the children are our future

Teach them well and let them lead the way

Show them all the beauty they possess inside

Give them a sense of pride to make it easier

Let the children's laughter remind us how we used to be"

Mr. Vice-President, I urge all Members of this House here today, let us do right by our children, the future of our beloved nation and support this Bill before us. Mr. Vice-President, I thank you. [*Desk thumping*]

Sen. Rodger Samuel: Mr. Vice-President, I once again want to thank Almighty God for affording me the opportunity and the privilege to, first of all, be alive and to be able to speak in this august Chamber on this Bill, the Miscellaneous Provisions

(Marriage) Bill, 2016 whereby the Government, through the Attorney General, is hoping to amend the Marriage Act, Chap. 45:01, the Muslim Marriage and Divorce Act, Chap. 45:02, the Hindu Marriage Act, Chap. 45:03, the Orisha Marriage Act, Chap. 45:04 and the Matrimonial Proceedings and Property Act, Chap. 45:51.

[MADAM PRESIDENT *in the Chair*]

But, Madam President, may I take this opportunity, seeing that this is the first sitting that we have for the year, to wish God's blessings to you and your family and to also wish my colleagues in the Senate a blessed 2017 and I pray that God will continue to give us peace and wisdom to do what we do, and we are called to do in this House and that we will all be kept safe in this beloved country of ours, seeing what we have experienced over the last 12 months, and we hope that we do not experience such again. So we need to be prayerful that the spate of crime in this country will tremendously subside and the respect for human life will be again embraced to reduce it significantly.

Madam President, it is necessary for us to realize that when we talk about this particular Bill, it must not just be talked about from an emotional standpoint but we must speak on this particular topic from the standpoint of facts, from the standpoint of justice, from the standpoint of the psychological, sociological impact, medical reports, scientific reports and the statistics of the day.

5.30 p.m.

I sat today and in the Attorney General's presentation I heard reports and the reports about how many marriages there have been and how many child pregnancies, and all these things based upon limited information that comes to the Attorney General's Office. It is not based upon private sector information, it is not based upon anything, but what happens in the public sector, the hospitals of the day, the amount of teenage pregnancies and births and stuff like that, and based on that we have to very careful because if we are to debate something of this nature we must now be clinically clear as to what the objectives are, why we want to do this and what are the medical, scientific, psychological reports that can be analysed to now be specific as to how we are about to achieve our goal.

Madam President, it is a fact that we have looked at this thing based upon the fact that young people can now vote at 18 but they can drive at 17. They can legally be employed at 16. When we look at all of these we recognize that if we are to level the playing field across the board, it means we need to go back up with the driving age, we need to go back up with certain things because we are saying that a person is tremendously matured to drive at 17, they are tremendously matured to be employed in

the public sector or the private sector at 16, but they are not matured enough at 17 to enter into matrimony. I am bringing up points. So it means that we have to then revisit some of the adjustments that we have made in the past to make sure that if there is going to be a level playing field across the board that it is level and we are thinking of the development process of the human mind.

It is said, Madam President, that when it comes to development, some scientific reports and psychological and sociological reports have hinted that the male seems to develop some 11 years later than the female. That is an argument. It is also said that they develop some five years later. So it means, immediately, that if we are going to discuss the idea from a marriage standpoint, or from the standpoint of the Act or the amendments, are we justifying the age situation based upon the fact that we allow things at 18 in the country, or are we saying that people, male and female, are clinically developed along the same lines at 18; and if scientific reports say that one is not developed as quick as the other, then both of them at 18 are not as ready for the same thing. So we have got to look to see if what we are saying is making sense and then do the right things with the right kind of assessments.

Madam President, it is one thing to amend and we have found ourselves over the many years—and the Attorney General has alluded to the fact that we have amended, and then we have amended, and we have amended amendments and we are a society of amending amendments and amending amendments as we go along, and that at the end of the day we will continue to amend things that one, come as a result of pressure of the international market, international arena; two, pressure from outside situations; or three, because we as a society now understand the dynamics of what change is all about and we are doing what is relevant and necessary that would be fitting for Trinidad and Tobago.

As we examine, Madam President, the initial legislation on marriage, we recognize that based on a culture, both religiously and socially, it started with tremendous biases because of how it was drafted. I know that change is inevitable, but sometimes in a society though we change and we rearrange everything, sometimes still remain the same. When legislation was impacted I see that there is amendment to the Muslim Act, amendment to the Hindu Act, amendment to the Orisha Act, and I recognized, Madam President, in our initial legislation on marriages there were no limits really written with regard to Christian marriages—and some of the marriages of children both male and female under 17 were that of Christian marriages—and it could have been because of the social religious strata of the day that the Christians who probably dominated the country at that point in time had more say, and more impact, and more word than others, and then they enforced a certain thing but now they fended their own stands. I

do not know. But there is a possibility there has been a bias because there was no age limit put to Christian marriages as opposed to those marriages of other faiths. None! It was left up to moral suasion, it was left up to culture, it was left up to tradition, but not a specific age limit.

But now we are saying that we want to level the field, and as we level the field, what is the criteria used for levelling the field? Is it just the fact that people mature or puberty comes at a certain time? Is it a fact that people are maturing at different rates and how do we determine the rate of maturity that has caused us to arrive at the age 18? Is it because it is something that is acceptable around the world and we just fall in suit into acceptability? What is suitable for Trinidad and Tobago when it comes to the age limit? We have got to go into the facts of development, we have got to understand the different species, the male as opposed to the female and how they develop. Because, Madam President, if you look carefully at our country you would realize that not only have there been issues with marriages under a certain age, there are also serious issues with marriages over a certain age. As a matter of fact, the state of divorce in our country is ridiculous and I wanted to put that on the table because it is a crazy situation.

In Trinidad and Tobago and it was the Chief Justice then that was reiterating the state of divorce in Trinidad and Tobago, and I want to quote from the *Newsday*, "Marriage under threat" by the Chief Justice, Tuesday, September 25, 2012. Since then:

> "The revelation by Chief Justice Ivor Archie in his address at the Convocation Hall at the Hall of Justice on Monday last at the ceremonial opening of 2012—2013 Law Term that 2,840 new divorce cases were filed"—just—"last year."

In one year 2,840.

> "In addition, the Chief Justice advised that 1,828 decree nisi and 2,461 decree absolute were granted last year…"

I want you to understand the magnitude of the social decay in our country. He says that:

> "when linked to relatively high number of new divorce cases"—it is linked eh—"is an uncomfortable indication that the institution of marriage in Trinidad and Tobago appears to be under threat. While with respect to some of the decree nisi granted there may be the hope that there be a change of mind, nonetheless statistics have shown over the years that this is hardly likely."

So when we look at a society determining the way forward we have got to take into consideration that while we now protect one sector of the society, just beyond that, just beyond the age that we are hoping that we will rise towards, just beyond that, there is an absolute decay in family life and marriages; just beyond 18. So is this telling us that people are not ready even beyond 18? Is this telling us that people are not matured even beyond 18? Is this really telling us that 18 may not just be the figure, that we have got to look deeper and look at the psychological development of individuals, male and female, to determine: what is the age? We are saying that we have arrived at 18, but facts say that even beyond 18 divorce in Trinidad and Tobago is at an extremely high level and that does not take into consideration those persons who have not gone through the legal approach for divorce but have just separated and disappeared. So if we were to take another 25/30 per cent, we would recognize how detrimental it is to our society.

So, Madam President, it is important for us to understand that the Chief Justice in his deliberations a few years ago was understanding that there was a serious need for us to look at the whole institution of marriage and not just from one standpoint, but the entire institution of marriage in order for this nation to arrive at a position to make sure that one, families are protected, marriages are protected, and that we be the kind of society that Almighty God created us to be.

"Already there are too many single parent homes in Trinidad and Tobago..."

The Chief Justice said that. I did not say that. So it is important for us to understand where we are and take responsibility for what we do.

As a matter of fact, Madam President—and that is why my deliberations about this is not just norm, because we want to understand clearly how did we arrive at 18, and how are we going to ensure that the nation understands that the development process of a human being that we are saying really takes off at 18 which some scientific reports disagree with.

Madam Vice-President—[*Interruption*]

Hon. Senator: Madam President.

Sen. R. Samuel: Madam President, sorry. I am sorry—as the nation rushed towards the implementation of the child protection treaties—those things that we signed up for—and as the world shifts in the direction of human-centric and human-centred lives, and obviously not God-centred lives, as we tremendously keep amending laws and amending the amendments, what really is the real issue? The real issue is that we have a society that is absolutely decaying socially, spiritually and morally. And if we have a society that is decaying socially, spiritually and morally, it means that we must seriously look at it as a

whole and not just begin to plug in little things.

It is no secret that over the years we have deteriorated. It is no secret—as a matter of fact, when we look at the UNAIDS Report on Trinidad and Tobago 2013—and I have compared it with the 2014 Report—and we begin to understand what is taking place in our country, the UNAIDS Report on behaviour says that one in three teenagers age 13 to 15 are sexually active, one in two of sexually active young teenagers age 13 to 15 do not use condoms—it is a mindset—one in six sexually active teenagers age 13 to 15 has had two or more sexual partners. UNAIDS reports one in eight births is of either a second, third or fourth child to a teenager. That is alarming.

It is alarming significantly because I heard the hon. Minister of Works and Transport relate to specific stories and details of a young woman who had personal experiences in marriages and stuff like that, but it is broader than that and we got to understand that it is not just—and we know that the statistics show that it is more girls that are being married at a young age than boys, but also we have not done the statistics on the impact it has on the male. The male who is married at a young age-we do not study that-because all of a sudden, Madam President, our focus is not on children you know. Our focus and our arguments are primarily based upon one sector and one gender of our society. We have got to be careful because if you look at it, what impact it has had also on the young male? Because we are hearing statistics on the young female but what is happening to the young male?

Sen. Baptiste-Primus: Why you did not get—[*Inaudible*]

Sen. R. Samuel: Madam President, can you protect me from the hon. Minister who is sitting in red today? Protect me from her, please. [*Laughter*] Protect me from her, please. Protect me from her, please.

Madam President: Hon. Minister—[*Interruption*]

Sen. Baptiste-Primus: Sorry, Madam President.

Madam President:—let us listen to the Senator.

Sen. Baptiste-Primus: Sorry. I want to go to his church and hear him talk to the 12-year-olds.

Madam President: Okay. Am I just invisible here? Because I am speaking. Minister, could you please allow the Senator to continue his contribution in silence. [*Desk thumping and interruption*] Please, Senator continue.

Sen. R. Samuel: Thank you for your protection, Ma'am. Really appreciate it. Madam President, if we are talking about the development of our young people

and we are coming up or determining that 18 is the time that they are responsible, we are living in a society where magistrates and certain sectors of our legal fraternity can take a young child and commit them to places of incarceration or holding at young ages. If that is the case, I remember visiting some of our institutions and there were young children 12, 13, 14, 15, 16, 17, 18 in those institutions, and in my discussions with some of them, they are there because the law says that they are uncontrollable-they are behaving in a manner that is not expected of them.

So we are actually saying that there is an expectation of behaviour at a certain age. We are actually saying—because if we are going to sentence them or put them into these homes and institutions for behaviour below 18, we are saying that there is an expectation, and it seems to be that we are saying that we expect them to be far more mature below 18 that is why we are putting them away. It is argument we have to be careful of because—as matter of fact, Madam President, if a 16-year-old can be sent to what we call a youth training centre where they are locked away, why? Because the authorities believe that that person is not behaving the way they should. It means that by natural law there is an expectation. If there is an expectation and we can put them away and we expect them to be responsible at 16 and 17, or else we put you away, then we have got to reassess how we arrive at 18 because at 16 and 17 they can be put away for being irresponsible to our society.

So that, Madam President, if we are to examine all of this, my thing is how did we come up with 18? What is the mechanism used with the human development, how did we come up with 18? So often we deal with the issue, and I heard the hon. Minister of Works and Transport and he is correct. He is talking about the fact that there are a lot of teenage pregnancies in the country and it is a fact. As a matter of fact, the information given by the Attorney General is limited. I understand from my own information what has been reported in the *Newsday*, May 25, 2014, that there could be approximately 2,500 teenage pregnancies annually.

Madam President, do you know what is strange about this? What we do not find in our society is that there were over 2,000 persons arrested to support that, because it is against the law to do what happened. And if there are 2,500 teenage pregnancies that have been purported annually—teenage pregnancies, not teenage sexualities. Teenage pregnancies, not teenage sexualities. It is not teenagers who are having sexual intercourse. It is the pregnancies that we are talking about. In other words, the idea of intimacy could be alarming. But what we have not found

and if you go and you write and you ask the Ministry of National Security as to report with regard to the amount of persons that were arrested for these pregnancies, I am not too sure the figure is going to mean anything. It means that there is something that is wrong with it and we have got to now determine what do we want to fix, and how we are going to start the fixing, and how we are going to educate our society meaningfully by much dialogue so that they can be clear that we have come up with 18 because we realize that children develop and they mature at this age, and maturity is this, and it is a proven fact, and as such—maybe we will have to stagger the age of marriage.

A girl may be 18 and the man might be 40. If he is maturing 11 years later than the girl he might have to be about 20-something or 30-something and she might have to be 18, because when you look at the divorce situations—what I would love to find out from the institution of divorce is how many women file for divorce putting away their husbands as opposed to how many men filed for divorce putting away their wives. That is something to work on.

Hon. Senator: Seventy-five/25.

Sen. R. Samuel: Seventy-five/25, female to male. Is it that the divorce situation is because women find that men are not maturing and they feel "I should not have gotten married to somebody that young, my age? I should have looked for somebody older". Is that the problem? Maybe, that may be the problem. So when we are looking at this situation, Madam President, I think it is necessary to deal with it from a total standpoint. Come up with a significant package with justification as to how we came up with that age. We are shifting from this to this, but why? Justify it psychologically, justify it socially, justify it medically. Justify it so that the nation can be absolutely educated with regard to this.

Madam President, I believe that much discussion needs to be had and that information needs to be had with regard to data statistics reports, with regard to the finding psychologically, socially between the male and the female, the mindset. I believe that 100 per cent and, as such, I believe that this particular thing should be discussed even further and it should be discussed with relevant people, it should be discussed with different sectors of the society. When I say sectors, not in the form it took with one or two little consultations in a hotel, but we must bring it down. We must bring it down to people because people are affected.

I believe a Joint Select Committee that would be able to sit with all of the relevant persons and talk and discuss and come up with some kind of level ground [*Desk thumping*] to be had, and it should be done quickly. Not with delay. It should be done quickly so that

this thing, at the end of the day, the society, the nation, every citizen would be quite clear as to what we are doing, why we are doing it, how we are doing it and when we are doing it. It is so important for us to know that, Madam President. How much time do I have?

Madam President: You have till seven minutes past six.

Sen. R. Samuel: Thank you very much, Madam President. So, Madam President, this debate continues and while everybody has become emotional, I like to be factual because people must make changes based upon facts. We must make changes, not based upon emotions, but it must be on the fact that this is where we are, this is the situation, this is the clinical report, this is how the human being and the human mind develops, and now we have come up with an age that is really balancing the equation, whether it is putting all at 18 or shifting it from 18 to 25. We will have to find the right mix because of the maturity levels of people.

Madam President, I counsel with people and in many instances most of the marital issues that have come up—I am talking about marriages with people from 18 to 40, 50—most of the problems have derived because the woman feels that the man is not matured. That is a consistent problem, that he is insecure, that he has a serious problem especially we are living in a world today where the pay grade is either at the same or the wife may be making more than the husband. Nothing is wrong with that, but how ready are they to deal with that is another psychological problem because the development aspect of it is where the problem is. How developed are we? What are our institutions that are set in place to help in the development of people in their marriages and the development in—what are there?

So we have got to sit and really look at the whole picture and not just leave it up to saying, well they could vote at 18, they could drive at 17, they could be locked away at seven, they could be held culpable at seven, they could be sent to an institution—that is locking them away at 14, 15, 16, 17—they can be set apart from their families at 12. But we are say, okay, they are not responsible enough but we can do that to them, and at the end of day we jump and say 18. Is it because the world says 18, or the United Nations say 18, or that is the acceptable view that people mature? I hear people say at 18 people are responsible. Who says that? Who proved that? Where is the justification?

Madam President: Sen. Samuel, you have a few more minutes.

Sen. R. Samuel: And I am closing.

Madam President: Right, but you are way into your contribution. It is just that you have made that point several times over in your contribution. So are you coming to an end now?

Sen. R. Samuel: I am wrapping up. That is why I am just taking my points back.

Madam President: Okay.

Sen. R. Samuel: It that all right?

Madam President: That is fine.

Sen. R. Samuel: Good. Then I am just clarifying the points that I was making. So, Madam President, why we are doing this, how we are doing it, when we are doing it is important, but I believe that there is much conversation to be had still and that this situation in order to engender the conversation should really be sent to a Joint Select Committee.

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

6.00 p.m.

Sen. Melissa Ramkissoon: Thank you, Madam President. As this is my first contribution for the year, I would like to take this opportunity to wish you, Madam President, a happy new year and through you to all listening audience, a happy new year and a prosperous one.

So, Madam President, we are here to discuss the amendments of the Marriage Act and I would like to take this opportunity to commend the hon. Attorney General [*Desk thumping*] on bringing the first piece of legislation for 2017 on a matter related to our children, and I have to say that is very commendable and I must say that we have to speak up for our 8 per cent of the girls in Trinidad and Tobago that are married before the age of 18. [*Desk thumping*]

During his introduction, the Attorney General spoke of many consultations. I only had the opportunity to be invited to one of those consultations which I tried to attend and that was held on June 15, 2016 which was consultation on marriage Acts and issues related to children. And I must say to the Attorney General and his team at the Ministry of Legal Affairs, I must commend them on collating data that relates to Trinidad and Tobago for us to make an informed decision and to ensure persons are equipped with data that relates to us and can make an informed decision. So I must say that is also very commendable to identify systematic gaps that affect us.

So, Madam President, all children—and all children as we have defined in our Children Act—below the age of 18, should have the right to a childhood. Children should not lose their chance to education, forced into marriage by means of a form of slavery, robbed of their dreams—as some may say, promises after marriage may not even happen—and they should not be faced with domestic abuse and even isolation from their friends or their family.

So every year, over seven million girls below the age of 18, including two million girls under the age of 14, give birth in the developing world. The overwhelming majority of these births are 90 per cent which occur within marriage. So we are seeing statistics that show that within marriage, we have a 90 per cent chance of these girls getting impregnated against their will and most child marriages occur in India—Asia, Africa and Latin America. Most countries in these areas have laws that speak against child marriages, however they are not followed and we see this because of cultural beliefs and even because of generational practices. So in many cases, the laws are very hard to enforce because they do not know the ages of the children and we even see parents forging birth certificates so their children could get married. So yes, we have laws but enforcement of these laws are seen to be very difficult in developing countries because parents are forging their birth certificates and they are saying that their children are 20 or whatever the legal age is for them to get married.

But the question really lies in why is this done? Why do families or parents see it fit to want to marry a child between the ages of 12 to 16 or 12 to 18? And families or family honours, they believe that their children should uphold their family name, they should have their family honour upheld and they should not have pregnancy or unwed relationships resulting in pregnancy. So they are seen as a disgrace and they may even be isolated. So what does these cultures force these girls to do-and these girls will have to be viewed as a burden to their family-and they are left with the choice of either having unwed pregnancy where you have a single mother below the age of 18-they can either resort to abortion which is illegal in Trinidad and Tobago; they can even resort to having consent of parents or guardians to marry the children off who are seeking such.

Now, Madam President, in the data shared for Trinidad and Tobago, we see that underage pregnancies between a 16-year-old girl and a 16-year-old male were about 12 persons and this is the statistical data from 2006 to 2016; for mothers or females of 16 years and fathers or males of 17 years, there were 24 cases reported between this period; for 16 years for females and 18 years for males, we saw 48. Again, this was only able to show a 37 per cent coverage of the overall representation so it did not have the majority, however, these teenagers decided to perform sexual activities and not hold the consequences. Now that happens in any society or any system and yes, they are abusing the system but this does not justify the allowance of child marriages to legally permit persons to be married to a child.

I recently read a case in the BBC News. They had a post where a 40-year-old man in the States had a four-month pregnant 12 year old; 40 and 12. Now, he tried to pass her off as a 20 year old when he brought her into the hospital to get

examined. Now, obviously the examiners knew that she was not 20 years old but she had no form of identification, she could not speak the language and it just left us speechless to say this is what we are encouraging when we have laws that do not speak against this. So that is why it is important to have an age limit such as 18 to avoid such cases. Yes, we will have abusers as teenagers who just want to be their own person or their own way, as we like to say, but this only shows us 37 per cent between the period of 2006 and 2016. And there is a simple way to correct this and it is really if we, as a society, want to go that way.

So for the children—and Sen. Mohammed referred to them as isolated cases—who want to forsake what they have been blessed with because here, we give them a free education, we provide them with care, we give them school lunches, we provide for them. So the teenagers who want to go clubbing, who want to abuse alcohol and do adult activities—for example, I saw on Facebook, which is one of our social media avenues, three schoolchildren in their school uniform, two males and one female, performing sexual activities in their school uniform. This is unethical and they were fearlessly posting it on Facebook so that is the mentality of some of our teenagers today and this should not speak for the majority, this is definitely a minority but it is happening in every single school. I recently asked a teenager: "Do you have bullying in your school?" And he laughed because he is like, "Which school does not, and which standard, which form does not have it." So we cannot turn a blind eye or be deaf to what is really happening in our society today.

So the school, I believe, is a place for learning. It is an academic hub. It is not a place to babysit or to raise a child. Principals or even judges, if our justice system would allow, should sentence these children to community service and too, like the Rape Crisis Society of Trinidad and Tobago, they can serve there. They could serve at organizations for abused and battered individuals. They could even serve at domestic violence survivors, reaching out, even to the Family Court, so they could see real people, real issues and understand consequences for actions and they really will be able to appreciate life. Because many of these children, their families may be unstable and they are unable to learn or have a good example from their home and this is why the school cannot help them and yes, we are calling for counselling in schools but how many students can really be targeted from these counsellors. So having these community services would definitely be an avenue to save many of our youths. I know we have the police youth clubs that also serve in helping disgruntled youths.

For teachers, parents and guardians found neglecting their responsibilities, I really believe and I do not know if the hon. Attorney General could look into this, but we definitely need to find parents who are not fulfilling their parental rights or their responsibilities. You cannot have children and then forsake them, leave them for the neighbour to look at. That is not the right way and that is why these children are like—you are actually hubbing or raising criminals. We do not want that so they need to take responsibility. If they are found to be offenders in the school, action should be taken against the parents. Right?

And these are the parents who do not come to the PTA meetings or come to teacher/parent meetings. These are the parents who stay away and the children are left to do as they feel and obviously they are posting it all over Facebook. We see the bullying happening, we are seeing all sorts of things in today's—I cannot believe it is Trinidad and Tobago sometimes. I am surprised that they are so brave, they have on their school uniform. I remember my days in 'Naps'. When we walk down the hill and if you stayed too long in a store, the store would call your school and report you. Right? I do not know what is happening today, I really do not know. [*Interruption*] "Well, ah doh know."

So I really believe that the NGOs and the court systems and even the religious organizations have a very, very important role with dealing with the morals and values of these children because here we are talking about the minority, we are talking about the abusers of the system, the ones who this Bill is not catering for. That is the ones who just feel that they are adults at the age of 16 and want to do adult activities. So how can we prevent them from doing that is really having the religious leaders, the organizations, take a more active role. Every single community has about three religious places to worship and they need to reach out. Reach out to the families, visit, come out of the church, come out of the mosque, come out of the temple, meet your neighbours and see the children. Every school would know which children are the blacklisted ones and you would know how to deal with it.

So, Sen. Hadeed had shared an article during the Senate debate on the Family and Children Division Bill, 2016 and it was entitled "How Children Succeed" by Paul Tough and it was in the *Atlantic* magazine which was the June 2016 issue, and I really found it had some great merit in the way we can look at our teenagers and it said:

> "If we want students to act in ways that will maximize their future opportunities—to persevere through challenges, to delay gratification, to

control their impulses—we need to consider what might motivate them to take those difficult steps."

And the research suggested that students will be more likely to display their positive academic habits when they are in an environment where they feel a sense of belonging, independence and growth and the article even goes on to discuss what is toxic stress and what a student may be faced with. And I recommend that children who feel these stresses of school, the parents or the guardian should look at enrolling their children into different areas like the technical schools, areas where they can use a skill, there is masonry and all of these programmes are also offered free at the community centres which they can look at and it really takes away the children from forming gangs and really have them aligned with purpose.

Madam President, I attended a training recently which was a Coating Inspector Level 2 NACE Certification Programme and at that training, they told every student to conduct a self-psychometric test and, at first, I was wondering why do I need—because this had nothing to do with coating inspection—to perform a self-psychometric test, and it was to learn more about oneself and also how to work in a team. And teenagers, Madam President, in schools, should look at performing these tests to evaluate where they are at, who they are, who they want to be and how they are going to interact with the people around them, and if they can do this, I believe it could really curb and prevent a lot of these psychological issues that they face. So life should be free of violence and life should be by choice where one is able to exercise their constitutional rights.

There are some interesting data that was shared during the consultation in June 2016 which highlighted the failure of our legal system to protect our children and even to prevent repeat offenders like sexual offences charges versus matters pending, and the data was given for matters pending as at July 2015, and let me just share some of the data because I thought it was very alarming to see how many cases are before a magistrate. Sexual intercourse with a female under the age of 14—these are sexual offence charges eh—matters pending as at July 2015, 559 cases and these are cases that we are actually brave enough to bring forward eh, these are not cases that we are not aware of. Sexual intercourse with a dependent minor, 45; sexual intercourse with a person over 14 years and under 16 without consent, 128. Madam President, this shows a clear failure of our legal system to protect our children today. So that is why if we are going to amend this Marriage Act, enforcement is very, very critical to protect our children.

There is a global partnership, Girls Not Brides, of more than 650 civil society

organizations formed in over 85 countries committed to ending child marriage and enabling girls to fulfil their potential. The World Health Organization even updates us on adolescent pregnancy and it shows that birth to unmarried adolescent mothers are far more likely to be unintended and are more likely to end in induced abortion. There is another point that said forced sex reported by 10 per cent of girls who first had sex before age 15 years contributes to unwanted pregnancies. There is another point that was hitting close to home: in Latin America, the risk of death is four times higher amongst adolescents younger than 16 years than among women in their 20s. And in Trinidad and Tobago, we see for the period of 2006 to 2016, marriage of minors in the civil, 117; Hindu, 328 and the Muslim Act, we have 103. So what are we saying to our children in our country?

As it was highlighted in the introduction by the hon. Attorney General, the perception of these underage marriages are seen in the poverty line so we would expect it to be in the rural areas but this was not what the statistic data showed. They showed that the majority of the marriages were seen in Port of Spain, San Fernando, San Juan and Laventille, St. Andrews and Sangre Grande and there is a lot of data showing that. All the other areas had 01 and these areas had over 20, they had 45, 43 cases of reported underage marriages so the trends were very surprising to show the location.

Another point that was raised that seems to be invisible in Trinidad and Tobago and that was highlighted in a *Newsday* article in 2004 which is July 4th, 2004: Trinidad and Tobago is:

"…One of the highest rates of abortions in the world"

Right and this is something—remember abortions, I said earlier, were illegal. So according to the law, in 1861, law of abortion in Trinidad and Tobago is a criminal offence and under the Offences Against the Person Act, which is Chap. 11:08, at sections 56 and 57, the law states that it is unlawful to perform abortions. But however, approximately 45 in every 1,000 women in the 15 to 44 age group in Trinidad and Tobago have abortions. Dr. Nunes estimated approximately 20,000 women in Trinidad and Tobago have backyard procedures every year and it is close to $1 million in cost. So the article even shared that statistic. It was discovered that approximately 3,000 to 4,000 women ended up in public hospitals as a result of complications from unsafe abortions. And in that year, in 2004, the Minister's health report disclosed that the Government spent about $900,000 to $1 million per year to treat women who ended up in hospital wards, "slip and slide wards", for women who had to correct these backyard procedures.

Again, this is invisible to us because this is illegal and we continue to turn a deaf ear to it because this is not in our cultural belief to perform abortions but yet we have it happening so regularly and it is also costing this state. We noted that in 2016, there were 12 abortions that were performed between the ages 11 to 16 amongst women—well amongst children or girls. So, again, Dr. Nunes even went on to say that what they noticed about the women coming into the public hospitals to perform these procedures was that they all ranged in ethnic groups, religions and different ages.

Now, to perform an abortion, the psychological issues that you go through, it could be that your baby was conceived out of a rape case, a severe abnormality, the mother has too many children and is unable to afford to bring another child into the world. All these were cases or reasons for performing such an illegal abortion. There was one case in our history in 2016 where a doctor was being investigated for performing an abortion on a 16-year-old girl who was raped—under section 56. I do not know if the person was ever charged but that was the only person and this law has been in place since 1861. So again, we are seeing issues with our enforcement in our legal system. So we are having a debate here to amend something that is very important to our children but enforcement is very, very critical.

So we have many different cases and we do not really have this information outright to the public or maybe the public does not want to hear the truth about what is really happening in our country. For example, sexual offenders and their cases or their names, we are not aware who they are, if they live in our community, nothing like that. And religious leaders or spiritual leaders, these things do exist and it is not for us to turn a blind eye about it, we need to deal with it. If it is going out into your community where you worship and ensuring that you can instil values on the outside, then so be it. But we should not say that we allow a law to allow our children, 12 years old, to marry somebody twice and three times their age. That is definitely not acceptable in today's society. [*Desk thumping*]

So before my time is up, I would like to see some things looked at as it relates to the Marriage Act and the Hindu Marriage Act, the Orisha Marriage Act and the Muslim Marriage and Divorce Act, and this is basically on my finding so definitely to the hon. Attorney General and his team to look at it and see if this could be amended before we go to the committee stage. So I would like all to look at Chap. 45:01, section 19A which states:

> "In the case of two non-resident parties intending that a marriage shall be solemnised between them, each party shall be present in Trinidad and Tobago

for not less than three days prior to the time of the marriage."

And I would like to ask, Madam President, in today's world or today in Trinidad and Tobago, we are looking at tourism as a different sector in which we are trying to deliver and we are looking at cruisers and we are saying that 12 cruise ships are expected to dock in Tobago for the 2016/2017 season. Why is it that we cannot allow these cruisers to be married in Tobago on the same day? St. Thomas does it where they allow the same-day marriages and then they take the 28 days to process the files and send it forward. So that is—[*Interruption*] Oh give way, okay, hold on, sorry.

Hon. F. Al-Rawi: Thank you, Senator, for giving way. I want to actually let on to something and I will be very quick. We actually have a whole host of other amendments to bring with respect to all of the others: tourism marriage, the manner in which the registration time frames go for Hindus and for Muslims in particular because they are not the same. There are different rules and procedures and the posting of bands. What we opted to do on this occasion was to take the bull by the horns i.e. this very difficult issue of the contract age, carve it out by itself and then bring the others separately. So I can tell you that that legislation to amend a number of these things is being crafted right now and we intend to bring it to the Parliament.

Sen. M. Ramkissoon: Thank you for the explanation. The only reason I am raising it is because it is there and you do not have to repeal it, so "yuh better" repeal it now and we will look forward—because sometimes how our legislation agenda is, it does not happen in this Parliament so we do not want to have obsolete things to come back to this legislation on another date so that is why I am highlighting it.

All right. Another concern that I had was based on Chap. 45:01, section 44 and it stated that—and I am hoping that I could find it right now. It was in relation to the three years which is for a resolution of—I believe there is nothing in the Bill that is—prosecution against marriage officers, they have a three-year limit. I was hoping to find it. But I want to know if three years is enough time because you are only—after that three years has expired, it is null. Whatever you have done, well so be it. If you married a 12 year old, after 2017, if this is passed, you will get away with it so I want to know if three years is sufficient time. Considering our legal system, I was thinking that we may need more time that three. Right? [*Crosstalk*] Okay, great, I hope we would change it before the committee stage.

6.30 p.m.

In relation to Chap. 45:01, section 48, again the Marriage Act, there is a reference and it states:

> "…a general annual abstract of the number of marriages registered…shall be laid before Parliament..."

I would like to know, Madam President, when was the last annual abstract laid in Parliament? I asked the staff of the Parliament Library to find this information for me and they were unable to find any. Now, this Bill was last amended in 2013 and from 2013 to now we have none. So, we want to know how many marriages were actually registered and this is an annual something. This is not—it is actually stated in our law. Again, enforcement.

All right, so I want to speak on consistency. In the Orisha Act, I was unable to find application for the licence of a marriage officer. There is in the other Acts that a licence granted under this section is renewable every 10 years on a payment of a fee of $100. I was unable to find that in the Orisha Act and I do not know for what reason.

Another issue I had was the area of fines. I notice that we had-based on the fine-you have imprisonment based on a period for that equivalent amount. So if it was $50,000 you were being fined, you would have the option where the judge can imprison you for seven years. If it was $40,000 then we would see five years. I saw in the Muslim Act, Chap. 45:02, section 11(4) and the Marriage Act, Chap. 45:01, section 34(2); the Hindu Act, which is Chap. 45:03, section 13(5); the Orisha Act, which is Chap. 45:04, section 22(6), it spoke of a fine of $5,000 or imprisonment of six months. But yet, when you look at the same Acts in Chap. 45:04, section 26(2); Chap. 45:03, section 26(1)(b); Chap. 45:02, section 32(a); the fine permits that it was a $3,000 fine but imprisonment of six months. Why are we not being consistent, in terms of fines? I think that was something that I saw. Right?

Also, in forms, we amended a lot of forms in the Marriage Act in Chap. 45:01 and we spoke of, they should have their occupation clearly outlined, their condition, their length of residence. But yet it was not amended in the Hindu Act or the Muslim Act.

Hon. Al-Rawi: We would be doing it.

Sen. M. Ramkissoon: Okay, great. I am happy to hear that this would be corrected.

There is one other point that I heard made in the introduction; that was the extension of the hours that was brought into the Act. Now, I looked at this YouTube video footage on child marriages in Bangladesh and they are saying that it is against the law to have a child marriage. So they would conduct them at night. I hope the extension of the hours is not to enforce illegal marriages to sneak under the watchful eyes of our people, because they actually went into great detail of the law enforcers hearing of the marriage and trying to prevent the marriage. So they had to sneak off in the night to the female's home, which is against the cultural belief because it has to be performed at the male home just to get married because the guy was 25 and the girl was 13. So I hope that we are not extending the hours to permit such crimes. So, that is another point I just wanted to hope that we look at when we are extending the work hours of the registrar.

Madam President, in wrapping up, child marriage and teenage pregnancies rob children of their childhood and a brighter and more prosperous future. So, I had recommended by introducing community service into the education system to allow service time at the different NGOs who work for human rights and providing a functioning child protection services, changing the dominant thinking and social norms related to child marriage in the communities as we are seeing it more prominent in our city areas, as opposed to our rural areas, and I do not know if it is because in our city areas we have more squatting developments than the rural communities. I am not sure what the reason why the cities are having greater number of under-aged marriages, or more statistical data showing that they have more prominence is.

Madam President: Senator, you have five more minutes.

Sen. M. Ramkissoon: Thank you. We would like to see more empowerment between both boys and girls with correct information to enable them to recognize that child marriage and early pregnancy is a violation of their rights and take mitigation action monitoring and evaluation and mechanisms for implementation of an effective strategy such as campaigns like Always who teaches you "Like a Girl" and how it is to be strong and it teaches you how to lead by example, because we are women who are strong, who work in the industry. We are women who can drive. We can vote. We work in construction. We go to space. We even have girls who lift, who do power lifting, who do deadlifting. We are strong women and we do not want to ever think that our girls are a burden to our society. We want them to think that they are strong, smart and independent and that they can do all things with the right tools and the opportunities. So cultural beliefs, religious backgrounds should be focused on protecting our children from

predators and crimes and it should be an expression of oneself.

So, I would like to close, Madam President. I have highlighted a lot of different aspects of the Marriage Act and its amendments. I do support the 18 years because I was one of those who operate in the circle that I could not believe this was happening in our country and it is really something that is silent, just like our abortion rates and our prostitution rates. They are very silent to our community that we exist in.

So, I do hope that the law enforcement does happen, because I recently—well today I received a booklet from the Trinidad and Tobago Police Service quarterly magazine, which was for the period October to December 2016, and it said that there were 2,877 reports made to the Child Protection Unit and only 540 matters are before the courts. So there are more matters before the courts. I do not know how many of these 540 matters were resolved. So we definitely need to be more proactive and work together in really resolving it because our children are our future. I thank you. [*Desk thumping*]

The Minister of Agriculture, Lands and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I am very pleased to join the debate at this stage on this simple piece of legislation, but obviously historic piece of legislation, as it is not often that we get to engage in our diverse society on a matter of fundamental rights, a matter that, if you do not look carefully you may actually think is a religious matter and I would say later on that this is not really a matter of religion but it is an important matter.

Madam President, tomorrow my mother turns 72 and I am not here to wish her happy birthday. In fact, in my previous life as a columnist I put into one of my columns a congratulation to her on her 60th birthday and she was not pleased, and I do not expect her to be pleased tonight. But she turns 72 tomorrow and she was married 56 years ago and if you do the Maths quickly you would know that in 1961, August12, 1961, my parents got married. My mother had just turned 16. My father a few years older. By the time she was 24, my mother had five children, I being the fifth. And as I grew up in that home I saw every year my mother would receive mail from various correspondence schools around the world, and I saw that every year she made an attempt to pass her GCE subjects and most years she did not even make it to the exam because here she was raising five children, in many cases growing up with us because she is 72, but I have a brother who is 50-something, which means that they are not far apart.

I, Madam President, lived to see myself as a lecturer at the University of the West Indies attending my mother's graduation from the university. [*Desk thumping*] You see, it is easy for people listening to this debate to believe that this debate is a condemnation of minors who were married or that it is an attack on marriages that have involved minors. But my parents had a healthy and very happy marriage, which, unfortunately ended with my father's death at age 55.

My mother, as a single mother soldiered on. In fact, by the time my father had died I had not even gotten into law school but my mother ensured that I got through law school. So it is not that the marriages of minors are doomed to failure. In fact, as a married person I know every single day my marriage could end. It is not an easy thing. It is the most difficult contract to work through and it has sometimes to do with maturity and age and all of that. But my mother got married at a time when it was acceptable and it was part of the culture and a 16 year old at that time, 1961, is not a 16 year old of 2017, and while her marriage and the marriage of Sen. Sinanan's parents and almost every family in this country has somewhere along the line a marriage contracted by minors. This is not a condemnation of them. But, in 2017, I am very happy to be a legislator given an opportunity to place 16 year olds like my mother was, on a more secure foundation. [*Desk thumping*]

So this story applies to almost every legislator sitting here and to every Trinidadian and Tobagonian. It is not unique and it is not something to be embarrassed about, but it is something that we must confront. It is not a condemnation on anybody. And most importantly, it is not an attack on religion.

I listened to Sen. Maulana Waffie Mohammed and I must correct the records. It was not his maiden speech, he having served for five years previously as a Senator from 1981 to 1986 and I knew him from since then. But I must caution him and he knows, even among the Muslims in our country and around the world there is no agreement on this issue. So we must be careful that we understand that even amongst the religious groups, and towards the end I would indicate the extent to which, there are differences of views. But this is not a debate on religion, because we recognize, and even Sen. Maulana Mohammed recognizes, that while our country and the Marriage Act in particular celebrates the diversity of the country, ultimately this is not a country where we come into this Parliament to make law on the basis of religion. We come here to make law on the basis of what we as right-thinking members of the society, believe the larger proportion of the country wants enacted into law.

And in every country—as you know I lived in Canada for a short while and

Canada is equally diverse. No matter how many different faiths and how many persons from wherever in the world arrive in Canada there is an acceptance that there will be this friction between religion and faith and the law of the land, but ultimately it is the law that we pass here in Parliament is not rooted in any religion that applies to the country.

And you know, Sen. Maulana Mohammed urged us to be cautious and careful and Sen. Samuel called for even more research, more and more data and more time and a study of the human brain and the human mind. And in being cautious and careful we run the risk of being pedantic and backward and that is why it is important that in 2017, in January, that we deal with this matter once and for all. [*Desk thumping*]

You see the Marriage Act was first passed in 1923, and as the AG has said it has been amended 18 times, the first time being 1932 and consistently right up to 2013. Those amendments recognize that the law and the society were both evolving. It is far too young to think about how life was in 1923. Can you imagine? We would not be here. The city had five lights and not one of them would have been bright enough to shine and bring this light here, 1923. And the law must evolve at a pace at which it keeps up with the society. And that is why we are here as a further step and an important step in the evolution of the Marriage Act in Trinidad and Tobago. And I dare say this will not be the most controversial part of that debate because what lies ahead for this county, in the context of the contract of marriage, is still to come.

I would say this, not only has the Marriage Act evolved over a period of time, but the legislation dealing with the status of children has evolved. In fact, we had to pass historic legislation in this country, and may I remind you when I reflect, for example, on my father's handwritten birth certificate, the word "illegitimate" appears on it. Because for whatever historic context of his parents' marriage, and we know that the Hindu Marriage Act was passed in order to give the status of marriage officers to pundits and marriages properly conducted amongst, Hindus were not recognized. So we know that the word "illegitimate" appears. We know about bastard child. We know about step-children and there are still conversations in this country where people refer to each other as half-brother or half-sister and that stems from the fact that in our cultural and historic development, there was one type of child, a child born out of married parents and children who were born outside of marriage. And with the progression of the law we have reached a point in the status of children act, where we recognize that children were born out of all

different circumstances and we needed to provide coverage for them.

Then we had the vexing issue, even in the context of marriage, of the common law spouse and the rights of the common law spouse and recognizing the humiliation and inequality of treatment afforded to married couples, compared to unmarried couples. The law also intervenes, granting a level of status and protection to unmarried spouses.

And even in the context of marriage, this country debated amongst itself a very controversial part of the sexual offences legislation, a clause that found itself in calypso—if I recall, the calypso was called Clause Four—when legislation, for the first time, attempted through statute, to address the issue of spousal rape, and it was extremely controversial. But enacting that into legislation was important in protecting a particular group in the society, and there have been other interventions.

This whole issue, for example, compelling a spouse to give evidence against a spouse and the admissibility of evidence given by one spouse against a spouse. And even in divorce, the issue of divorce, we have had the law evolve, but even in divorce at not a fast enough rate. In fact, little Barbados has moved much faster than we have.

But all of those things, dealing with the issue of children of marriage and children of relationships and a point that I would like to see us go, children stand in a parent/child relationship with an adult. It has been an evolution, recognizing that none of us in this society, in 2017, could have functioned if the world stood still at 1923. And that is where Sen. Maulana Mohammed has a particular challenge and I recognize that; that in his spiritual world the contract is rooted in the Holy Quran that is unchangeable. It must compete with a world that is continuously changing and we have an obligation in this Senate, to move the law along the correct course and this legislation, this Bill represents the appropriate course along which we must proceed. [*Desk thumping*]

And as I said at the start, Madam President, this Bill is simple. It is long and it attempts to change the Marriage Act, and I would just quickly talk about the Marriage Act and then about the Bill.

The Marriage Act covers 10 broad areas. It is the main piece of legislation that contains the broad areas relating to the conduct of marriages in this country, and those 10 areas are the administrative provisions out of which we have the registrars and the districts registrars, the provisions relating to marriage officers,

the provision relating to the procedure, the process and the requirements for marriage, the issue of consent by minors and the prospect of an intervention by a judge in some cases, the issue of caveats or objections to marriages, and I think we have all been in a ceremony or we have all been the bride or the groom in the ceremony or some of us where we wondered if somebody would walk in as they do in the movies and raise an objection, the issue of registration of the marriage, void marriages, the offences, marriages in extremist, as the AG referred to, and other miscellaneous matters. So the Marriage Act is essentially the legislation that covers the broad aspects of marriages.

The Bill seeks principally to deal with that section relating to consent and it says simply, the existing law, that in the case of marriages involving minors under 18, consent has to be provided and section 23 sets out the way in which the consent is given.

And that is where the main change comes in, by removing completely from this Act, save in one section, section 43, where the word "consent" is preserved in relation to marriages contracted before this amendment. Much of what this Bill proposes goes to the complete removal of the issue of consent. Very simply, Madam President, where in the current context consent can be given in relation to a minor under the age of 18, contracting for marriage, this amendment proposes that under no circumstance could a marriage contract be entered into by someone under 18 years old and that is what it does, no exceptions, no judicial intervention, nothing of the sort. It simply fixes 18 as the age upon which marriage can be contracted.

Much of what is in this Bill deals with the giving of consent. Then there are other parts of the Bill that must replicate the changes that are being made in the Marriage Act and that has to do with the Hindu Marriage Act, the Orisha Marriage Act, and the Muslim Marriage and Divorce Act. This Bill has absolutely nothing in relation to the Muslim divorce provisions. It deals with the marriage.

In relation to those three pieces of legislation I go back to what I mentioned about the history. Because of our diverse society those pieces of legislation were created in addition to this Marriage Act and it gave the Hindus and the Muslims and the Orishas the opportunity to conduct their own marriages. In fact, in the case, one of the main differences is that many of those marriages, the requirements under the Marriage Act are not present and there is even less bureaucracy.

But what the Bill seeks to do is, in the same way the age of 18 is established as the

age upon which a marriage can be contracted, it applies across the board and once and for all in relation to marriage, here every creed, race and religion truly finds an equal place. [*Desk thumping*]

7.00 p.m.

That point of convergence, Madam President, is the age of 18. I do not want to go into a debate on 12 and 14 and 16 and so on. I think Sen. Roach captured it well. Sen. Ramkissoon—and I must commend Sen. Ramkissoon for her analytical work on the Bill [*Desk thumping*] and her strong recommendations to the Attorney General with which she was pleased. But I would say this, Madam President, as I refer to my mother, I do not think my daughter would have a complaint if I say that she is age 11. I do not know how it was 40 years ago, but I cannot conceive of my 11 year old in another year's time getting my consent of marriage.

In fact, when I got home last night, Madam President, I closed my eyes and I made my way straight to the bedroom. She was making some craft with a two kg pack of flour and the clean-up would have been far too much. That is what 11 year olds do. They do not countdown the remaining 12 months before they contract or they enter into a contract of marriage. I do not believe that we need scientific or any persuasion, except to say, Madam President, as a lawyer yourself, you know this matter of consent is not a simple issue. The courts have developed many different forms of consent or descriptions on adjectives in relation, including informed consent.

And, again, as the law has evolved, this issue of consent has been subject to so much discussion. I distinctly recall the evolution of the law relating to sexual offences and rape, in particular, the court beginning to discuss the capacity to give consent, the ability and the issue of maturity, and then as the law continued to evolve the issue of a position of trust was developed in some jurisdictions where it is impossible to give consent where a relationship of trust, for example, between coach and trainee or teacher and student could be given. Even if there was consent, it was not consent that was acceptable, because it was born out of a particular relationship or circumstance. So that it is not just maturity. It is recognition that as a society and as parents and as individuals each we are raising children or involved in the lives of children, 12 is not acceptable, 13 and 14.

If as a society we fix 18 as indicative as an age of responsibility, then we have arrived at a point to which we can move as a society and see how well it works. It has nothing to do, as I said before, with Islam or Hinduism or the Orisa faith. As the Attorney General described his background, I think I stood on a platform in Arima and I described mine—delivered by a Baptist woman in Rio Claro, out of a

Hindu mother, a practising Catholic, married to a Pentecostal woman. I do not think that I would use my position as a legislator to attack anybody's religion, but I would use my position as I set out at the beginning to deal with something that as a society we must deal with in order to evolve. [*Desk thumping*]

This amendment—and I commend the Attorney General—has been well ventilated. I dare say even my wife to my surprise and not necessarily agreement, mounted a campaign on social media and elsewhere to advocate for this Bill. The AG held consultations, and I saw the images of very young people filling the room and wanting to make a contribution. In fact, my daughter insisted on coming to the Senate today, because she also had a view. She is not here, thankfully. She also had her own views about this Bill. But I know that the ASJA has given its support even though there is disagreement on the age in relation to females. The Hindu Women's Organisation; the Young Women's Christian Association; the HWO with conditions; CAISO with conditions, and I see Mr. Robinson is here; Womantra; WINAD, The Women's Institute for Alternative Development; CAFRA, the Caribbean Association for Feminist Research and Action; the Domestic Violence Survivors Reaching Out Organization; the Down Syndrome Family Network; the Family Planning Association; the Maloney Senior Activity Centre; the Maloney Women's Group; Mamatoto Resource and Birth Centre; the Network of NGOs for the Advancement of Women; PSI Caribbean; Say Something; Silver Lining Foundation; Women's Caucus; Women Working for Social Progress and the Young Women Christian Association. A series of groups around the country have given their support, some with conditions and many without conditions, full support for this Bill. There is where we are, Madam President.

Both the AG and Sen. Roach have expressed some doubt on this issue of the special majority, and it is not an area that I am going to venture into, but assuming that this requires a special majority, I would say that the intrusion is legitimate, it is necessary and, in fact, it is long overdue. It is not an intrusion that interferes with the core tenets of anybody's religion or the exercise or the ability to worship or to practise their faith or anything. It is not something that is so fundamentally rooted in anybody's faith that to interfere with it would affect them in a disproportionate way. If it does, it is a perfectly legitimate exercise of our legislative function, having regard to the fact that we must work not for unanimity, but we must work to represent the interest of the vast majority of the country. [*Desk thumping*]

It is not far-reaching because even if it is something that particular individuals

in the society find difficult to live with, the benefit it brings to this generation and generations to come far outweigh whatever little ill feeling it brings to anybody in the society who feels somewhat dispossessed by a Bill that continues the evolution of the law relating to marriage for a society that really needs, and has grasped the need and has stood behind the Attorney General in the development of this Bill. I thank you very much for the opportunity. [*Desk thumping*]

Sen. Bhadase Seetahal-Maraj: Madam President, I thank you for this opportunity to contribute to this very important Bill, widely understood, less explained and very complicated. But before I continue with my contribution, I would first like to place on record, Madam President, the gratitude and appreciation of the Sanatan Dharma Maha Sabha to the hon. Leader of the Opposition for providing the Maha Sabha with an opportunity today to make a small contribution [*Desk thumping*] because in the first consultation May 31st, by phone call, the secretary general was invited to the consultation on the 1st of May. Clearly, nobody will find that acceptable. Nobody will prepare for that. So this is our opportunity to at least put on record a few of the things.

Many things we have heard or I have heard today, I clearly do not agree with, because they are contradictory to our position. We do not think they have enough strength to stand as arguments. So today it is our opportunity and we thank you, Madam President, for providing this opportunity to contribute. This marriage Bill is not as simple as it sounds. It is extremely complicated, and the more this discourse continues, the more people outside in the different religious faiths across different communities are beginning to understand the complexities that are attached to this particular Bill.

We in Trinidad have a forte for the sensational, for the superficial, for the dramatic without seeking to get behind the arguments, because when customer and vendor are both shouting nobody knows who is talking. In this marriage Bill, the way it evolved—whether consciously or unconsciously, intentionally, unintentionally—it became a political issue. It became politicians versus religious leaders. And as the debate has continued, in fact, I have a letter dated today in my possession, one of the big religious organizations has rescinded its view on the change of the marriage age. Another organization has altered its original position. So it is very complicated, because when one begins to espouse the views, the deep-seated teachings of the different faiths, as well as create new understanding of what we are doing, a different understanding, a different perception is created in the whole discussion in the whole debate.

As a matter of fact, as a lifelong educator and academic, I was absolutely blown

away when this became an issue, because being at the top level of the education system, I know the last Government had commissioned a children protection task force. After all the research, the marriage age amendment did not surface as an issue of any importance, as an issue of any priority. So how we have arrived here, the means we have arrived here and where we intend to go requires far more complex and more detailed and extensive discussions, because the very evolution itself has marginalized key voices and given greater volume and velocity to voices of lesser importance [*Desk thumping*] in the overall scheme of things, and we have to recognize that. The Maha Sabha is the overwhelmingly largest Hindu organization in Trinidad and Tobago, and we treated this discussion very seriously.

In fact, we produced a two-volume booklet detailing the views of our organization as well as why we are supporting the position that we support. There are very, very many reasons, but I first want-because it was said by two persons, Madam President, I want to clarify it because it sounded a little humorous and I may have heard a snigger or two when the Hindu wedding was discussed and the night wedding, Madam President. This is not about anything clandestine. This is a very important Hindu marriage ceremony. The presence of dhruv or the pole star is so important to be present when a wedding is being done. And so when the sun is being done, the daylight wedding is sanctioned. When the presence of dhruv or the pole star is there, that is a very auspicious time to get married. So it is not about clandestine, it is not about hiding, it is not about someone with criminal intent or activity seeking to pursue a wedding by ulterior motives. So that is very important, a small point, but important because it points to when we do not have knowledge, when we are ignorant, we cannot come to correct or accurate conclusions. That is something that is inescapable. We must have knowledge and we must have detailed and extensive knowledge from experts in the religions.

We are taking our knowledge from the common marketplace based on emotion, based on impression, based on perception and based on all kinds of things except what we should be basing the conclusions that we make. And so we speak very glibly. This is a multi-religious, multi-ethnic, diverse society, but are we enacting that multi-religion? Are we enacting the multi-ethnic aspects of our society? Because if we were to do that, it is easy to say here every creed and race finds an equal place, but how do we enact that? Do we enact that by dismissing, disregarding and disrespecting the views of very significant organizations in Trinidad and Tobago? [*Desk* thumping] That is absolutely unacceptable.

And so, if we are dealing with something—we are talking about the Hindu Marriage Act in my particular context, and if we are dealing with the Hindu Marriage

Act—and the same goes to my Orisha brothers and sisters, the Muslim brothers and sisters—everybody has a basis to anchor their arguments. Everybody has a basis on why things have evolved in a manner in which they have evolved, and we must be very careful. You see, we have created in this country a perception that there is something wrong with children who get married under 18. That is the perception. Because of how we have contributed to this argument, we have contributed to a dangerous perception out there, and that perception is that those people have done something that is criminal. The law permitted it, the law allowed it. It was officiated, it was sanctioned. It is not something that was illegal. It was not something that was immoral, but because of the tenor of the argument, we have carried on that perception whether one agrees or not, for those of us who are wrong, Madam President, as the President of the Pundit's Parishad of the Maha Sabha, I am in every single community in entire Trinidad and Tobago. So that I am not speaking of my opinion, I am speaking about facts.

Where we have encountered people we have shared views, we have shared understanding. It is very important for us to understand. It is not simply saying change the age to 18. Is there something mystical and magical and mysterious so overwhelmingly from 17 years, 364 days to 18 years? What is that that 18 has become the benchmark, which takes me to a very important point? As educators, as academics, as people in our various positions, one of the worst things we can do is drag statistics from all over the place without context, without relevance and without any sense of reason. [*Desk thumping*]

And so while the hon. Attorney General could have quoted marriage ages from all over the place, I could quote from even more places. In fact, I could quote there are almost 48 states in the United States of America where the marriage age is 15, 16, or 17. So to argue that way without context is not meaningful nor helpful, because we could all drag all kinds of statistics from everywhere without any reference to context, to situation, to environment, to societal factors, and we can always come to the wrong conclusion. And so, if we were debating the Marriage Act, we have to understand our context, we have to understand our jurisdiction, we have to understand our own evolution and how we have arrived at where we have arrived. So that when we take disparate statistics, we take extreme stories that are not representative or reflective of real life, because they are aberrations, they are exaggerations and we read into the record the aberrations and the exaggerations. It is not helpful, Madam President. We have to ground our arguments on where we are, who we are as a people, as a country, the various religious groups that we represent.

And so, in dealing with the Marriage Act, it is very important for us to understand the place of each religious faith in this country, because sure if the

Government is in power, power can be used to legislate arbitrarily, capriciously and viciously. Those in power, if they are so minded, could capriciously and viciously and vicariously and every other adverb that we can think of, they can get to that point, but one must get into the heart and the bowel of a community, of a religion, of a faith, because marriage is not only—and we heard practical considerations of maturity and all of those things, but marriage is, very importantly, about sincerity of heart, purity of purpose and nobility of intentions. Those are three very important factors in the wedding in a marriage. So it is not only about practical considerations and who is mature and who is less mature.

Obviously children who grow up in environments where there are books, print-rich homes with their IT facilities, they will mature at a faster rate because of their knowledge, their experience, their guidance and background they have. So it is not as though every 14 year old is at the same level, every 15 year old is at the same level. So how have we come to the point where we are going to legislate, legislate that 18 years is the age? And my colleague Sen. Samuel made some very important points. Because if we are serious we have to take a clinical look at how we approach things, because we cannot simply say based on emotion and perception and whatever else, here is the solution, here is the application to the problem. We have all the statistics, but do the statistics make sense to us, Madam President? Statistics without narrative, statistics without qualitative evaluation, statistics without the whole context and environment, those statistics will always be incomplete.

So if we are being fed, provided, distributed the statistics, we must get the background to the statistics. It is not simply to say, here are the statistics, you make sense of it, because somehow I have made some sense of it. If we are to understand it, all of us must understand it the same way. We must not be diverse in our interpretations and understanding.

You know, the first time I heard there were so many teenage marriages, and as someone who has officiated at over 200 Hindu marriages, I was saying over 30-something years, how did I not know that? Then I heard it is 328, 328 over a population of 240,000 is .0001. That is the huge massive dimension of the problem we are facing, .0001. So we have to understand community by community, religion by religion, because everybody has a different approach, everybody has a different methodology, but everybody has a strategy. We do not need the State and the Government to legislate strategies for us.

As I said, Madam President, as an educator, I was awfully thunderstruck that we are debating raising the marriage age to 18 when we should be debating raising the school age

from five to 12 to three to 17. That would have been far more meaningful [*Desk thumping*] because on one hand we want to ramp up the marriage age, and the school age is stuck at 12. When all those students drop out of school, Madam President, what are they to do? Because the mandatory, the compulsory school age is 12 years. If we want to fix some kind of problem, let us prioritize the problem. [*Desk thumping*] Let us put, Madam President, the resources, the human, the financial and the institutional. Let us put all the resources together—[*Interruption*]

Sen. Mark: Madam President, I am hearing a howling sound. [*Crosstalk*]

Madam President: Sen. Mark? Sen. Mark, please, all Senators, can we listen to the Senator in silence?

Sen. B. Seetahal-Maraj: Thank you, Madam President. [*Desk thumping*] So I am saying, Madam President, we have to understand community by community, faith by faith, and how each community or how each faith solves its problems. It could be we could support them even more rather than legislate against them. It is preferable to be supportive than sending top-down legislation. The Hindu community, for example and I am sure all other religions and communities will have some kind of support system, but the Hindus, they have the environment, they have the structures, they have the institutions, they have the support, they have the extended family life. So that even though a child or a married couple may not live in the same home as the parents, that support is always present overwhelmingly. That support is always existing. So one is able, therefore, to find that network of support regardless of the situations, regardless of the consequences.

Do you know what we are doing, Madam President? We could, and hopefully not, God forbid, create a more major problem than the one we are attempting to solve. You know, if we decide, Madam President, to raise and let the marriage age be 18, do you know what could happen, Madam President? We may have a dramatic rise in abortions. That is one of the unintended consequences because—[*Crosstalk*]—no, I am talking nationally.

7.30 p.m.

If you raise the age to 18 and people become pregnant, what do they do? Do they risk being charged? Do they risk going to jail or do they go another route? We have to understand, when we do not think carefully there are unintended direct and serious and deleterious consequences that come our way. For example, I am sure maybe some of you know, maybe some of you do not know, some of the teenagers, to escape from a home of incest and rape they get married at a young age and go to a safer environment. That too may be in a small number, but that too is a reality of Trinidad life. If we lift our heads out of the sand, if we know the country and if we know our communities we

will know these things are real. These things are facts. These are not mythical configurations of the mind. These are real life examples of what we encounter in our daily life.

Madam President, I am saying therefore how we approach this task is to understand the detailed, extensive views of faith by faith, of group by group of whoever, not in a consultation. I have been to hundreds of consultations in my professional life. Consultations means you talk two minutes and sit. In a context like this, could you really give detailed, extensive views with evidence and supporting details and all the other things that are required? This is not simply to get up and say I disagree, I agree, and you say a few things. It must be thoroughly explained, well understood, agreed and a plan of action implemented, and all the other things monitoring and feedback and evaluation will follow. [*Desk thumping*] So that it is a very systematic and clinical approach to how we should view this. If we want to pursue any amendment to the Marriage Act, we must first get back to all the big religions. Big religions mean not only in numbers, but the well-established ones, get back to them.

I have heard today from at least two Senators that the young people are left out of the argument. Well, let me say not in the Hindu community and not in the community of the Maha Sabha. We have consulted all the young people in all of our 250 temples, all our 250 schools. We have consulted all the pundits and all the institutions and structures of the Maha Sabha. So when we speak today, it is not against a background of guesswork. We have done due diligence. We have discoursed with the various segments and components of the Hindu market and we understand the feelings, the sentiments, and we have got the views, suggestions and the recommendations.

If the other side wishes to engage in a more detailed discussion with the Maha Sabha, certainly many other views, many other considerations will be espoused, and the present position may not be the same. As I said, why did two major groups rescind their original position? Well one, of course, hon. Attorney General, letter dated today, ASJA. Madam President, with your permission.

Hon. Senator: Read it out!

Sen. B. Seetahal-Maraj:

11 January, 2017

The Hon. Faris Al-Rawi, Attorney General

Attorney General Secretariat,

The Government Campus Plaza,

Corner London and Richmond Streets,

Port of Spain.

Dear Hon. Attorney General,

Upon careful examination of the Muslim Marriage and Divorce Act, Chap. 45:02, as well as the Romeo clause of the Children's Act, we no longer hold the view expressed in the correspondence to your office dated June 07, 2016.

In that correspondence we had recommended that the age of marriage be adjusted to 16 years for females and 18 years for males. Our organization hereby rescinds that position and humbly request that the Muslim Marriage and Divorce Act, Chap. 45:02 not be amended and be retained as it is now in the Muslim Marriage and Divorce Act, Chap. 45:02.

We trust that the above section in the Muslim Marriage and Divorce Act, Chap. 45:02 be retained at present.

Yours respectfully

Yacoob Ali

President General ASJA

Zainool Sarafat, General Secretary, ASJA [*Desk thumping*]

Today—and that is dated January11th, which is today. The Hindu women's group has rescinded from 18 and there is now another paper which is suggesting 16.

The point really is, Madam President, the more and deeper and thorough people examine all the issues and the direct and indirect consequences, the more they have become alert to certain situations they can create, because they did not study and follow through all of those things at that particular point in time.

I want to raise a very important point, Madam President. You see, the intended Bill says that there is now that uniform, standard benchmark age of 18. So no more any parent or parents' consent is required. So a parent is now out of the equation of the marriage of their children. The parents have been dismissed; school is dismissed for them. So they will feed their children, they will clothe them, attend to their medical needs, look after everything for their children, but dismissal when it comes to the marriage of their children.

In Hinduism we call marriage [*Hindi spoken*]; that means a marriage is a union, not only of two individuals, but of two sets of parents, two communities and of the wider and the larger society. This is why the Hindu marriages have been able to endure. If we take an endurance test with the Hindu marriages

against others, I am sure we will do well in the endurance test, because there are supports, there are structures. There is that supportive environment which allows those who are married, whether they are under 18, whether they are over 18. And we heard today which is also true, is marriage over 18 the solution that there is no problem? Because apparently those who are over 18 they have more problems than those who are under 18, but that is by the side.

One of the things I want with your permission, Madam President, there is a very important point the Maha Sabha wants to make today. Our hon. Attorney General mentioned about the United Nations conventions, but here is a short excerpt which places in context a convention versus a law. There is a big distinction between a convention and a law, and I want to use our publication to place that on the records.

We write:

> "It is important to appreciate the distinction between conventions and laws, or alternatively soft law and hard law. Conventions are referred to as 'soft law' instruments. 'Soft law' in International Law-Making' by Alan Boyle provides inter alia that 'soft law' is simply a convenient description for a variety of non-legally binding instruments used in contemporary relations by States and international organizations. Soft law in this sense can be contrasted with hard law, which is always binding. It is characteristic of nearly all soft law instruments that they are carefully negotiated and often carefully drafted statements which are in some cases intended to have some normative significance despite their non-binding, non-treaty form. There is at least an element of good faith commitment, evidencing in some cases a desire to influence State practice or expressing some measure of law-making intention and progressive development. Good faith commitment has been interpreted by Judge Lauterpacht as 'The State in question, while not bound to accept the recommendation, is bound to give due consideration in good faith."

That says there is a commitment; there is the wish or desire to follow a convention. But when you legislate, when you turn something in law and you criminalize it, as some of the—and my colleague Sen. Dr. Maulana Waffie Mohammed made that point earlier—defines, and the prison sentence seems excessive and oppressive to the act which may have been performed.

When we read the daily newspapers, when we—[*Interruption*]

PROCEDURAL MOTION

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Madam President, in accordance with Standing Order 14(5), I beg to move that the Senate continue to sit until the completion of the business at hand, inclusive of the matter on the Motion for the adjournment.

Question put and agreed to.

MISCELLANEOUS PROVISIONS (MARRIAGE) BILL, 2016

Sen. B. Seetahal-Maraj: Thank you, Madam President. In moving forward this narrative of dialogue that we are engaging in, I want to raise a very important point. You see, as we begin to examine some of the implications we too have discovered if there is that standard benchmark of 18 years, in Hinduism if a parent dies there is a one-year waiting period before that marriage can take place—if a parent dies. So what we do, somebody may be 17 and a half years old, 17 years and nine months, and because we know death is imminent, we advance the wedding. In that wedding now the person might be 17 years and 10 months, but because death is imminent of a parent we pull back the date of the wedding so as to avoid having those individuals wait one year before the wedding can be contracted. I say this in the context, this is a big consideration.

When one says 18 years, one has to understand the Hindu marriage if a parent dies, it cannot take place until the one-year ceremonies have finished. So the practice is therefore we roll back to a much closer time, trying to beat the knell of death, and so in such situations and in such context we have to perform the wedding at a date that is earlier than the one that we had planned to do.

You see, Madam President, when we set the age at 18 we are thinking or we are behaving as though we are a homogenous society and everybody subscribes to the same set of rules, the same set of mores, the same set of values and the reality is that it is not so. Islam has some of its unique characteristics, the Orisahs have their unique characteristics, the Hindus have, the Baha'is, the Anglicans, the Pentecostals, the Roman Catholics, all groupings have some unique characteristics which we must seek to understand. We must seek to understand how we govern, if we intend to change the way of governance.

It is not government by "vaps" or governance by "vaps", it has to be carefully thought out. It has to be carefully structured. It has to be properly implemented and, therefore, when we define and agree and understand on all the things that we need to do, then we will really be in a position to advance to a point that is satisfactory to where we want to go.

At this point in this debate, with all due respect, Madam President, we are far from that position because the proper discussions, the proper negotiations, the

proper understanding, these three important things we have not yet done as well as we should have done them. [*Desk thumping*]

So when we look at each religion therefore, each religion, if proper consultations and negotiations are done, will bring to the fore all the details, all the evidence, all the ways by which they are impacted and what are the results, what are the consequences when we are impacted in a certain way. And so it is not one size fit all.

Madam President: Sen. Seetahal-Maraj, you have five more minutes.

Sen. B. Seetahal-Maraj: Thank you. I was guided by my colleague, Sen. Mark, so I thought I had 15 more. [*Laughter and crosstalk*]

Madam President, I know it is just a few minutes. I just want to make the point, we must not take a postmodern prejudice and apply it retroactively. [*Desk thumping*] This is what we are doing, taking a postmodern prejudice. If I put that in a simpler term, we have a spanner, but we do not know which nut we are going to turn. [*Laughter*] So, therefore, we have to develop that understanding with proper dialogue, with proper consultation with all the important players.

Madam President, it is difficult for me to accept that someone who does not understand my faith, does not understand my beliefs, is making a pronouncement, "This is what you have to abide by. This is the jurisdiction I am exercising over you, and you have no grounds to get out." You are in that wrestling headlock. Democracy sometimes is well disguised fascism, because if we are not careful we find ourselves suddenly and dramatically in a headlock, and we are in excoriating pain and we do not know how to extract ourselves. Because others have forced systems and processes and legal instruments on us, and we simply have to accept it.

Hon. Al-Rawi: What is the recommendation?

Sen. B. Seetahal-Maraj: Hon. Attorney General, I gave about 15 recommendations.

Madam President: Sen. Seetahal-Maraj, speak to me, please.

Sen. B. Seetahal-Maraj: Madam President, through you, I gave a lot of recommendations. The overriding one, in conclusion—[*Interruption*]

Madam President: Please, could I hear the last minute.

Sen. B. Seetahal-Maraj: The last sentence.

Madam President: I am speaking to you, Senator.

Sen. B. Seetahal-Maraj: It is their needs I want to support. I want to support my colleague Sen. Samuel; this has to go to a Joint Select Committee. [*Interruption*] More details have to be aired, more extensive discussion. Thank you, Madam President.

Madam President: May I commend Sen. Dr. Seetahal-Maraj, this was his maiden contribution. May I also apologize to Sen. Mohammed, because after hearing the Minister of Agriculture, Land and Fisheries' contribution, I understand this was not your maiden contribution, so my apologies.

Sen. Sophia Chote SC: Thank you, Madam President. I do not know that I will be as long as some of the speakers who have gone before me, but I do know that I will try during the course of my contribution to pull out from much of the rhetoric which we have heard here in this Chamber this afternoon, and try to make sense of what is being sought to be done by this piece of legislation, whether it is being effectively done and whether there are things put in place to ensure that the legislation is complied with.

Because Sen. Pundit Seetahal-Maharaj spoke just before I did, perhaps I can begin with what he had to say. It was quite refreshing to hear that the Maha Sabha had consulted so widely on this issue, so it makes me a little surprise to learn that it appears as though the Maha Sabha had not yet communicated with the Attorney General or the legislators with respect to this piece of legislation. This is not something new.

In 1992, Mrs. Stephanie Daly, now senior counsel, who is recognized perhaps as the most prominent matrimonial attorney in Trinidad and Tobago, wrote a book called *Family and Child Law, Trinidad and Tobago*. If you would permit me to refer to what Mrs. Daly had said in 1992, I think perhaps it would give us a good idea of where we may start off with all of this.

Mrs. Daly made the point at page 13 of her book that the minimum age for marriage should not permit the marriage of children who should still be at school. She made the point because I think we have to recognize that when we talk about marrying off girls at 12 years old, we are talking about a gender issue. And I must say I feel a bit lonely when I look around this honourable Senate Chamber to see the female faces speaking about matters which affect women, and not seeing very many of them. I think it is paternalistic and patronizing for grown men to stand in an honourable Chamber such as this and suggest that children who should be sitting the SEA exam should be married off. [*Desk thumping*] I do not know that how much talk we can talk will get us around that fact.

I think the next thing we need to recognize is this, this whole idea of child marriages did not come into our laws through the Muslim Marriage and Divorce Act or the Hindu Marriage Act. This law came into effect as a colonial law in 1923. It was enacted because that was the common law in England. In 1929, England changed its laws and raised the age for marriage to 16. So marriage of young girls was not something which was brought into our legislation because of anybody's faith. So I wish to clear that up.

I do not know, perhaps it is because I had to offer condolences to former Sen. Capildeo's family that perhaps I might be channelling him a bit in speaking bluntly and speaking my mind, but I think that we need to cut through all of this talk and desire for more talk and get to the issue. [*Desk thumping*]

I did some research on this and I was looking at the age at which marriage is legal in certain countries where you have, if not a theocracy, but certainly government which is very mindful of a particular religious group or a particular religion, to see if we could get some idea of how those countries through their laws—because that is what we are talking about—how those countries view marriage. So the research which I got was this, and I just use four examples—in Afghanistan, if my research is correct, according to law girls cannot be married below the age of 16. In Egypt, it is 21; in Iraq, it is 18; in Pakistan it is 16. So I am looking, searching to see which other countries have such a low age at which marriage would be permitted. Well surprisingly our next door neighbour, if my research is correct, Venezuela, also permits marriage at 12. Apparently girls can be married at 12 as well as boys.

When we look around at the whole wide world in 2017, including India, Pakistan, the countries of the Middle East and so on, and see where we fit in, it seems as though we fit in with Venezuela. We should think that it is okay for children to be married at 12. I think, I might be using strong language, but that is absolutely ridiculous, for us to continue to think like that. [*Desk thumping*] A 12-year-old child is still in primary school. Is this 12-year-old child now expected to be somebody's wife, bearing his children, coping with babies, when they are barely babies themselves, running a household, dealing with a husband's control? Is that what we expect for our 12-year-old girls? Is that what is being suggested in this what I consider to be this honourable Chamber today? I certainly do not hope so.

I know different groups have changed their minds on different points of view. The Hindu Women's Organization, and I do not know if this is the same as the Hindu Women's Group, in 2012 or 2013 had indicated that publicly they were going to petition the Government at the time to ensure that the marriage age was raised to 18. I do not know that that has been changed.

Sen. Seetahal-Maraj: 16 years recently.

Sen. S. Chote SC: I see. In any event, I think even the Hindu Women's Organisation recognizes that 12 or 16 and below would be too young for children, boy or girl, to be married.

When we started sitting in this honourable Chamber, we spent a great deal of time discussing a Motion brought by the hon. Sen. Mark about our sustainable development goals. This Senate agreed—I think we were unanimous in our agreement—that one of the sustainable development goals is gender equality, another is that women's rights are guaranteed.

Sen. Baptiste-Primus: Call him out, call him out!

Sen. S. Chote SC: So we as Senators are committed to that and we became committed to that, [*Desk thumping*] from the time we first came here.

I remember it because I was thinking: why are we debating something upon which we all agree? And almost all of the Senators in this honourable Chamber spoke on those issues.

8.00 p.m.

Now, as a lawyer I have to say that while you expect or each citizen expects his or her religion to be protected by the Constitution, at the end of day I think members of the public understand that what we live in is not a theocracy, we live in a constitutional democracy. [*Desk thumping*] So whatever personal, religious views we may have, those views are subsumed to our Constitution and the rigours of its guidance.

And our Constitution which is not a convention, our Constitution which is our supreme law in this twin-island nation ensures that women have the same rights as men [*Desk thumping*] and it would follow that girl children have the same rights as boy children.

Now, when one is doing legal drafting or when you are learning about legal drafting in law school one of the things you learn is this: a good law is one which contemplates coverage of as many people as possible. So, you think about what may seem absurd or you may think about the rare case, but when you create a law you have to take all those possible circumstances into account. And, Madam President, I respectfully submit that this is what this law is doing.

Now, if I may return to Mrs. Daly, Mrs. Daly had written in 1992 that it was—she referred to the legislation which had been effected to say that a girl

under the age 14 was incapable of consenting to a single act of sexual intercourse and that it was a criminal offence for which the male could receive the sentence of life imprisonment. She went on to say, and if I may with your leave, read just these few lines, she says:

> On the other hand, our legislation expressly permits a girl of 12 years to enter into the lifetime commitment of marriage with its inherent acceptance of the sexual relationship and child bearing. If as a society we believe that a young girl lacks the capacity to consent to sexual intercourse, how can we claim that she has such capacity once it is clothed in the guise of matrimony or indeed the capacity to understand the full implications of marriage?

Quite frankly, I do not think it could be put better.

I also must say that I listened with a lot of interest to what Sen. Dr. Maulana Mohammed had to say with respect to the Islamic position or the Muslim position. And it really had me grappling intellectually with, how could what he was saying be useful in the context of our debate in this House. Because if I understand it right, then what the hon. Senator was saying is that, because Islam is a revealed religion which says, among other things, that when a girl reaches the age of puberty, she is of marriageable age and that position, because it was revealed, was not something that could change, then essentially that is just a statement of a religious position which is not open to debate or discussion. So, how can that be the position followed by the request that there should be more discussion at a Joint Select Committee? I simply do not follow. Perhaps it is my gender which, I do not know, impairs my understanding of these matters.

Now, I think hon. Members you have to forgive me because listening to some of these speeches I had thought that I would be speaking earlier, so my words are just tumbling over themselves, so I ask for your indulgence.

One of the things we have to consider when we think of our girl children and the development of our nation is: how are we going to ensure that our children and our girl children are going to be educated? If a child is going to be married at some point between the ages of 12 and 16, how are we going to work that out? How are we going to work their education out? Are we going to say that, listen: this group of people will not have access to educational facilities; they will not be allowed to learn; they will not go to school unless it is a religious school? Is it now that we are carving out from our Constitution rights of young girls of particular religions? Do we not as a Senate chamber owe a responsibility to all the girls in this country? [*Desk thumping*] And I honestly do not think that we can commit ourselves to

sustainable development goals, if we keep carving out little pockets of groups in the society and saying that, this is the law except for. I do not think that is the appropriate way to go.

Now, Mrs. Daly went on to say, and with your leave I read again. Mrs. Daly had this to say in 1992, so we have been talking for a very long time.

> Over the years we have attempted to develop a population policy that recognizes the health and socioeconomic benefits of deferring first pregnancies and encouraging childbearing at a time when the parents are ready to assume the responsibilities of rearing children of their own.
>
> It is well known that early pregnancies disrupt the mother's personal development, cast heavy financial burdens on young parents and often lead to children being raised in economically inadequate circumstances by a parent or parents who are not sufficiently mature. The children of young parents tend themselves to become young parents and to perpetuate both a reduced generational gap with its implications of over rapid population growth and also the cycle of poverty in which they are often trapped.

Now this is an expert talking. And this is an expert talking to this nation in 1992. Let us move forward.

In 2013, the then Government had sought to amend the Marriage Act and that had to do with the way in which certificates were to be produced and so on. But during the course of that debate a Member of Parliament, Miss Cox, squarely addressed the issue of the age, legal age for marriage. And what Miss Cox did in a public forum in the highest court of the land was she set out the reasons why we needed to address this issue and to address it with some expedition.

So, I do not know. I find sometimes when I listen to people talking in public fora, they seem to think that they need to sit in an armchair and wait for someone to come and solicit their views. This is absolutely unworkable. I think as a Senate, policy wise we have already sort of focused on going in a particular direction. I think there has been considerable consultation. If there are those who consulted, but did not wish to share the fruit of their labour, well I do not know that that is the problem of the hon. Attorney General, and certainly there is nothing to say that these views cannot still be shared.

[MR. VICE-PRESIDENT *in the Chair*]

Now, I do not know what happened between myself and the hon. Sen. Samuel today. Normally I agree with everything he says, and he says it in such a dynamic way that it is interesting to listen to him. But I could not get to what he was trying say today. He kept

asking questions, why 16? Why 18? Well that is sort of like asking: which came first, the chicken or the egg? The fact of the matter is, there is never going to be a scientific test for maturity. So whether it is 16, 17 or 18 really is not that important. So using that as a means or as a purpose to say, we should have further discussions on the issue, to me, it is not particularly helpful in this case.

Now with respect to the legislation itself, I wish to just make a few suggestions. I was wondering: what would the position be, Mr. Vice-President, where you were dealing with mentally handicapped persons? I was wondering what would be the position if persons went—I think Sen. Roach had raised it—if persons go over to Venezuela, let us say, which has a lower age for being married and will those persons have their marriages recognized in this country if they are citizens of Trinidad and Tobago? So it is the whole conflict of laws' position.

What is the position, or is there a position with respect to common law relationships below the age of 18? I am not quite clear how that is going to be addressed. When it comes to the offences created under the legislation, I see that some of the offences are either or. That is to say, they may be summary or they may be indictable and some are not. If I may respectfully suggest, having had a look at all of the offences in this piece of legislation, perhaps we should have all of them treated as either or.

In terms of drafting, I saw that with respect to the amendment to the Muslim Marriage and Divorce Act, there was talk about the Muslim community, but when we came to look at the Hindu Marriage Act and the Orisha Marriage Act, we were talking about their respective religions and faiths. And I could not understand why there was that distinction in drafting.

I think in two or three instances, the drafter used the word carelessly in the context of the creation of mens rea for criminal offence. And carelessly really—does not fit well with the criminal law. Perhaps another word such as negligently could be considered. And I think that those are my observations with respect to the drafting of the Act.

Now, we have really had too much talk, quite frankly, in this honourable House about physical maturity and sexual intercourse as though those things are an indicator of emotional and mental maturity. And I think, perhaps because there are more men in the House than women, that that may have been the focus because we, our brains operate differently. But I think it is clear to us upon sober reflection that puberty, sexual intercourse, physical maturity, those things are not so important in determining whether a person is sufficiently mature, mentally and emotionally equipped to become a partner in a marriage which is an extremely serious commitment because you do not only affect the lives of the two people in the relationship, but also the children which they may have.

So, I thank you, Mr. Vice-President, for the opportunity to speak. Those are my contributions. [*Desk thumping*]

Sen. Nikoli Edwards: Thank you very much, Mr. Vice-President. And I would like to take this opportunity to say how grateful I am to be addressing this honourable chamber this evening. It is an opportunity for a youth voice in particular to be heard and I do have the privilege of being the youngest Member to be appointed to this House having only turned 25 less than three months ago. [*Desk thumping*] For me this signals, and to many young people across Trinidad and Tobago, this signals hope. It signals that there is in fact opportunity for young people waiting for them in many cases.

This is a position that I believe that I have worked hard towards based on years of experience serving on the Commonwealth Youth Council, serving on the guild of students and it is that that allows me the opportunity to speak on behalf of young people and to give a voice to this very important piece of legislation before us this evening.

Now, I have heard many comments on this piece of legislation and it troubles me as a young person. Now, I am not married, I have never been married, but I can only think about if I were, would many of the opportunities that I have been able to explore, would I have, in fact, been able to do so? Because having to take care of a wife, having to take care of children, it requires of you as an individual a lot: time, attention and resources.

And quite frankly a 12 year old, a 14 year old, a 16 year old is in no position whatsoever to take care of a family. [*Desk thumping*] It is extremely troubling to think that a 12 year old who has the luxury of a parent's comfort and the resources expended to them by their parents, who is more or less taken care of, will move from an environment where they are seen as a child and truly taken care of, into immediately an environment where they now have to see about the affairs of a household. That is something that I cannot fathom. And there are many persons across Trinidad and Tobago who have a similar view.

The fact is that times have changed. We have clearly seen when this legislation came about it was a different time with different experiences, different expectations. In today's world where we have young people who are much more progressive, who want to feel independent, but not be robbed of that independence immediately. It presents an opportunity for real growth and transformation. There are a number of persons, a large percentage of the population remaining in the education system for furtherance of themselves and understanding that their abilities will be strengthened if they are allowed to pursue

education far beyond the traditional primary and secondary schools.

Now, I have come in contact as a post graduate student of the University of the West Indies, I have come in contact with many adults who are pursuing their Masters, PhDs as well and even in those cases, it is very hard for them to manage their education and family life, work life and these sorts that come with it. So far less for a young person who has dreams, goals, one day to be a Senator; imagine what would happen to that individual if he or she is robbed of the opportunity to further themselves.

And I think that we have a problem in this country where persons are unable to deal and cope with the social issues that face them on a day-to-day basis. I have heard a lot of red herrings in this debate thus far, moving away from the topic, but I would address this. We have persons who simply do not know how to cope with the challenges that are presented to them every single day of their lives. They do not know how to interact with other individuals. They do not know how to move from one community to another community and find their way around. They feel as though they need to depend on a lot of the social institutions that are around us. And we have that kind of social dependency on our institutions. And it is really troubling because at the age of 12 and 14, no one should be placed in a situation where they are tossed into a responsibility that they themselves do not know or are able to cope with.

And we see as well that there is inequality in the legislation currently where the age for the female to be married is much lower than that of the male. And this would have been something that would have slipped by very easily because of how we have been conditioned as a society.

We have seen around the world that persons are challenging the glass ceiling with much success. We have seen instances where women are rising to the occasion and showing their fullest potential. And this is something if we as a modern society here in Trinidad and Tobago aspire to, if this is something that we want to progressively be seen as heading in the right direction, we need to correct these deficiencies. We need to correct these inefficiencies and inequalities in our legislation.

And I would say that, especially when the comment came from Sen. Samuel in relation to youth following, and I am paraphrasing, the devil and not the Lord. I took personal offence. I took personal offence with that, Mr. Vice-President,

because that is the perception of young people in today's society, that we are wayward. That we do not have a fair understanding of what we want. That we cannot make choices on our behalf. And that is not true. Young people have been going leaps and bounds into the direction that they want to when it comes to fulfilling their dreams and their aspirations.

We have seen so many young people representing at the Commonwealth, at the UN, representing at Caricom and on different boards, coming from Trinidad and Tobago, but the sad fact is that we do not recognize them. We continue to look at the bad and the negative when it comes to young people and not understand that they themselves have a voice and a voice that needs to be heard, and especially when it comes to national development. This is where young people can shine. So, I do hope that this is a testimony to that.

I would say that I am concerned when it was stated that the Sanatan Dharma Maha Sabha would have conducted consultations with a lot of young people. I need to know who these young people are who are agreeing to keep the legislation as is. Because if you walk out of these doors and you ask any young person what their thoughts are, I am sure the immediate response will be [*Desk thumping*] that it should be 18 and over.

There was also the point of your drivers' licence being able to attain it at the age of 17. That legally you can work at 16. Well, first of all, driving is not a life decision. Work may come about as a means of a necessity in one instance or to gain experience, but that in itself is not a life decision. Because the fact is that you may start off in one job today and tomorrow be in another position. So I do not think that those things should be brought into this discussion what so have you. And to be honest, I do think that the driving age should be brought up because you are seeing so many fatalities on the nation's roads.

Another thing is that, when I was informed that I was to be appointed, Mr. Vice-President, as a Senator, and that was put out on social media, I saw one comment in particular and that said: what does this 25 year old know about marriage? And that person is right to an extent. But imagine far less for a 16 year old or a 14 year old or a 12 year old. Realistically, I do not think that a person below the age of 18 should have to be in such a compromising position.

One of the things that I am a bit concerned about, even with these amendments, is that there are, when I first got the amendments, I was wondering, why is there an Act for each religion in this case? Why not have an umbrella

legislation to cover all marriages and then in that legislation you include the different religions in that? I do think that that may very well be progressive, as opposed to having one independently because that in itself can be perceived, as much as we are trying to be inclusive, it can be perceived as divisive insofar as someone can challenge it and say: we should have a constitution for every religion; or we should have a constitution for every race; or we should have a constitution for every segment or grouping in society. And the fact is that religion, race and these things are recognized for what they are, but legislation is something else especially when it is that you want to ensure equality in a country.

8.30 p.m.

So, we do acknowledge that religion plays a big role in terms of a State's legislation, but it should not play the only role in a State's legislation. You have to get the views, and opinions, and criticisms from all segments of society. And I think that the consultation that was done under the Attorney General's office would have been able to capture a wide cross section of individuals and their thoughts, and overwhelmingly what the population of Trinidad and Tobago is saying is that 18 and over is the right direction to head. So, we can sit in this Chamber and discuss it from now till whenever, but we have to agree on something, and that is, a child has no place being a wife or a husband to anyone. A child should have the opportunity to experience a full healthy childhood. [*Desk thumping*]

Also, the position was put forward that in the Hindu set-up of the family that you have an extended family. The fact is that times have changed, the family structure of today is not the family structure of yesterday. You are seeing a lot more smaller nuclear family set-ups, and in some cases single parent family units, and that must be acknowledged. Persons want their own spaces, persons want to be independent, and as such you cannot rely on the grandmother to watch the children anymore, because sometimes the grandmother has her own affairs to go and see about; you cannot depend on the family members to take up the responsibility of the parent. And no child should be a parent in that instance.

Also, we have many social services right now in Trinidad and Tobago, and I do think that there needs to be some reform where that is concerned in terms of policy, because you have many persons depending heavily on baby food card, or these social safety nets. But, they go about their lives with a dependency that is unhealthy. I do think that when it comes to welfare there should be certain criteria where the children must be enrolled in particular after school programmes, and there is constant checking to ensure that they have doctor visits, and that the

family is progressive and is well taken care of. Because what you would have is—if the legislation was to stay the same—these 12-year-olds, 14-year-olds, depending on the State and, as such, the children of that marriage would be the ones to suffer the greatest, and that is not something, as a responsible legislature, that we should stand by and allow to happen.

Now, if you would permit me, Mr. Vice-President, I would just want to read from a document here, a compilation of some statistics under the UN, and I will read this paragraph:

> Child marriage is understood as a fundamental violation of the rights of children, and in particular of girls who are disproportionately affected. The marriage of minors interrupts education, constrains development of personal agency, limits livelihood options, undermines health sexuality development associated with physical and mental menstruation, and exposes children to sexual abuse and exploitation.

So, even if we are not looking at it from a common-sense perspective, we have facts that back up, and statistics that show it is a health risk to have a 12 year old, or a 14 year old, or a 16 year old pregnant at that age, or raising a family. These socioeconomic constraints that there would also be on that family is far reaching. You have persons who are struggling right now to keep their families together, and they may be in their 20s and 30s, imagine far less for a teenager who has no real life experience, no real opportunity to go out and see what the world has to offer. At that age do you think that is really love? Do you think that a child could understand the meaning of love with this older individual who is coming to rob them of their innocence? That is not love. As was stated earlier, that is slavery in one sense [*Desk thumping*] and that should not be the case.

As a responsible society, as a responsible Legislature, these are things that we cannot allow to happen to our most vulnerable in society, and this is what it goes back to, protecting our most vulnerable in society, our women and our children, not saying that men are not victims as well, but the fact is, our most vulnerable are women and children. And if we as legislators do not seek their interest, and do not protect them, then what are we really doing? Imagine if we were robbed of our innocence, imagine if we were placed in a compromising position, what would be our position now? And that really and truly is something that none of us should ever have to encounter, and I would really want to find out if the persons who are advocating for the legislation to stay the same, if they, in fact, would allow their children to be married at the age of 12 and 14? [*Desk thumping*] Because it might sound good for other people, but when it hits home it is a whole different story,

and I am very concerned about that. Because sometimes we need to see it from another perspective. We need to put ourselves in the shoes of the persons who this will affect the most. We need to put ourselves in the frame of mind to understand and appreciate that what is being done, or encouraged by the legislation as it remains, is counterproductive to a progressive society.

The fact is that there are many persons who want opportunities, and who are going after them. But when we look around us right now, do we think that we have the right environment for children to be having children, and for children to be marrying when we have a recession taking place, when we have a broken criminal justice system, when we have an educational system, an academic situation taking place where persons are simply leaving schools educated in academics but have no life skills? Do we think that is the kind of environment that a young family wants to exist in? I do think that there needs to be more emphasis on health and family life education across the school system. I remember once I was having a conversation with someone who was stating that, no, that is not the responsibility of the school, and the State should not intervene when it comes to that; that is the job of the parents. But, where the parents? These are the same parents who sometimes have to work two jobs, and three jobs, and who are not home, and who themselves do not have a proper education when it comes to sexuality when it comes to sex and their bodies. So, how are you expecting them to pass on knowledge to their children when they themselves are not properly aware of their own bodies?

So, I do think the education system has an important role to play in socializing our individuals, our students, our children. And, as such, I would support greater effort to have that kind of education flourished throughout our education system, because the fact is persons are attaining a level of puberty, or reaching puberty at an earlier and earlier age. And within the Qur'an, as was stated by Sen. Dr. Mohammed, when one attains puberty then they are in a position for marriage, or able to be married. That "cyar" work right now. And, my understanding of puberty, or when one attains puberty, a female at least, when she begins showing physical signs when she has her period—with the male it may be when he starts having body hair and pubic hair, and these different things, and the voice deepens and what have you, but in some cases, as was stated, where you have different climates—I think that was one of the points put forward—do we then need a doctor to first say that this person is in fact undergoing puberty, or going through puberty, and then when the doctor signs off on that, then they are allowed to be married, because that in itself is subjective.

You have so many persons with hormonal imbalances right now when it comes to the fast food that they are eating. So, that obviously affects their body

chemistry, and that is where you are seeing them at an earlier and earlier age developing, their bodies developing in ways that we have not seen before now. So, these things must be taken into consideration, the physical dilemmas that occur, as well as the mental emotional dilemmas. Because, what you would have happening, when persons get married at a young age, later on in life a lot of the time they resent their partner, a lot of the time they feel like a prisoner in their marriage, but they only stay because of the children, as was being stated earlier, or, because this is all that they know, Stockholm syndrome, and this should not be the case. There should be freedom of choice when it comes to your partner. Not one day you are playing in your front yard, and the next day some stranger comes over, and you are more or less going to be a bride.

Sen. Coppin: Forced marriage.

Sen. N. Edwards: Forced marriage. This is what this legislation as it stands right now encourages. It allows the opportunity for that, because that individual, that child, is not adequately able to make a decision about who their life partner is going to be. How do I know I like this person truly? What experiences in terms of intellectual conversations? In terms of conversations about life? In terms of aspirations and dreams? How do I know that this is the person that I want to spend the rest of my life with? No child should be put in a position to handle something like that.

The fact that religion is a big part in this discussion is notable insofar as you must take into consideration what the religious leaders are saying, what the religious groups are saying, but also you have to take into consideration what persons who are, who knows, atheist, or agnostic, have to say on the matter. Because they too are members of the society, and legislation would be amended to ensure that everyone is covered, not because you are of a particular religion or faith. And, I would tell you this, when I looked at the 2011 census statistics there were 112,000 or thereabout persons who did not subscribe to the traditional religions. That is a cause for concern. Because, is our legislation adequately representing them?

So, these are considerations that we must have, must factor in as well, as we continue with this debate. And I do not think that it should be a long-winded one. It should not be something where we continue to go around and around in circles, because we know what we have to do. Put politics aside. We know what we have to do. [*Desk thumping*] And, as we move on from here, I ask that the youth voice continue to be and form an important role and part in this discussion and many other discussions that come about. Because, the young people of today will be the

ones to inherit this country, would be the ones to fill the positions of governance, would be the ones to sit on all these state boards and all these organizations. So, what kind of world are we leaving behind? What kind of country are we leaving behind for these individuals? Especially when the youth of today have not been adequately socialized, and I do think it is at the failing of the previous generation.

But, here we have an opportunity to correct that. We have an opportunity to allow for the responsibility to be vested in a person who has the mental capacity, who has the experiences to some extent to make a determination of what kind of life they want. Also, not because someone becomes pregnant at a particular age means that they have to get married. That is the kind of thinking that would lead to a lot of divorces later on, that would lead to domestic violence, that would lead to death in some cases, because persons just do not know how to cope with this person who they thought was going to be the best thing for them and their child. We should not be backing persons in corners, or telling them, or making certain decisions on their behalf. We should allow persons the right to choose, and to choose so with a certain level of maturity, a certain level of understanding of what I am getting myself into as an individual.

[MADAM PRESIDENT *in the Chair*]

Now, I just want to quote again here, Madam President. In General Recommendation 21, 1994, on equality in marriage and family relation, the CEDAW Committee considered that the minimum age for marriage should be 18 years for both men and women, and they quoted:

> "When men and women marry, they assume important responsibilities. Consequently, marriage should not be permitted before they have attained full maturity and capacity to act. According to the World Health Organization, when minors, particularly girls, marry and have children, their health can be adversely affected and their education is impeded. As a result their economic autonomy is restricted."

Also the Convention on the Rights of the Child ratified on 5th December, 1991, does not specify a minimum age of marriage, though it does define a child as every human being below the age of 18 years.

Let us take it from that point of the definition of a child as being one who is under 18, what kind of position are we putting our children in? These same ones who have a lot more development to do beyond the age of 18 even. We are not giving them a fair shot at life, a fair opportunity to be the best versions of themselves. Now, there are persons, there are instances that persons would have had children at a young age, been married at a young age, and they went on to

lead very good lives, but I am sure they had good support systems around them. And the average young person today does not have the security of a strong support system in many cases, they are left to fend for themselves. And we need to be able to deal with that in a responsible manner that addresses the need of the child, understand the social effects of what is taking place around them, and try to quell that as best as possible. Because, in today's world it is hard. It is hard for a young person to succeed, but that is not a deterrent to them wanting to achieve.

The point of religion speaking to there should not be sex before marriage. Yes, religion says that. But, let us look around us, it is happening. So clearly, there is a problem when it comes to religion properly educating its individuals, or training its individuals—actually, I would not use the word training, because it is not a boot camp, but socializing their individuals to the practices of religion. And I know that religion in today's world contends with social media, contends with liberal thinking, and I do think that that provides an opportunity for religion to really and truly step up to the plate and do more than it is doing. Because there is the notion that once these things are preached, once these things are taught, once a Bible is available, or a Qur'an, or a Bhagavad Gita, that people are going to follow it. But you cannot simply tell today's child, do this, and have an expectation that they would in fact do it. You have to come down to their level, you have to reason with them, you have to explain so that they would not be doing something just because, they would be doing it because they have a proper understanding that this is why I am doing it. This is how it is going to benefit me as an individual, this is how it is going to assist me in the things that I have to do and in my life in the future. So, I do think that religion has an important role, but it has been dropping the ball in some instances, and this is where you have the State stepping in to assist, to ensure that there is stability, to ensure that there is harmony when it comes to pieces of legislation, when it comes to the unfair treatment of individuals.

So, I am all for the age limit, or the age requirement being 18 and over for individuals to be married in this country. But we need to start thinking even beyond that, what is the next step? What is the next move? How do we even ensure that individuals at the age of 18 are mature enough, are able enough to support families, to lead lives? I was not able to buy my car until about a year ago. Eighteen? A car was a dream. It was not attainable. A job—I remember even being in positions where I thought that it was a ride and I was going along with it, and it only took me later on to really mature and to understand what I am doing, why I am doing it, and how this aligns to my dreams and my goals. So, at 16 I

was in no position whatsoever to lead a family, to rear children, to build and provide for someone else beyond myself when I was depending on my parents. And it is from a place of experience that I know that the current legislation is inadequate.

Also, the point of the Romeo clause, that does not encourage individuals below that age of 18, or what have you, to engage in sexual activity. What it does do is actually protect young individuals from themselves, especially where society has failed to adequately condition this individual to know responsibly what sex is, to know and to act responsibly when engaging a partner. Society has failed where that is concerned. So you do have children experimenting, you do have children engaging in sexual activity, not understanding properly what they themselves are doing. They are acting on emotions. They are acting on—

Madam President: Sen. Edwards, you have five more minutes.

Sen. N. Edwards: Sure, thank you. In summation, Madam President, I want to drive home the point that child marriage is frowned upon globally, and to a very large extent here in Trinidad and Tobago. But, whose voice are we listening to? Are we going to listen to groups because they have large numbers on paper? Or because they say that they have large memberships? Or, are we going to listen to the man in the street who we can walk up to and have a conversation, and understand where his mind is, and understand what his experience is like, and thus craft legislation to ensure that he or she is protected, has rights, has privileges, but also has responsibilities? And I do think that as a responsible Senate we have to look far beyond this whole discussion of is it religion versus politician? Is it youth versus adult? We need to look far beyond that and consider that these amendments would in fact cover a large cross section of the population in terms of their thinking, and it would redound to the benefit of every single individual in this country, whether we see it now or not.

So, I would like to thank you all for this opportunity. Madam President, thank you for this opportunity. I would like to thank the President, President Carmona, for giving me this opportunity to speak in this august Chamber, something that I have dreamed about for some time. I cannot tell you how many times [*Desk thumping*] over the last couple of days I have said Madam President out loud [*Laughter*] just to hear how it sounds. But, I do think this is a wonderful opportunity for young people in this country, because I know I represent more than just myself. Today I brought my parents—well, they have left, but it is on their backs that I stand.

Sen. Baptiste-Primus: You have done them proud.

Sen. N. Edwards: That is my hope. [*Desk thumping*] And even further to that, I just want to ensure that the young people in this country understand that they too can stand where I am standing, that they too can achieve wonderful things once they put their minds to it. Because Trinidad and Tobago is a beautiful place with beautiful people. We may not recognize it every single day, we may not acknowledge it, but the fact is that this is the place you want to be right now. And, it is how we move it from where it is—where there are problems, there are issues—to a point where we can all rock back and feel good about ourselves, that we have a country, a society, a people, whose understanding is together we aspire together we achieve. That is what is needed right now. From the outside I could stand and point fingers, but being in here and understanding the kind of important work and responsibility is a totally different thing. So, I am grateful for this opportunity, and who knows, one day this could be a permanent seat. [*Laughter*]

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

Madam President: I think I should—

Sen. Baptiste-Primus: We are in good hands, boy.

Madam President: Let me congratulate Sen. Edwards on his maiden contribution. [*Desk thumping*]

Sen. Clive Dottin: Thank you very much, and I think I would just like to add to what you said, Madam President. I believe that after listening to Sen. Nikolie Edwards—

Hon. Senator: Nikoli.

Sen. C. Dottin: Nikoli, sorry—you have to believe that it is an extremely extraordinary historic day for this country. [*Desk thumping*]

You know, Garfield Sobers broke a record. All right? He hit six sixes in one over. But you know he was not the only person that made history, the bowler made history too. [*Laughter*] So, I think it is not just you making history, but just to be here to hear you, we are making history too. [*Desk thumping*] So, thank you so much, and I hope the football team is listening, and whoever will be the new coach. [*Laughter*]

9.00 p.m.

Madam President, I want to start off this way. I believe if somebody puts a gun to my head and tells me to support child marriage I will tell them shoot me. [*Desk thumping*] I mean, in this day and age to be discussing this on engaging in a practice that could put children at a disadvantage, I mean, I heard one of the Senators talk to the issue of age 18. Well, if age 18 is an uncertain age, far more ages 12 to 16. That has to be a real situation and Sen. Edwards, I do not want to go into your first name again, but Sen. Edwards made a

statement there and I was thinking about it—how could a child be asked to take care of another child? Whatever are the mitigating circumstances, and I want to say, and I want to come to this point immediately, if a child gets pregnant for a gentleman, a lot of the times marrying that child to that gentleman is going to be a marriage of hatred because eventually that child will see that act as an abuse and somebody taking advantage of her. So to impose another set of responsibilities on that child is to really seek to destroy that child.

Morris Marshall made a statement that I think all of us, many of us, might have forgotten the statement. In dealing, Madam President, with a particular problem in his constituency, he said one of the biggest challenges facing our nation is the issue of the 30-year-old grandparents. Now we have grandparents younger than 30. So what you have is this, before parents are ready to be parents they become grandparents, and inflicting a certain kind of burden and stress. To legitimize that, I find is very unfair to the child.

I spent hours on this Bill, hours in research. Madam President, I came up with a statement from UNICEF, the Data and Analytics Section, and I have a copy to give to the recorders because I asked for the copies the last time. Speaking at the African Girls Summit there was a quotation made by Archbishop Desmond Tutu and Graça Machel. And I want to put that in the *Hansard* record right now. I want to read it.

> "Child marriage happens because adults believe they have the right to impose marriage upon a child."
>
> "Wow". I am saying "Wow". They did not say "Wow".
>
> "This denies children, particularly girls, their dignity and the opportunity to make choices that are central to their lives, such as when and whom to marry or when to have children. Choices define us and allow us to realize our potential. Child marriage robs girls of this chance."

You know, I think of a particular sociologist, Edith Clarke, who wrote a book and that book is entitled: *My Mother Who Fathered Me*.

And perhaps Singing Sandra put it in an even more humorous perspective, but yet profound, when in a song she said, you keep your money—relating to the man—I keep my honey and die with my dignity.

So the issue of having our girls cherish their dignity and not be subject to all the whims and fancies and the challenges that go along the issue of child marriage, to my mind it is very important. Unlike our Senator there, I think it is Sen. Ramkissoon, I have to compliment the Attorney General for his bravery for bringing this here, and also the first time, the first meeting of the Senate for the year I believe, and putting this on the national agenda.

Now I must warn, Madam President, him on the powers that be that this is a

plural society. And therefore one must tread cautiously yet deliberately. And I want to say here that what I have heard so far, everybody respects, I could disagree with you and yet respect what you are saying, because people have different convictions. What makes this issue very challenging is the issue of God in the sense that we have different religions with different perspectives. We have different scriptures with different perspectives. For example, when you read Ephesians, chapter 6 it says:

"Children, obey your parents in the Lord…"

—which suggests that the parents should not be a child. And then it says:

Fathers, provoke not your children to wrath.

Now, that means parents are supposed to have greater emotional stability than the child. And therefore the child must be guaranteed the best possible treatment. In fact, Christ made the statement:

"Suffer little children, and forbid them not, to come unto me: for of such is the kingdom of heaven."

And therefore the issue of the protection of children must be paramount in our society. I agree with my Senator here, the youngest Senator here in the history of Trinidad and Tobago. I agree with him totally and that is, all of us must rally together and other people said it, to protect children.

Now, apart from the legal technical details we must do this with a mega dose of sensitivity. You know, Trinidad is really an intersect of race, religion, class and politics, you know. And therefore national development is a challenge and therefore it requires a certain level of dialogue and sincerity when we have to make decisions. And then there is not just the challenge of passing Bills but having the will to implement and that is important. I believe we have a situation that has not been mentioned before, but we have this issue of human trafficking and children being, you know, disappearing, sent to countries against their will and some of them being married off. This is a very serious situation.

So when we look at this issue of child marriage, we must look at all the concomitant issues that relate to the issue of child marriage. It is clear as I look at all the documentation of UNICEF from what was mentioned before, girls not brides. When you look at the broad sweep of all the literature available it is clear to me that while some have made it, millions of children have suffered as a result of this practice and are still suffering right now.

In fact, I saw a document that suggested every year, we are talking about 18 million. I mean, that has to be a staggering figure, for children. And it was mentioned before by at least four speakers and somebody mentioned about the fact that some people feel it is a rural issue, but it is not only a rural issue, it is an urban and suburban issue too. That is how significant this is and yes, it is deeply rooted in cultural, social and religious beliefs and practices, but at the same time we as a society must determine what we want for the society. What we want for our children, protecting their visions, their goals in life; and the issue with urban and rural is really an incomplete statement to leave it like that, because the issue of rural and urban is that the children who are married in rural areas—not that it is only in the rural areas—they have less access to affordable health care. That is the situation.

Not only that, as I pore over lots of literature, including clinical literature that was mentioned earlier on, I will use the triple A formula to describe the challenges to children who are married. And the triple A is abuse, abandonment and anger. You know what the literature is showing?—some of those children become angry even with their own children they bring into the world. And some of those children are abandoned by guys who would like somebody else more mature after tasting of the honey of the children. That to my mind is something that must hit our cortical acreage with a certain kind of force as we determine this issue. I mean, Lord have mercy, so a lot of these children are abandoned.

I have documents, I can show you here from valuable sites, all right, that explain to you and show you that children are being abandoned and so they become single parents if you please, having gone through a failed marriage. And you know what some children said, I was in a marriage, I did not love him and he did not love me. It is the society and sometimes the family and sometimes religion dictated that. And I say that very respectfully, eh. I say that very, very respectfully.

Ladies and gentlemen, last year, to tell you how this thing could polarize a society, and it is how we implement this, eh, to tell you how this thing could polarize a society. Remember the IRO had a meeting, and Pundit Maharaj said that it was voted, the majority voted in favour of retaining the age at 12. Soon after that major religions—Christian religion said, well, that we were not even there and we were not consulted. So immediately this issue became a polarizing issue, even more than before. And I want to encourage the Senate, you know, we are just temporary Senators here.

I want to encourage the Senate as we go forward, let us bear in mind that this is a potentially divisive issue; and how we proceed with it, however we vote on it, whatever the results of the vote, it is not what happens so much in here but what happens outside of here. Because we could choose to let this issue polarize us more than we are already polarized or we could treat this issue with dignity, maturity and a profound level of responsibility; and I agree with you, Sen. Edwards, that we should really, what we should do is to accommodate all the ideas that are possible to accommodate and do our best to transmit it and keep the dialogue going even after the vote is taken. All right? That is what I want to recommend here.

Now, ladies and gentlemen, the debate will not stop here. It will continue and one has to realize that all of us have a role to play in terms of healing of the society. I have some recommendations to make to the Attorney General after I am finished and I should be finished in the next 10 minutes or so.

Now, when I look, ladies and gentlemen, at the worldwide situation, quoting from UNICEF documents, this is a very serious thing, because I learned that and I heard it mentioned before, more than 700 million women and girls alive today were married before their 18th birthday. But 40 million entered into marriage or union before age 15. One in three of these, women and girls, 40 million, enter into marriage before age 15.

Now, I heard it mentioned about school, but I want to know, I mean, how it is—I was in a graduation, I would never forget this and I was being my humorous self in the graduation, a primary school graduation and I noticed one child was not smiling. I went to the principal—I say, principal why is that child not smiling? Was she abused? She said, yes, Pastor, that girl is already pregnant. She is already in a significant relationship.

I went to another school, in this country, in the corridor, and ladies and gentlemen, I heard of a mother who forced a gentleman, three times the age of the child, to be in that relationship and wanted to have the relationship legitimized purely because the guy was supplying money to buy stuff and, I mean, that was extremely hurtful and we got into a support group mechanism to see how we could help out that situation. It was really a major challenge because to have a parent—there are parents who virtually prostitute their children in some of these situations.

So that we are heading for serious times and I am saying all of us have a responsibility, but I must tell you, Madam President, and to the rest of this Senate, in all conscience I really cannot support child marriages. I mean, it is a tremendous disadvantage to the child. I did not hear anybody mention it, but the research is

showing the children are even exposed to a greater level of sexually transmitted diseases. That has to be of a great concern to us. We thought AIDS was going away just like that and, you know, the figures are making a return so we have to be very careful with this, Madam President.

I believe human rights activist Jessica Joseph has made a very compelling statement when she said the following. She says, what we have to do in the society is have, what she called, "predator-proofing children" and a comprehensive sex education programme. And, of course, this must include a heavy values component on the issue of religious dogma. She says, there are four steps—and I am glad the Attorney General is back here—and this must just be the start because this is one of the four steps she mentioned in terms of dealing with this child marriage issue. And there have been some gains, eh, in the world in relating to the issue of child marriage.

1. Empowering girls.
2. Mobilizing families and communities.
3. Providing services such as counselling and support group services.
4. Is what we are doing now, implementing law and policies.

Let me repeat the four again: empowering girls, mobilizing families and communities, providing services and establishing and implementing laws and policies.

In terms of the document, Madam President, through you to the hon. Attorney General, I want to suggest that any time you go into the area of legislating for religion it is a challenge. And you know something, we can vote here this evening and when the vote is passed out there it creates a tsunami, all right, because when you deal with the issue of God and scriptures and people's convictions, people will think, even with a Baptist leader saying, we are infringing on the rights of people's religious freedom, liberty rights; and since I am the Secretary General of CARLA, which is perhaps the only regional religious liberty association in the region and I am the Secretary General, I am very sensitive to this.

So I would like to suggest, through you, Madam President, to the Attorney General that we should still continue the dialogue. You know, even before we have the vote, because what you do not want is at the end of this you have a more fractured society. You have a society where two of our major religions feel aggrieved, they feel their voices were not heard and they feel somehow disrespected. So I want to suggest that the dialogue continues.

What I have a serious problem with, Mr. Attorney General, serious problem, is some of the penalties. Now, I know I heard you say in your introduction about you have to update the penalties to bring it in sync with other laws. But personally I feel, for example, 41B. (1):

> "A person who knowingly and wilfully solemnises the marriage of a person who is under eighteen years of age commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for seven years."

I did not see "or", but I saw "and".

Hon. Al-Rawi.: It means "or" in law.

Sen. C. Dottin: It means "or" in law? Okay, so they do not have to be imprisoned, but I still feel the $50,000 is a bit heavy. And in another place I heard where, well I could agree with that, there is still an imprisonment or a heavy fine and, of course, the person loses their licence. I could appreciate that, hon. Attorney General.

The issue of the implementation mechanism, I think something should be said about that. For example, from here and after it is gazetted, what will be the implementation mechanism? And I also feel legislation is one thing but the issue of education and how we transmit our values to teenagers, I believe, Madam President and the rest of the Senate and to the whole country listening, we are failing, and that includes the church, when it comes to the issue of the transmission of values in this postmodern world and getting the young people to internalize those values.

I think sometimes we step aside and, I mean, I am not Sen. Nikoli's age, but I could tell you as one who is very interested in young people and my whole life is dealing with young people, I think even in how we present values we end up alienating the young people more because you do not capture their imagination, we do not speak their language and hence our best efforts fail and that is why we have so much teenage pregnancy, we are at the top of the ladder in the world with electronic pornography, et cetera, et cetera, and therefore we have to do better.

So I am recommending, continue the dialogue, especially with our Hindu and Muslim brothers and sisters and the leadership. If we could come to some kind of consensus, if we have to tweak the amendment, okay, so we could get everyone on board as far as possible and it sends a signal to the groups that do not agree with the amendment that we care for their voices and we care about the large communities they represent.

The other issues, as I mentioned, the implementation mechanism, I hope we could be a little more considerate in terms of the penalties and I think soon after the passage of this we have the Ministry of Sport and Youth Affairs, we have the Ministry of Social Development and Family Services—if we could have an Interministerial Task Force on the issue of values, how we transmit values to our young people, I think that is one of the biggest failures as we grapple with the issues affecting youth and that would include getting families to accept their responsibilities and not abandon their children. I thank you very much, Madam President.

ADJOURNMENT

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): I thank you very much, Madam President. I beg to move that this Senate do now adjourn to Tuesday, January 17, 2017 at 1.30 p.m., when we will continue this debate, the Miscellaneous Provisions (Marriage) Bill, 2016. Thank you.

Madam President: Hon. Senators, before I put the question on the adjournment, leave has been granted for a matter to be raised on the Motion for the Adjournment of the Senate. Sen. Roach you have 10 minutes.

Policy for Non-Sporting Events (Failure of Government to Establish and Implement)

Sen. H. R. Ian Roach: Thank you very much, Madam President, for allowing me this opportunity to raise this Matter on the Adjournment, the failure of the Ministry of Sport and Youth Affairs to establish and implement a policy on the use of the Hasely Crawford Stadium and the Jean Pierre Complex in relation to the rental of the track and field for non-sporting events, particularly during the Carnival season, and for ensuring that athletes have uninterrupted use of these facilities in order to prepare for sporting competitions.

It is an important concern in regard to the welfare of our athletes who are aspiring to achieve excellence in the sporting arena, regionally and internationally. Carnival is a cultural expression that has multiple ways of manifestation in our society. One of which is fetes. These fetes are hosted all around the country in many accommodating venues and facilities, including school compounds.

It however, behoves me to mention that the national stadium which houses both the Hasely Crawford Stadium and the Jean Pierre Complex does not escape the activities of Carnival fetes. The national stadium is the main sporting facility where athletes are able to train in a cross section of sporting disciplines and an environment that is reasonably sustainable for such. Yet, Madam President, once Carnival comes around these very athletes are annually displaced in preference to fetes and other Carnival activities.

Madam President, if this is a policy of the Government then it is skewed. If there is no policy per se, then there is a woeful need for one that would speak to this most unfortunate and unacceptable situation of the displacement of our athletes during the Carnival season for non-sporting events.

Madam President, through you, I would like the hon. Minister of Sport and Youth Affairs to tell not only this Senate but the people of Trinidad and Tobago what is in fact the Government's policy as regards the use of both the Hasely Crawford Stadium and the Jean Pierre Complex for 2017 and in the future.

Last year in an Olympic year, athletes were prevented from having access to train at the stadium during the Carnival season, both being rented out for fetes, et cetera. Despite being a sporting venue, athletes like Keshon Walcott and Cleopatra Borel had to go to Cuba to continue training for the Olympics and we want to know why athletes are not fetching the medals demanded by the public.

The year 2017 has a number of important sporting events both regionally and internationally, one of which is already being scheduled to be held at the Hasely Crawford Stadium and our athletes are expected to participate and bring glory to our nation. Yet, as recently as last weekend, a fete was held at the Jean Pierre Complex, the place is still in disarray, an offence against any enabling environment for athletes to train.

Many promises have been made by past and present administrations concerning the supporting of our athletes, but without an informed policy about the uses of our sporting facilities those promises will remain "pie in the sky"—government aspirations without perspiration.

So I am looking to the hon. Minister of Sport and Youth Affairs to clearly state what, if any, is his or the Government's policy on the matter so being raised. I am informed and I truly believe that former Minister Gary Hunt under another PNM administration had a policy where all Carnival events were banned from the stadium. These are the issues I would like the hon. Minister with respect to answer. Madam President, I thank you.

The Minister of Sport and Youth Affairs (Hon. Darryl Smith): Thank you, Madam President. The Ministry of Sport and Youth Affairs is presently engaged in drafting a policy for the optimization of revenue generation at sport facilities under the purview of the Ministry and the special purpose enterprise, the Sports Company of Trinidad and Tobago Limited. This policy outlines a rate structure governing the usage of facilities for sporting and non-sporting events that is anchored on the premise that prudent management of these facilities requires users to meaningfully contribute to the associated operational and maintenance costs, to complement the State's recurring expenses related to same.

The structure presents a standardized framework of setting user fees that allows patrons fair and equitable use of these facilities. The draft policy outlines rental rates for use of the sporting facilities based on variables, including features of each facility, category of users and priority sport events while, in general, use will be determined on the first come, first served basis. The policy notes that there are some sporting events which would have priority status over activities. For example, international and regional sports tournaments.

The policy is intended to balance the benefit to the sport community with a fiscal sustainability of the facilities. Its implementation will facilitate greater maintenance of sport facilities in accordance with international standards where necessary to ensure quality, fully functional sport facilities for the use by athletes for training and competition for the use by the general public.

The Ministry proposes to submit this draft policy for the approval of the Cabinet by the second quarter in 2017. Historically, the Sports Company of Trinidad and Tobago consults with national governing bodies to give advance notice of usage of the Hasely Crawford Stadium for non-sporting events. Alternative venues, such as the Ato Boldon, Manny Ramjohn and Larry Gomes stadiums are offered for use to national teams and clubs at no cost during this period. Case in point, during Carnival 2016, the Sports Company of Trinidad and Tobago offered free transportation from Hasely Crawford Stadium to the above-named venues for prospective CARIFTA athletes due to the unavailability of the stadium at the time.

Internationally, best practice details that utilization of sport facilities must be multifaceted. And I have a list of examples here, Madam President, I will just name a few. Madison Square Gardens in New York, Wembly Stadium in England and right here in Jamaica, Independence Park, all are utilized for cultural concerts and plays while being utilized with sports at the same time.

Madam President, just to reiterate what the Senator said with regard to last year. The Jean Pierre Complex and the Hasely Crawford Stadium combined are almost if not over 40 years old and we have been having governments come and go, having cultural events at those facilities for many years and last year for the first time in the history of hosting events, we were able to have all the entire stadium completely empty.

9.30 p.m.

In fact, Keshorn Walcott—and the media was there and it is recorded in the newspaper and on television—was utilizing the Hasely Crawford Stadium for training on Ash Thursday which is the day after Ash Wednesday, for the first time, just because of basic management and being proactive as this Government is. What we did, simply,

was to put in a clause with regard to the event planners who utilize these locations to put in a fee for days after the event that ensured that they were able to clear up the place in time. In fact, most of the stadia we have, have training facilities next door. And as I just mentioned, the age of the Jean Pierre Complex and Hasely Crawford Stadium. There is a training track and a warm-up track at the Hasely Crawford training ground, and for the first time in its history under this Government, being proactive, it was done over.

For the first time at the Hasely Crawford Stadium itself—was done maintenance work. So we added another five years to the track. And just imagine, we all fly over Trinidad and Tobago; we drive all through Trinidad and Tobago and we see all these fields lit under the last regime with no planning with regard to that, and no one thought to put lights at the training grounds of all these stadia. So now, if there is an event in the stadium, the athletes could utilize the training ground and vice versa, and this is going to be done throughout Trinidad and Tobago.

So it is what you call being proactive and managing things and it will be all done. As I said last year, it was done successfully. It is income that we need to maintain these facilities which we do not get from the athletic events. And, Madam President, I assure the Senator that it will be done well and the athletes, the coaches that we have spoken to so far, are very pleased with the service that we have been doing and the maintenance that we have been doing, thanks to the resources and finances and the money that we have been getting from these cultural activities. But we are doing our policy. We are doing an overall policy for sport which that will be a part of. The former policy is 2002 and by this fiscal year we will have an entire sporting policy which includes the usage of the stadia and the cost and the pricing. Thank you, Madam President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 9.32 p.m.