SENATE

Tuesday, January 17, 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. Daniel Solomon who is out of the country.

SENATOR'S 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: MR. RAPHAEL CUMBERBATCH

WHEREAS Senator DANIEL SOLOMON 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)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, RAPHAEL CUMBERBATCH to be temporarily a member of the Senate, with effect from 17th January, 2017 and continuing during the absence from Trinidad and Tobago 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 17th day of January, 2017."

OATH OF ALLEGIANCE

Senator Raphael Cumberbatch took and subscribed the Oath of Allegiance as required by law.

PAPERS LAID

1. Ministerial Response of the Ministry of Rural Development and Local Government 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 Minister of Rural Development and Local Government* (*Sen. The Hon. Rohan Sinanan*)]

2. Ministerial Response of the Ministry of Social Development and Family Services 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 Minister of Trade and Industry* (*Sen. The Hon. Paula Gopee-Scoon*)]

3. Ministerial Response of the Ministry and Energy and Energy Industries to the Third Report of the Joint Select Committee on State Enterprises on an Inquiry into the Administration and Operations of the National Gas Company of Trinidad and Tobago Limited (NGC). [*Sen. The Hon. P. Gopee-Scoon*]

4. Ministerial Response of the Ministry of Energy and Energy Industries 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. [*Sen. The Hon. P. Gopee-Scoon*]

5. Ministerial Response of the Ministry of National Security 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. [*Sen. The Hon. P. Gopee-Scoon*]

6. Ministerial Response of the Office of the Prime Minister 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. [*Sen. The Hon. P. Gopee-Scoon*]

7. Ministerial Response of the Ministry of Public Utilities 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. [*Sen. The Hon. P. Gopee-Scoon*]

8. Ministerial Response of the Ministry of Finance 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. [*Sen. The Hon. P. Gopee-Scoon*]

9. Ministerial Response of the Ministry of Tourism 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. [*Sen. The Hon. P. Gopee-Scoon*]

10. Ministerial Response of the Ministry of Education 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. [*Sen. The Hon. P. Gopee-Scoon*]

11. Ministerial Response of the Ministry of Community Development, Culture and the Arts 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. [*Sen. The Hon. P. Gopee-Scoon*]

12. Ministerial Response of the Ministry of Agriculture, Land and Fisheries 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 Ministry of Agriculture, Land and Fisheries [*The Minister of Agriculture, Land and Fisheries* (*Sen. The Hon. Clarence Rambharat*)]

13. Ministerial Response of the Ministry of Foreign and CARICOM Affairs 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. [*Sen. The Hon. P. Gopee-Scoon*]

14. Ministerial Response of the Ministry of Labour and Small Enterprise Development 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 Minister of Labour and Small and Micro Enterprise Development* (*Sen. The Hon. Jennifer Baptiste-Primus*]

15. Response of the Integrity Commission 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*)]

16. Response of the Environmental Commission 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. [*Sen. N. De Freitas*]

17. Response of the Elections and Boundaries Commission 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. [*Sen. N. De Freitas*]

URGENT QUESTIONS

Uber Taxi Service
(Government's Determination of Legality)

Sen. Wade Mark: Thank you, Madam President. To the hon. Minister of Works and Transport: Can the Minister advise on how soon the Government will determine the legality of the operations of Uber service in Trinidad and Tobago?

The Minister of Works and Transport (**Sen. The Hon. Rohan Sinanan):** Thank you, Madam President. Based on the advice given to the Ministry by its legal department, the service being offered by the company is not in keeping with the legislative framework of Trinidad and Tobago to operate such a service. We therefore ask citizens to be cognizant of this fact before considering utilizing the service offered by the company. Thank you.

Sen. Mark: Could the hon. Minister indicate to us whether this legal advice obtained through his Ministry has been formally communicated to the agents of Uber service in the Republic of Trinidad and Tobago, so they can cease and desist on this matter?

Sen. The Hon. R. Sinanan: Thank you, Madam President. We are formulating the advice, however a letter has gone out already to the parties involved and we are seeking a meeting with them tomorrow, where full particulars will be laid out and further advice will be given.

Sen. Mark: So Minister, could you again indicate to the population—because my information is that at 11.00 p.m. last evening some app was turned on, so it is exposed to the population. So what other means would you be taking to alert the population of this illegal service that is currently being provided by Uber service?

Sen. The Hon. R. Sinanan: Madam President, I do not know if the hon. Sen. Wade Mark had listened to the radio and the television. The Ministry did put out a press release yesterday evening and clearly identified all the concerns that we had, and we gave some advice to the population as to how we are going to treat with this and what concerns the population should have with this service. As I said again, tomorrow we are meeting with the parties involved and then we will again put another statement out as to the way forward with the concerns. [*Desk thumping*]

Cedros Farmers
(Pipe-borne Water Supply)

Sen. Wade Mark: To the hon. Minister of Public Utilities: In light of the recent fiery protests by farmers in Cedros and the impending dry season, what urgent

measures are being taken to assist them in obtaining a pipe-borne supply of water?

The Minister of Public Utilities (**Hon. Fitzgerald Hinds):** Thank you very much, Madam President. This matter developed a few hours ago. It is well known to us in Trinidad and Tobago that the agency responsible for the provision of this essential service is the Water and Sewerage Authority. They are on the job conducting an assessment of the problem or problems and they have been mandated to treat promptly with the concern as expressed by the farmers. In the meantime, since there might be persons in residential occupation affected, WASA has been mandated to improve its delivery of truck-borne service to these people, as far as is practical. Thank you.

Sen. Mark: I do not know if the hon. Minister is aware that the farmers have been clamouring for some time now for a certain main to be established, so in this dry season they can have a regular water supply for agricultural purposes. In that context would you be able to inform this House whether that request that has been made by the farmers would be satisfied by the Water and Sewerage Authority, so that the farmers can get a regular supply of water?

Hon. F. Hinds: Madam President, the only context that I am immediately aware of is the fact that this matter developed this morning. Reference has been made of course to the Water and Sewerage Authority, who are looking at the situation and they will treat with the matter with "promptitude".

ORAL ANSWERS TO QUESTIONS

The Minister of Trade and Industry (**Sen. The Hon. Paula Gopee-Scoon):** Madam President, Government will answer question 13. We are, however, asking for a deferral of one week for questions 14 and 15.

The following question stood on the Order Paper in the name of Sen. Wade Mark:

Road Deaths
(Efforts to Curb Increase)

15. In light of six (6) road deaths occurring in less than four days immediately prior to September 23, 2016, can the Minister state what is being done to curb such deaths?

Question, by leave, deferred.

Penal Water Treatment Plant
(Vermin Infestation)

13. Sen. Wade Mark asked the hon. Minister of Public Utilities:

What has the Ministry done to address the problem of a rat and vermin infestation at the water purification treatment plant at Syne Village, Penal?

The Minister of Public Utilities (Hon. Fitzgerald Hinds): In mid-August of 2016, the existence of rodents and rats on the compound of the Penal Water Treatment Plant was reported. In order to address this issue and remove any possible reasons for the presence of these creatures, the Water and Sewerage Authority implemented a number of measures, including baiting, in which circumstance, poison was placed at strategic locations on the compound. The garbage bin was replaced. All access points to the container were sealed. All unusable items were disposed of or discarded, and the container and the offices located on the site were sanitized.

The compound was as well visited by the Ministry of Health personnel on October 03, 2016, and there were no signs of rodents at the time of that visit. The compound of the Penal Water Treatment Plant was re-baited and the Ministry of Health personnel are scheduled to revisit and conduct further assessment of the premises on—well they were, and conducted further assessment of the premises on October 10, 2016. It appears, Madam President, that the problem has since been thoroughly resolved.

Sen. Gopee-Scoon: Is it okay, Madam President, if I ask that question 14 be now answered?

Madam President: Hon. Senators, it seems that question 15 will be deferred for one week and Sen. Mark you may pose your question 14.

Sen. Mark: I hope that question 15 will now be answered shortly.

Southern Main Road La Brea
(Completion of Works)

14. Sen. Wade Mark asked the hon. Minister of Works and Transport:

What steps has the Ministry taken to ensure the completion of the works along the Southern Main Road in La Brea, in light of the threats by workers to abandon said project?

The Minister of Works and Transport (**Sen. The Hon. Rohan Sinanan):** Thank you, Madam President. The work along the Southern Main Road, La Brea, in the vicinity of the Pitch Lake commenced on July 19, 2016 and was completed on October 30, 2016, on time and within budget.

The threat referred to was a one-day protest which was addressed by increasing the number of police officers on the site during the working hours and did not hamper the project completion. Thank you. [*Desk thumping*]

DEFINITE URGENT MATTER
(LEAVE)

Increase in Serious Crime
(Government's Failure to Address)

Sen. Gerald Ramdeen: 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 continued increase in murder and serious crimes, and provide to our citizens a safe and secure society which has resulted in the breakdown in law and order in our country, and the increase in the attacks upon our citizens, and more particularly our young persons.

The matter is definite because it pertains specifically to the failure of the Government to address the continued loss of lives of our citizens and the unprecedented increase in homicides.

It is definite because the fundamental and most basic duty of a government to the people that it governs is to provide safety and security to our citizens. Our citizens have been denied this basic right by this Government.

Today is the 17th day of the year and we have recorded 22 murders, and the number continues to increase as we speak. Overnight and this morning there were three more murders, bringing the number to 25. Of the 22 recorded homicides, it has been reported that not one person has been charged. With each passing day, the fear, anguish, hopelessness and despair of the citizens of our country increases and the Government seems oblivious to this fact. The matter is urgent because as a country we cannot continue to lose our citizens at a rate of more than one per day. It is urgent because the criminals are becoming more brave and brazen in their attacks upon our citizens.

On Friday last we lost one of our children, Rachael Ramkissoon, who was strangled to death. She was only 16. On Saturday the criminals took to the

highway and shot to death Balmatie Bachan, a passenger in a car along the Churchill Roosevelt Highway. There is no limit to the lawlessness and we are all at risk to the criminal element. As the lawlessness increases and the criminals become more fearless, our citizens are becoming more fearful and hopeless.

This matter is urgent because our cities, towns and villages are now under attack by predators, psychopaths, sociopaths and gangs who are daily becoming bold in their activities.

The matter is of public importance because there is no more important issue gripping our country today. It is of public importance because crime affects each and every one of us, and the loss to our country by the loss of life is immeasurable.

I beg to move, Madam President.

Madam President: Hon. Senators, I am not satisfied that the Motion as presented qualifies and therefore I do not approve the Motion.

MISCELLANEOUS PROVISIONS (MARRIAGE) BILL, 2016

Order read for resuming adjourned debate on question [January 11, 2017]:

That the Bill be now read a second time.

Question again proposed.

Madam President: Hon. Senators, we have had 11 speakers including the hon. Attorney General on this debate. I now invite the debate to be resumed.

Sen. Nadine Stewart: Thank you, Madam President. The pleasure is mine to stand before this House and the citizens of Trinidad and Tobago once again, to contribute to this Bill which I deem as critically important in this era of technology and modernity, the Miscellaneous Provisions (Marriage) Bill, 2016.

Just quickly, the Bill Essentials would have outlined all the amendments; I just want to go through one part quickly. The Marriage Act, Chap. 45:01 provides for marriages for minors, where a minor is defined as a person under 18 years. The Muslim Marriage and Divorce Act, the age of consent is 12 years for girls and 16 for boys; and the Hindu Marriage Act, the age of consent, 14 for girls and 18 for boys. The Orisha Marriage Act sets the age of consent at 16 years for females and 18 years for males.

I am particularly pleased, as I am relieved, that our Attorney General saw it most fitting at this time to bring this Bill at a time in Trinidad and Tobago, in the Caribbean and all over the world where there has been a public outcry and persons are asking for the raising of the legal age to 18 years.

According to the United Nations Population Fund, UNFPA, across the world as many of 14.2 million girls will marry before becoming adults annually. In developing countries, one in every three girls is married before reaching the age of 18. In Latin America and the Caribbean region, 18 per cent of girls 15 to 19 were married or in an informal union. Trinidad and Tobago and Guyana have been highlighted as countries where child marriages are most manifested in the Caribbean. These allowances have seen 747 brides and 15 bridegrooms under the age of 18 between 2005 and 2009. This is according to the Central Statistical Office of Trinidad and Tobago, 2013.

2.00 p.m.

Now, Madam President, before I get into the substance of my contribution I would just like to correct the record. Sen. Seetahal-Maraj, I think is his name, forgive me if I did not pronounce it right, he is not here today, but I am sure he is listening. But, in his contribution last week, and I just want to quote from his *Hansard* transcript, and that is dated January 11th.

> "Today—The Hindu women's group has rescinded from 18 and there is now another paper which is suggesting 16."

Now, Madam President, I am not sure where the hon. Senator retrieved that paper from. I am not even sure what he was reading from. But, I have here a release dated January 12th, 2017—I am sure it was not even 24 hours after the Senator's contribution—and this is from the Hindu Women's Organisation, and I read:

> "The Hindu Women's Organisation of Trinidad and Tobago…reiterate its call for the age of 18 to be established as the legal age of consent to marry with provisions for 16 to 18-year-olds under strict checks and balances."

As outlined further below.

> "In so doing, we seek to correct the misleading statement made by temporary Senator Basdeo Seetahal in the Senate debate on January 11,"—2017.
>
> "We have not rescinded our position, as he claimed."—[*Desk thumping*]—"Our final statement on the Marriage Acts of Trinidad and Tobago was submitted to the Attorney General's Office on 20th July, 2016."

Now, Madam President, I wish to state from the onset, and to make it crystal clear, that this issue of child marriage and the amendments, it is not a cultural issue, it is not a class issue, it is not a race issue, it is not a political issue, and it definitely is not a religious issue. This is not an attack on anyone's religion. This

is a human and a child rights issue [*Desk thumping*] where the first and main concern should always be the interest of the child, and this particular concern in my view it transcends any religious beliefs and practices.

Madam President, in Trinidad and Tobago the legal age of consent is 18 years, anyone below that age is not even allowed to exercise the democratic right of voting. The Children's Authority Act, Chap. 46:10 defines a child as:

"…a person under the age of eighteen years;"

Therefore, we cannot as a country continue to be inconsistent with our laws and facilitate actions that are harmful to children. Child marriage is a form of violence, specifically gender-based violence. To continue to allow child marriage is to say we are agreeing to the whole issue of child abuse. It takes away their right to live as children, and it ruins their childhood even as they proceed into adulthood as they are forced into submission and they are isolated from their peers.

Madam President, the concern here is, why should we as a nation continue a practice that has allowed girls to become brides and boys to become bridegrooms at an age where they cannot even give consent to sex? Because, we know in this country that anyone under the age of 18 years, if you engage in sexual intercourse with someone over the age it is called statutory rape. So, we are saying yes to statutory rape if we continue these laws to remain on our law books. [*Desk thumping*] The reproductive organs at that age are still developing, persons are not even prepared psychologically and emotionally to meet the demands of marriage. Some of the other Senators would have mentioned the adverse health outcomes to girls marrying young, which includes risk to the mother and child during pregnancy and childbirth. We talked about under-nutrition, we talked about late physical and cognitive development and a whole host of other things. Madam President, the International Center for Research on Women on the issue of:

"Violence and Child Marriage"—indicated that:

"Girls who marry before 18 are more likely to experience domestic violence than their peers that marry later.

Child brides often show signs symptomatic of sexual abuse…"

They show signs—"of sexual abuse and post-traumatic stress such as feelings of hopelessness, helplessness and severe depression."

Now, Madam President, I got married on New Year's Day at the age 30. [*Desk thumping*] I am 30 years, and the type of adjustments I would have had to

make, even now at 30, it is difficult. In no way that any 12, 13, 14, 15 year old is prepared for these circumstances. How on earth can we expect a child 12, 13, to fulfil these obligations and still be referred to as a child? I think this is insane. Marriage involves responsibilities, and it determines maturity at all levels, and this is what I remember when I was 12 years old. I would line up my dolls and I would stand in front of them and play teacher [*Laughter*] or I would be running around the village with all the other kids in the village falling down getting what you called "bobo" on your knee and your elbow and being told to get up and go again. Those are the memories that persons that are 12 and 13 should be having, not walking down the aisle to meet someone [*Desk thumping*] who is as old as mommy and daddy. Those are not the memories they should be having. And we have to understand marriage is not "dolly-house"; it is not pretend play; as I said before, marriage involves responsibilities, it involves maturity and a certain level of commitment.

Madam President, the international conventions prohibit child marriage and define 18 as the age of adulthood. These laws are based on the argument that children and adolescents are not mature enough to make choices about marriage, and marrying them too young can cause emotional, physical and psychological harm. Now, developmental experts have said, specifically for girls, that it stunts their educational opportunities and income earning prospects, and sometimes it perpetuates poverty in communities worldwide, inhibiting progress towards national and global developmental goals and threatening stability. The truth is, that once children miss that educational attainment during their critical years, that sometimes sets the stage for the rest of their lives. Now, Trinidad and Tobago, we are one of the few countries where education is free up to the tertiary level. There are countless programmes available that are free for children who are not academically inclined, because the research suggested that poorer countries blame a lack of education or opportunities for girls as a reason for entering child marriage.

Madam President, we in Trinidad and Tobago we have no excuse, education is free and it is always available for those seeking to gain access. I want to spend just a little while looking at the psychological aspect, and a psychoanalyst Erik Erikson, he proposed a psychoanalytic theory of psychosocial development comprising eight stages, spanning from infancy to adulthood, and during each stage the person experiences a psychosocial crisis which could have either a positive or a negative outcome for personality development. And I want to focus specifically on the fifth stage of Erikson's theory which is identity versus role confusion, it occurs during adolescence, from about 12 to 18 years old, which is during the same age that these child brides and grooms get married.

Now, during this stage adolescents search for a sense of self and personal identity through an intense exploration of personal values, beliefs and goals. The adolescent mind is essentially a mind or a moratorium, a psychological stage between childhood and adulthood, and between the morality learned by the child and the ethics to be developed by the adult. During adolescence the transition from childhood to adulthood is most important, children are becoming more independent, they are beginning to look at families, relationships, they are looking at careers and that sort of thing, housing. The individual wants to belong and they want to fit in. According to B 1992, what should happen at the end of this stage, that is on the completion of the identity versus role confusion stage, is a reintegrated sense of self of what one wants to do or what one wants to be. During this period they explore possibilities and they begin to form their own identity based upon the outcome of their explorations.

Now a failure to establish a sense of identity within society can lead to role confusion. In response to role confusion or identity crisis, an adolescent may begin to experiment with different lifestyles, so they would be looking at different jobs, they would be looking at different educational prospect or political activities. But, what is most important to mention, it is at this stage that pressuring someone into an identity can result in rebellion or the re-establishing of a negative identity, and in addition to this feeling, there is a feeling of unhappiness. And, this is what can be experienced when children are instructed, or children are signed on to be married at this age, and particularly during this age of development. Further to that, Madam President, the journal of paediatrics has found that girls under 18 years who get married are more likely to experience mental health problems, anxiety, bipolar disorders and they are more likely to become dependent on alcohol drugs and nicotine. And these are some of the psychological effects experienced by these child brides, some may manifest and others may not.

Madam President, I want to touch a bit on the Sustainable Development Goals Agenda 2030, and if we intend to achieve these goals, why ending child marriage is of utmost importance. We have learned a lot since the Millennium Development Goals, so we have an understanding of how big the problem of child marriage is and how it undermines so many of our efforts to improve the well-being of millions. If we look at Goal 5, for example, that speaks to promoting gender equality, we must ask ourselves, how can we empower women when so many girls are married off and denied their rights to health, denied their rights to education, and denied their rights to a life free from exploitation? In terms of education, if we focus on nurturing and raising a family, educational attainment is nowhere on the agenda, and this in turn affects efforts to ensure there is no

poverty, which is Goal 1. Since child brides miss out on that educational and economic opportunity needed to uplift themselves and their families out of poverty. So, Madam President, ending all child early and forced marriages will assist in the world's efforts towards developing the SDGs highlighted, specifically on poverty, education, gender equality, and more than that, all the goals of the 2030 Agenda.

Madam President, though child marriages involve young boys in some countries, it is invariably girls rather than boys who are forced into marriage at an early age when they are incapable of expressing consent. Now the World Health Organization highlighted the complex range of negative impacts including obstructed labour which causes conditions such as fistula or leaking urine that results in further isolation and rejection of the girl. UNICEF and the international human rights law have declared that these negative impacts that have led to child marriages are being described as a harmful practice. In Trinidad and Tobago, UNICEF also indicated that 8 per cent of girls in Trinidad and Tobago get married before the age of 18, and persons are urging that countries can and should do more to stop child marriage by establishing better legal protections and removing exceptions to the legal age of marriage. Some countries in the region have already made progress. For example we have The Bahamas, Belize, Haiti, we have Jamaica, they have both legally prohibited child marriage and established penalties. We have other countries outside of the region that have recently made headway; the women business and the law found that between 2013 and 2015 five countries: Egypt, India, Kenya, Sweden, Vietnam, they set the legal age of marriage at 18 for girls; removed all exceptions, prohibited child marriage and established penalties.

Madam President, Latin America and the Caribbean is the only region where child marriage is not on the decline. No significant change has been observed in child marriage rate over the last 30 years, and of course that is according to UNICEF 2014. Current estimates vary widely between and within countries and among rural and indigenous groups. The highest prevalence rates can be observed in the Dominican Republic, 37 per cent; Brazil, 36 per cent; Mexico, 23 per cent; and in Central American countries such as Nicaragua, 41 per cent; Honduras, 34 per cent; and Guatemala, 30 per cent.

Now, Madam President, this country, Trinidad and Tobago, is a signatory to the Convention on the Rights of the Child, and I am pleased that this Government has decided to fall in line with the United Nations Conventions, where we signed to protect our children from harm and abuse, and to look out for their best interest.

So, we are obligated to ensure that our children are allowed to develop physically, that they are allowed to develop emotionally, intellectually, and to reach their fullest potential. We are mandated to protect them from harmful influences, abuse, and exploitation. And when we look at the basic human rights of children they must have a right to parents, an identity, the need for food, education, health care, freedom from discrimination, amongst other characteristics.

And it is very commendable that the women of the Hindu Women's Organisation in Trinidad and Tobago have come out and are calling for change. The National Muslim Women's Organisation of Trinidad and Tobago, the Young Women's Christian Association of Trinidad and Tobago. Madam President, various religious leaders and other interest groups; it is a whole host. Coming out of Tobago we have the Pink Diamond Society for Ladies Incorporated, of which I am a member. And, as a responsible Government, we have heeded to that call, and it is our intention to end child marriages by raising the marriage age and to end it now. [*Desk thumping*]

So, we salute all the individuals, and the organizations, and other bodies advocating for children, and defending human rights. Now, going through my research I came across two articles that I would like to highlight today as we discuss this Bill. The first is titled:

> "Child bride, 13, dies of internal injuries four days after arranged marriage in Yemen"

And this was retrieved from dailymail.co.uk, and I will just read briefly:

> "A 13-year-old Yemeni girl died of internal injuries four days after a family-arranged marriage to a man almost twice her age, a human rights group said.
>
> The Yemeni rights group said the girl was married off in an agreement between two men to marry each other's sisters to avoid having to pay expensive bride prices.
>
> The practice of marrying young girls is widespread in Yemen and drew the attention of international rights groups seeking to pressure the government to outlaw child marriages."

The second article came from right here in Trinidad and Tobago. It came out of the *Daily Express*, dated June 2nd 2016, and it is titled:

> "My Life As a Child Bride"

And I quote:

> "'I wish I could go back in time and live my life all over again, change the abuse and stress I went through.'
>
> With tears flowing freely, 44-year-old mother of 14, Maria Jadoo-Villafana uttered these words of regret and pain yesterday, as she recounted the hardship she faced after being married at the tender age of nine under Hindu rites.
>
> As public debate rages on the issue of child marriages, the Guaico, Tamana, resident was moved to tell her story of meeting her husband as early as five years old, getting pregnant at 11, her many miscarriages and even during the pain of losing three children."

Meeting her husband at five, and I quote again:

> "'When I was five years old, I was first introduced to my husband. It's a Hindu tradition that they marry you at nine years old, but you don't stay with your husband. You both live with your own families in separate houses and when you reach…14 you both live together and start having sex and making children,' she explained."

And this article, Madam President, can be retrieved. As I said it is dated June 2nd 2016, from the *Trinidad Express*. These are real life experiences of persons who have gone through this child marriage and the torture as highlighted that they endured during these years, and I am sure it will leave a scar, be it physical or emotional.

So, Madam President, as I seek to end my discourse, I say to Trinidad and Tobago that this is our once in a generation opportunity to change the face of global development [*Desk thumping*] by supporting these amendments, and as a country we should make the most of it. We have the unique opportunity to act on this momentum and accelerate our efforts to help change the lives of children in our country and all over the world. And I wish to reiterate in my support for these amendments, that marriage takes responsibility, it takes resources, it takes commitment, and it must be entered into only when two people are mentally and physically matured enough to go along that journey. Let us say no to children being robbed of their childhood, their health, their education, and their aspirations. Madam President, these laws should not be allowed to remain in Trinidad and Tobago, and as we seek to be a progressive society these laws should be removed from our law books.

Madam President, I thank you for the opportunity, and I fully support these amendments. [*Desk thumping*]

Sen. Wade Mark: Thank you very much, Madam President. First of all, I would like to say that I am extremely happy, honoured and privileged to intervene and to make my contribution to this very important and historic debate, which deals with an Act to amend several Acts; that is marriage and matrimonial proceedings, among others, and to literally establish what one can call a benchmark, a standard age to contract marriage in the Republic of Trinidad and Tobago.

Let me also say from the outset that the United National Congress' position on this entire matter of rights and the emancipation of women, girls and boys would have been clearly articulated and advanced by our party's political leader, former Prime Minister, now Leader of the Opposition, the hon. Kamla Persad-Bissessar. This would have been articulated in a statement issued on May the 20th 2016. [*Interruption*] Can I—

Madam President: Please!

Sen. W. Mark: As a democratic people's issues centred organization we open our doors to all to enter. [*Interruption*] I am getting this howling sound.

Madam President: Continue, Sen. Mark.

Sen. W. Mark: Yes, open our doors to all, Madam President. And we feel it is a sense of disrespect, contempt, literally contumely when, for instance, views are expressed by others which we do not agree with, and we use what I would like to describe—and we issue, not only use, but we disrespect by our utterances the views of those individuals who we do not happen to agree with, Madam President.

I want to say that the decision of the United National Congress to facilitate the views of powerful organizations in this country is a position we have taken in the past, [*Interruption*] we have taken it in the present, and we shall take it in the future. That is the position of the party, where we allow—[*Interruption*]

Madam President: Could we please listen to the Senator in silence. Continue, Sen. Mark.

Sen. W. Mark: Yes. Madam President, so that is our position. We will always allow different views to flourish, and this is what we are about in spite of all the noises that may be coming from the other side. [*Interruption*] Madam President, could you allow some peace in this Chamber, and protect me from this lady next door?

Hon. Senator: Lady?

Sen. W. Mark: Senator.

Madam President: Sen. Mark.

Sen. W. Mark: Senator.

Madam President: Sen. Mark!

Sen. W. Mark: Sen. Baptiste-Primus.

Madam President: Sen. Mark!

Sen. W. Mark: Yes.

Madam President: You can seek my protection. That is fine. But please, in reference to your colleagues in this Chamber, please use the appropriate—

Sen. W. Mark: I apologize.

Madam President: Yes. Please, let me ask that we listen to the contribution in silence. Continue, Sen. Mark.

Sen. W. Mark: Yes. So, Madam President, in spite of, as I said, different views, we have to respect the Constitution. We have to respect the rights of citizens enshrined in the Constitution. And, as I said, even though we may disagree with the views of citizens in the country, we must respect and demonstrate what I call civil civility, dignity, and courtesy towards all.

I want to make it very, very clear that the hon. Leader of the Opposition, and I want to take the time, Madam President, with your leave, to put on the parliamentary record so that there will be no equivocation and ambiguity when it comes to the United National Congress—none! I want to quote a statement issued by the hon. Kamla Persad-Bissessar on May the 20th 2016. I would not read the entire thing, just excerpts and extracts for purposes of not boring you. First of all, the issue is that of child marriage, and the current position which it is permitted by law for children to be married at from the age of 12 years old. Our clear position is that it must not be allowed by law. It must not be seen as right, or permissible by society, whether by tradition, or circumstances, and it must not be allowed to continue.

Madam President, I want to continue the statement. As the parliamentary Opposition and representatives of the people's issues affecting the nation, it is our intention to renew the process of consultation which was started under the administration of the hon. Kamla Persad-Bissessar to ensure that this position—this position—becomes adopted by us, not only as a social position, but also as a position supported by statute.

2.30 p.m.

As you will recall, we commenced this process as a Government. It was not the PNM who started this exercise. It was the United National Congress as part of a partnership government that started this process. [*Desk thumping*] So I do not want the PNM to give the country the impression that they have started this exercise, Madam President. We lost office and they are continuing, they have continued.

So I do not want anybody to assume that this thing started with the arrival of the Attorney General or the Minister of Labour and Small Enterprise Development. Okay.

Sen. Baptiste-Primus: We are finishing it.

Sen. W. Mark: Thank you. So, Madam President, it is our intention, I continue, to renew the process of consultation, to ensure that this position becomes adopted by us, not only as a social position but also as a position supported by statute. And you will recall, we commenced this process as a Government because it is an issue that so deeply affects large sections of the national community. We appreciated that a great deal of effort, detail and listening had to take place, and the Opposition, therefore, formally renew its position against child marriage and renew its commitment to continue the process of ending this practice. And we went on to say that the issue is not sufficient in itself to protect and empower our children, which I will have to say more as I proceed.

May I also say, Madam President, the final area I would like to address before I continue. The Government must make it a priority to ensure the Children's Authority is provided with the resources it requires to protect our children. There must be no accommodation for statutory rape and we must enact and enforce laws against having sex under the age of 18. So let me make it very clear to all, that the United National Congress, as it relates to contract to marriage, is committed to what the Attorney General put in the legislation as 18 years and over. So I want to make that position abundantly clear, 18 years and over.

But, Madam President, we are conscious of the reality, standards are one thing, reality is quite another. We have to look at the reality of Trinidad and Tobago. And when we examine the reality of T&T, we recognized, and based on research that we have done, there are over 150 countries in the world that have rectified and domesticated, to some extent, the Convention on the Rights of the Child and they have to report, periodically I should say, to a Committee of the

United Nations on the Rights of the Child. And the reports that are emerging is that whilst they all agreed, most of them, the majority of them, that the age should be 18 in accordance with the Convention on the Rights of the Child, they have also taken exceptions.

And one of those, Madam President, that we are proposing as our position, contract to marriage, 18 years, but we have an exception. With the consent of the parents, with the consent of a judge, with the involvement of the child and with the provision of Legal Aid if they do not have the means, children between 16 and under 18 must be given that right once there is parental consent, once there is judicial involvement, once there is counselling involved, once there is—the child must have a say, because the child has rights. And, Madam President, most importantly, we must ensure that parents who do not have the capacity, financially, they must be given that opportunity through Legal Aid in order to access the courts and to pay their bills.

So let us have that clearly understood by all and sundry, that the United National Congress is for 18 years and over as proposed by the Attorney General in the law that is before this honourable Senate. [*Desk thumping*] Let us understand that. And we are saying also, Madam President, that we are going further. We are calling on the Attorney General to consider an exception, 16 and under 18 in exceptional circumstances where the parents are involved, the child is involved, the judge is involved, counselling services are given and legal aid is provided depending on the capacity and ability of that individual and parents and so on, to finance their way. And that to my mind is a reasonable position being advanced by the United National Congress, a reasonable position.

We therefore want to say, Madam President, that the Attorney General, the distinguished hon. Attorney General, last week made a promise. It may have slipped him because I know he is very, very busy these days. I understand that you were at the opening of the new Movie Towne last night. So you work very hard.

Madam President: Sen. Mark, speak to me, please.

Sen. W. Mark: Sorry, Madam.

Madam President: Yes.

Sen. W. Mark: You know I always like to speak to you.

Madam President: And, yes, let us keep on talking.

Sen. W. Mark: I am speaking to you Ma'am. [*Crosstalk*]

Madam President: Thank you.

Sen. W. Mark: Would you allow me some freedom. This lady wants to imprison me, you know. Sorry, this Senator rather. [*Crosstalk*]

Sen. Baptiste-Primus: I am awfully sorry, Madam President.

Madam President: Continue, Sen. Mark.

Sen. W. Mark: I think you need to put out her out, you know. So, Madam President, as we are on this subject we look at the exception, but we have to look at the reality. My colleague who is not here, but I want to go back to the Attorney General, the Attorney General you made a promise last week. You brought some statistics to this honourable Senate. You said you got it from the Registrar General's Office. It was a bit late and you made a promise that you will make it available to us. I ask you a week later, could you make it available to us today. We have not seen it. You did make that commitment and I know you are an honourable man. So you should make that document available to us so we can properly understand this situation based on what you have advanced.

Madam President, there are several other areas—I want to tell the Attorney General that when the hon. Leader of the Opposition made reference to consultation and the continuing of the dialogue, because there is need for us to listen, because this is a very challenging area. I want the Attorney General to understand and I am hearing my good friend, Sen. The Hon. Clarence Rambharat, I hear the Attorney General, I heard him rather saying some time ago, either on television or in the newspapers, that whether the Bill requires a special majority or not it is debatable. Let us be real.

The Government and so on brought a Bill to this Parliament that says, because it is going to impact on religious rights, whether my friend from Tobago, Sen. Nadine Stewart wishes to recognize it or not, the reality is that when you get married you get married under religious rights. Let us face that reality. You go to church, because I went to church too, like you, and the priest has to administer. So it is religious related. So the point about it is that the church, whether it is the Catholic Church, the Christian Churches, whether it is the Hindus, whether it is the Muslims, the Orisha, they are all involved in this matter. And I want to appeal to the Attorney General, I do not think sanctions are going to be imposed on T&T if we do not pass this Bill tomorrow. It is better that you take some time as far as it is practically possible, but not a long, long, time, and have this matter referred to a body that is well established under our Standing Orders, so that there can be the airing of the views of different organizations and individual interest groups.

My information, Madam President, is that whilst the Attorney General is correct that there were some consultations that he held and he had a lot of people and the place was overflowing, when you bring legislation that is impacting on four essential groupings in the country, you are talking about the Christians, you are talking about the Muslims, you are talking about the Hindus and you are talking about the Orishas, you need to give these organizations a special place in your consultation. You need to let them feel that their views are being properly considered by the Attorney General. You cannot bring them in an audience, packed with a number of civil organizations, and give them an opportunity to be consulted.

And I want to let you know as well, Madam President, that the Executive does not control the Parliament. The Parliament is independent of the Executive and as lawmakers whilst we appreciate the consultation that the Executive arm of the State may have had, those consultation do not represent the views of lawmakers in this country. And therefore lawmakers have the right if we think it is necessary to have further consultation, because I want to tell you, Madam President, it is a dangerous thing to use power whimsically, capriciously and arbitrarily. Not because you have power and you have the majority or you believe you will get the majority, you just bring down the hammer on the heads of people and you say, away with the Hindus, away with the Muslims, away with the Orishas, away with the Christians. You have to respect everybody's views. And our views here today are our views.

It is not the Muslim views; it is not the Hindu views; it is not the Orisha views. They may reject our views but that is the views of the United National Congress. But at the same time, Madam President, we must be able to call in those interest groups that feel a sense of disrespect and therefore I am appealing to the Attorney General that you should have this matter referred, even if you allocate a three-month period or a six-month period for hearings and so on, and make sure at the end of the day this Bill has a happy compromise and a happy acceptance by all the religious bodies in our country along with the Civil Society Organizations. Do not just foist things on the people.

Madam President, we live in a multi-ethnic, multi-religious, multi-cultural society, and you do not want to fracture that. You do not want to put strain on that. You do not want to destabilize that and whatever we do we must do it in a way where you show respect for those organizations. [*Desk thumping*] Show respect and my information is that the Muslim organizations only got an opportunity to raise their issues last week Thursday from between 11.00 a.m. and 2.00 p.m. at the AG's office, because the AG was not there, he was in Cabinet.

And up to now as we speak, the Maha Sabha has not been called in as an individual organization. [*Crosstalk*] No, no, "it have faith consultation and it have meaningful consultation and it have genuine consultation". You do not debate those matters.

But, Madam President, all I can tell you if the Government wishes to railroad their way and they want to ignore what we are saying, because they have the majority in this place as they have done on so many occasions, I say let them go. You go ahead, railroad. You could ignore all our amendments. You could throw it out the window because you have the majority. You feel so confident that your Bill will pass you ignore us, we "doh" matter. We may not matter in the Senate as you have done with the SSA, we do not matter in the Senate.

Sen. Baptiste-Primus: That is why you are across there.

Sen. Cumberbatch: Oh really! Oh really! Please!

Sen. W. Mark: Madam President, we would like to advance to—you know, Dr. Williams used to say when people like this hon. Senator speaks, to let them do what, but I would not say what Dr. Williams used to say.

Madam President, I want to also share with the Attorney General some of our additional concerns. We have looked at this Bill carefully and we find the fines and the terms of imprisonment draconian, oppressive and excessive. And we call on the Attorney General to revisit those things and sit down and deal with sentencing—not sentencing, when you are going to deal with these kinds of sanctions and penalties, think them through properly. Fifty thousand dollars or seven years in jail, and as Sen. Chote said, it is both summary in some parts and indictable in other parts because the Attorney General believes this thing is so criminal an event. This is a family affair. This is a family affair.

So, Madam President, I am calling on the Attorney General to revisit those excessive fines as well as the sentences. And I want you to also recognize, Madam President, that the Attorney General in his wisdom, I do not know if he does not like to account to Parliament, but I want to let him know you have to account. You are not the Parliament. The Government is not the Parliament. The Executive is not the Parliament. In fact, the Executive is collectively accountable to the Parliament. So we noticed, Madam President, in several sections of the four Acts that are being amended, the Marriage Act, the Hindu Marriage Act, the Muslim Marriage and Divorce Act and the Orisha Marriage Act, the Minister, and I say the Minister happens to be the hon. Attorney General, with the help of the Registrar General will operationalize through regulations once the measure is

passed. But you know what they will do, Madam President, they will sit in a room, in the AG's office, make decisions for thousands and thousands of citizens, whether they be Catholics/Christians, whether they be Muslims or Hindu or Orisha and then simply table those regulations in the Parliament.

Madam President, we are totally opposed to that. We are saying make your regulations but have those regulations be subject to an affirmative resolution of the both Houses of Parliament. We want to see those regulations. And, Madam President, insofar as the rights of people are concerned, people's rights are being infringed by this particular legislation, that is why they brought in sections 4 and 5 and they said they need a three-fifths majority. I understand people already threatening to take this matter to court, you know.

Hon. Senator: The children.

Sen. W. Mark: Yes, they are threatening because they are saying that they have not been properly, this matter has not been properly addressed by the Attorney General. So we are telling the Attorney General and his Government that this issue of regulations—and, Madam President, if I may, I found it very curious and I want to ask the Attorney General in the Muslim Marriage and Divorce Act, I think it is clause 26 of this Act, I find it very strange that in this Act there is a provision that deals with the regulations, I think. And the Minister apparently has removed, for some inexplicable reason, that provision that deals with an affirmative resolution and I want him to explain to us why he has chosen to scuttle that particular provision. So this provision was in the legislation—[I*nterruption*]

Hon. Al-Rawi: Nobody has it.

Sen. W. Mark: Yes, but it does not matter. It is in the legislation and you have now deleted it from the legislation. So, Madam President, we are calling on the Attorney General to reconsider his position on this deletion of having the regulations simply laid in the Parliament. We are saying that those regulations should be subject to an affirmative resolution of both Houses of Parliament.

Madam President, in the hon. Leader of the Opposition, the Leader's submission, mention was made of the need to protect and empower our children. You know we will pass legislation to bring the minimum age or the age to contract marriage to 18 years. And that would be a big accomplishment. But what is the reality in Trinidad and Tobago? Even Sen. The Hon. Rohan Sinanan in his contribution said last week that the Government of T&T will be taking urgent actions and measures to deal with teenage pregnancy in this land. Somebody

could tell me if I am wrong. But we understand that in this country, today, 2,500 teenagers under 18 years of age get pregnant every year. The rapist involved in this, because they are raping children under 18 and the law says it is a crime to rape children outside of the Romeo clause, 18 to 20 of the Children's Act.

Hon. Al-Rawi: The Romeo clause does not permit rape. You have to have consent.

Sen. W. Mark: What I am saying to the hon. Attorney General, what are you doing about what is happening to our children? [*Desk thumping*] That is what you have to answer. What kind of facilities, Madam President, are being constructed by the Government of this country to protect our children? Children are sexually active between the ages of 12 and 14, 12 and 13 in this country. Children are becoming pregnant without even being married in this country. They are pregnant. You cannot stop that. Could you stop that? I do not know. I believe that if you begin to look at introducing, in consultation with various organizations, family life, sex education, reproductive life, in the school system, introduce new values as Pastor Dottin indicated, temporary Sen. Pastor Dottin, talked about new values in the country, respect, honesty, decency, integrity, [*Desk thumping*] you have to imbibe and inculcate these values into our children, Madam President. What is the Government doing? Even the AG admitted last week that even though abortions are illegal in this country, so many abortions are taking place in this country.

Madam President, somebody has estimated roughly that there could be as much as 20,000 unofficial abortions in T&T every year. But I have not heard any word from the Attorney General and his Government as to what their policy position is on abortions. They are very quiet on this matter. Is the Government committed to legalizing abortions in Trinidad and Tobago? We do not know. You do not have a position on that. What! You are opposed to it?

Hon. Al-Rawi: Unlawful.

Sen. W. Mark: Yeah, we know it is unlawful, but you are now in charge, Madam President. We know it is unlawful, but you are now in charge. The hon. Attorney General has come here and made an argument why we must support 18 years and over and he has brought all kinds of statistics to support his position. And he has also in a very, maybe, unintentional way provide us with information on the state of our young people in this country today and what is happening to our children. The very children that we are saying ought not to be married at 12 years of age or 13 years or 14 years, they are becoming pregnant. When they

become pregnant what do you do with them? What do you do with those pregnant children? You say do not marry, so what you want them to do, live in common union? That is illegal too.

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

Sen. W. Mark: Thanks, Madam. You have a cohabitational Act which allows property to be inherited if you live in a common-law union. What do you want them to do, Madam President? Take the child and let the mother mind the child at home? Or do you have the child and then put up that child for adoption or do you want them to abort—or have abortion? These are real questions confronting the society, Madam President. We are talking about protecting the children.

So it is one thing to say age to contract for marriage is 18 and we pass it, it becomes law. What happens on a daily basis to those children who are becoming pregnant every day in this land? [*Desk thumping*] What kind of protection are you giving them?

Madam President, the resources given to the Children's Authority is 50 per cent what they need. So the Government is underfunding the Children's Authority. But you come here in a most hypocritical way—[*Interruption*]

Madam President: No, Sen. Mark, please language.

Sen. W. Mark: Sorry. Language.

Madam President: No, no, Sen. Mark—

Sen. W. Mark: Language.

Madam President: Yes, language, all right.

Sen. W. Mark: I thought I was speaking English. Okay.

Madam President: Sen. Mark, sarcasm. Please modify your language. You are going into unparliamentary language at this stage.

Sen. W. Mark: I am guided by your ruling.

Madam President: Thank you.

Sen. W. Mark: I am guided by your ruling. What I am asking is that you cannot be blowing hot and blowing cold at the same time. That is what I am saying, Madam President. You cannot be saying that you are for this but on the other hand you are doing nothing for the children to protect them in this country and I am calling on the Attorney General and his Government, Madam President, if you are serious about protecting children give more resources to the Children's

Authority, do something about teenage pregnancy in this country. That is what you have to deal with. These are some of the real issues that are confronting our people and our children in this nation at this time.

So let me reiterate in closing, I want to make it abundantly clear to all and sundry, the United National Congress is committed to 18 years as it relates to contract marriages in this country. So let us make that clear in closing. We recognize we live in the real world, we do not live in a dream world; we do not live in cocoons, Madam President, we live in the real world, we call for exceptions. So we call on the Attorney General, 16 years, 17 years, under 18 years they become pregnant, some challenge emerges, parental consent, Madam President, judicial intervention, counselling and we also say Legal Aid and the child must be centre of this whole event because they have a right, they have a view and they have an option and they must be heard.

3.00 p.m.

So I think that our position is now incandescently clear. Anybody who had trouble with our position before, they are now clear in their mind and it is now up to the Attorney General to give consideration to some of our views and, as I said, if he wants to ignore us, he can do that. We will take to the streets; we will tell the country what our position was and the Attorney General and the Government rejected it. And in those circumstances, whatever happens at the end of the day to the Bill, we take no responsibility for it. What we can tell you is that we are with the Attorney General and the Government as it relates to advancing the rights of the children and making sure that 18 years is accomplished, but we are saying there are realities in this country, deal with them.

Madam President, I want to thank you for giving me this opportunity to intervene to make my contribution on behalf of the United National Congress and to put our position squarely on the table so that no one will distort our position from today. They will know what we stand for, what we are committed to and, therefore, in moving forward, we are prepared to assist the Government, through a joint select committee, by bringing all these interest groups together so you can get them to air their views. Let them advance their interest and at the end of the day whatever we decide it will be the lawmakers deciding.

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

Madam President: Sen. Mahabir. [*Desk thumping*]

Sen. Dr. Dhanayshar Mahabir: Thank you very much, Madam President. Madam President, first let me say that if two 20-year-old Trinidadians and

Tobagonians come to me and they indicate to me that they would like to get married—what is my opinion? I will ask them to reconsider and I will indicate to them that marriage requires a tremendous amount of resources and I understand the need to be together, but could you not accumulate some resources, work for a couple of years, save some money, because as you get married you need to buy everything, and without money your marriage may, in fact, find itself in a difficult situation.

Madam President, this is, in my career as a public figure, perhaps the hardest debate that I have had to prepare for, and the reason is that I have found myself agreeing with everybody, and yet I must make a decision. I agree with the hon. Attorney General. On the last day Sen. Samuel asked two questions. The first was: why 18? For me, that was an easy question to answer. But he asked a second question that in trying to answer that question I had to listen to the religious leaders in our presence last week—Sen. Maulana Mohammed and Pundit Maharaj, together with Sen. Samuel and my own representative of the religion bodies on the bench, Sen. Pastor Dottin. But I also had to look at jurisdictions outside Trinidad and Tobago and in trying to answer that question posed by—the second question posed by Sen Samuel—I even had to go to West Africa. So you may find me, Madam President, going all over, but I want to assure this honourable Senate that I am coming to a point.

Madam President, first let me provide a justification in my mind for the question posed by Sen. Samuel on, why 18? I think that 18 is chosen because at age 18, as a society—and societies across the world hold the view that an individual, on his own volition, should at least have completed high school—a certain number of years of high school—and that will allow him to know better what he or she is getting into. And age 18, therefore, as the age of consent for individuals without asking anyone for their advice, their opinion or their assistance, seems to me the minimum age that we as a society can—because we want the marriage to succeed and we say you need a certain amount of years of education to do that.

Because, Madam President, under existing law we are saying that no one under 12, according to the Muslim Act, should marry. Everyone agrees that at least in a time past children should at least have completed primary school, completed Common Entrance, before you got into that situation. So there was no conflict, and there is no conflict in the society with age 12. There is some concern on what happens between 12 to 17. And so to answer Sen. Samuel's point—I gave it some thought, and I thought well, it is justifiable that we have, together with the rest of the world, the age of consent for individuals who are deemed to be adults to be 18.

But I think there is another mischief that the Attorney General wishes to solve, and I would like to stand firmly with the Attorney General in addressing that issue, and that is the concern also expressed by Sen. Stewart and all Members of this Chamber, that we have 45-year-old men marrying 14-year-old girls. I think that is mischievous and I would like to see that that situation is not continued. So that when, according to the Attorney General, he wishes the age of marriage to be 18, he is, I think, addressing that situation as well, and I want to support the Attorney General.

Madam President, there has been in this country a fair amount of dispute with the religious bodies. We have the Muslims, the Hindus—I have not really heard the Orisha voice—but the Hindus and the Muslims together hold the view that the status quo should not be changed. Madam President, I am surprised that I did not hear the Catholic voice, although we do not have a Catholic marriage law. But what we do have is something known as Canon Law, and Canon Law—Catholic Canon Law, existing in 2017, emanating from the Vatican to this day, and the Attorney General knows. According to Canon Law 1083, this is what it says:

> "A man before he has completed his sixteenth year of age and a woman before she has completed her fourteenth year of age cannot enter into"—what they call a licit marriage, or—"a valid marriage."

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

So we have—and the Attorney General is with me here—we have Catholic Canon Law which is a law of the Catholic Church, perhaps governing one billion people, according to church doctrine, and it is not correct to say that marriage can be seen independent of religion because it is only within recent times that, certainly in the American jurisdiction, to which I will come, that a marriage licence was necessary. The Church was responsible in the history of marriage to marry people. The State came in for property rights. The Attorney General and his team, of course, would know that greatly. But we have here, a point I want to make. Religious law or convention or practice is at variance with what the Attorney General states is in the interest of the society, and there is a conflict between the religious bodies and the State.

But, Mr. Vice-President, I have looked at this issue and what have I seen? I have seen, certainly independent of Canon Law, which is in existence in 2017, the Catholic Church in Trinidad and Tobago has been the pioneer in education of females. So the law says the licit marriage could be completed just after she has turned 14, but since the 1800s—I think somewhere in the 1860s—there was a

convent created by the Catholic Church in Trinidad and Tobago—St. Joseph's Convent, St. Joseph, the capital—to educate girls.

So the law says one thing but the Church itself was saying, "We would like the majority of our girls to go to that school, St. Joseph's, St. Joseph. My two daughters went to St. Joseph's, St. Joseph. So here it is, a Canon Law, which is the decree from the Vatican and the practice of the Catholic board with respect to pushing education.

I looked again, Mr. Vice-President, at the Hindus and the Muslims. The Hindu Marriage Act, passed somewhere in 1945—my parents were married under the Hindu Marriage Act. My mother was 15 and my father was 17. My father is a far more brilliant man than I am, and I "eh" so foolish, and he never got the opportunity. No one could talk about getting married at 16 in the Mahabir household. "You looking for serious, serious sanction." There would have been mayhem in that household, though you had two parents married in 1945 under that Act. And, incidentally, it was not registered by the State so Sen. Dhanayshar Mahabir, on his birth certificate, is deemed to be an illegitimate child, like Sen. Rambharat. In fact, if you look at my birth certificate you will always see, "Illegitimate". Up to now I have to swear to people. I was embarrassed in applying for my licence at age 17 and the marriage officer said, "Boy, you have no father". I said, "Yes, I do". "An de man embarrassing meh"—because I could not be Jesus, of course.

So this was the scenario in which we came. Mr. Vice-President, in 1945 the Hindu Marriage Act was passed. What did we see the largest Hindu organization do?—the Maha Sabha. Did they, in 1952, start to produce mandir after mandir so they will marry off the girls, "whabash, left, right and centre" as soon as they turn 14? The answer is no. In 1952, a few years after the Hindu Marriage Act, the Maha Sabha started with school after school after school, aiming to educate. And today, when the Maha Sabha schools secure national scholarships, the religious leaders who want to keep the status quo are also at the same time beaming with pride, especially when something like a President's Medal is won. There is an inconsistency.

When, during our hearings in school violence—there was a public hearing; I think the report has been forwarded already to Parliament—we had the Muslim representatives. The Muslim representatives from the ASJA came with pride to tell us what they were doing to ensure that school violence is minimized in their domain.

So, Mr. Vice-President, when I look at religious law which permits marriage from as young as 12 to 18 for Hindu boys, and I see a practice of further education in these same communities since the Acts have been passed, I ask myself: are the religious leaders simply being obstructionist? Because you cannot, on the one hand, pursue education for all your members and at the same time invoke the Marriage Act, at the same time. It is inconsistent behaviour. Incidentally, Mr. Vice-President, I am yet to meet a Hindu parent or a Muslim parent, or an Orisha parent who, the first thing they look at when the child turns 10, are these Marriage Acts. No, Mr. Vice-President. The first thing they look at is the *Express* and the *Guardian* practice test on how the child is going to fare in Common Entrance.

Mr. Vice-President, the second thing they speak to me about—and I meet people from across the country. The second thing is, they are concerned, not about the Marriage Acts, you know, they are concerned about whether the Government has the money to finance GATE. Sen. Nadine Stewart said she met somebody from Tamana. I want to meet that person, because in my entire life I am yet to meet a member of the Hindu, Muslim or Orisha whose first priority is marriage for the child. The first priority is education for the child.

So there is an inconsistency and I agonized, because it was not making sense to me. I will come back to it. I have to reconcile it. AG, I have to reconcile, through you, why is it that the religious leaders are arguing for this Act, the maintenance of the status quo, maintenance of age below 18 and at the same time they are pursuing assiduously the goal of education of all of their members, boys and girls? Let me look at another reason for supporting the Attorney General. The reason I support him at age 18 is that I think that is the minimum age. I think, really young people at 21 should really build their careers. But we support 18. We do have to comply with international obligations. We have to comply with international treaty.

Mr. Vice-President, I think we should become part of the developed group of nations. Let me mention a group of countries. In Europe, Spain, Portugal, France, Germany, Italy—I put Iceland there—what have they done? They have raised the marriage age, all of them, without exception, 18 and over. Let me, without being Eurocentric, focus on North America: United States and Canada, they have raised the age—18. I could mention South Africa. South Africa has raised the age of 18 as well.

However, since we are looking at gender equality, millennium development goals, and we want to ensure that Trinidad and Tobago has stepped up its position with respect to equality for women, let me indicate what they have also done—

Spain, Portugal, France, Germany, Iceland, Italy, Canada, South Africa; I could even add India to that; and the AG knows where I am going—they have legalized abortion. And let me add, Barbados 1983 Medical Interventions Act, they have legalized abortion.

My position is, Mr. Vice-President, when you are going to service your car and you need to change the oil, you cannot change the oil only. You have to change the filter as well and now you have to change the oil filter too. You cannot say we want to join these countries in raising the Marriage age so that we are going to conform with greater gender equity and the rights of women now—not only the child, the rights of young women and women in general—without speaking and opening up the issue of abortion.

And let me put on the record—and I will not mince words. I, Sen. Dhanayshar Mahabir, am of the view that Act 11:08, section 56 ought to be struck off our books and we need to legalize abortions in Trinidad and Tobago, and the justification for that is the *Roe v Wade* argument as argued by Justice Sandra Day O'Connor in the US Supreme Court. [*Desk thumping*] And I raise that issue because the hon. Minister, Clarence Rambharat, has indicted that the Marriage Acts are—1923—almost 100 years old. Minister Rambharat, the abortion Act is 1925. So I am in conformity with Minister Clarence Rambharat that we do need to look at these archaic laws and we need—it is difficult, politically. But, Mr. Vice-President, what do Spain, Portugal, France, Germany, Italy have in common? They are all countries with huge Roman Catholic populations and they were yet mature enough not to allow religion to enter into the rights of the woman. I am a pro-choice advocate and I would like for us to step up with women's rights as we are talking about the marriage age.

Mr. Vice-President, let us talk about rights of women again. How many of us in this Chamber have ever heard of Mrs. Sigurðardóttir? Who is Jóhanna Sigurðardóttir? Not many people have heard. Former Prime Minister of Iceland up to 2012, Jóhanna Sigurðardóttir was married in 2010. There was much celebration in Iceland. But she married Leósdóttir, her long-time companion and in Iceland whenever you carry a surname like Dóttir it means you are a woman.

Iceland has also legalized gay marriages. Their sitting Prime Minister—check the records; I am not making it up. Yet, Mr. Vice-President, we have on our books the most oppressive of laws, Act 11:28, section 13, where homosexuality in Trinidad and Tobago, in this day and age, will cut you 25 years in jail. It is wonderful that there is an Independent Bench in this Parliament, you know. What politicians are afraid to address, I tell you, Sen. Mahabir will do it. We will have to step up internationally.

You see, Mr. Vice-President, when we are changing the oil, we cannot say the oil alone, you have to go with the filter and the air filter too and I would recommend that since we are going to join the pantheon of nations—international nations—let us repeal 11:08 because whenever I go on the websites, I see Trinidad and Tobago is cited for its archaic homosexual laws. Just by way of comparison, Mr. Vice-President, South Africa, knowing discrimination more than most in the world, repealed its discriminatory laws against the gay community and in 2006 amounted to one of the first nations in the world to ensure that people will not be discriminated, not only because of racial origin but sexual orientation.

Mr. Vice-President, let me try to answer the anomaly, and I am going somewhere, I can assure you. And in answering the anomaly, what is the anomaly? It is where the religious leaders of Trinidad and Tobago are saying one thing that seems to be diametrically opposed with what the State is saying. I had to go to the United States jurisdiction. I know my good colleague, Mr. Clarence Rambharat, indicated at one time that I was a little bit anti-American when I was speaking about American military contractors. He smiles, because he knows now. After he has researched the American military contractors like Academi and Blackwater, he knows if they come to Trinidad we need to keep an eye on them. Not anti-American, hon. Minister, not anti-American at all, but there are certain practices—how could someone be anti-American when he is in such awe of the United States? The current President Trump, I think was something that fascinated me. This is a man who has said everything wrong—everything wrong. Nowhere else in the world could he win election except in the United States.

I admire the United States. Before that, here was President Obama, my complexion, and 50 years ago he would have been refused service in a number of restaurants. Today, when he is on Air Force One, on his last trip, he will have to be served at the front of the plane. And before that, there was a guy who starred in a famous movie, *Cattle Queen of Montana,* Ronald Reagan and Barbara Stanwyck, I think, 1950s. He became President. And not so long ago, Arnold Schwarzenegger, Governor of—only a great society could do that. It gives everybody a chance.

I checked out the great society. Everybody could get a chance there. And what did I see in that great society? I saw in that great society, something. Every single state in the Union—50 states, and the AG knows where I am going now. The AG is looking down. AG, look at me now. You know where I am going. Every single state in the Union has 18 years as the legal age, but every single state, without exception, has the following: In 38 states they allow the minimum age of marriage with parental consent to be 16—every 38 states.

In three states—and I will mention them—you have no minimum age requirement: California, 40 million people, Mississippi and Delaware, smaller. Three states, as long as the parents of the boy and the parents of the girl says okay, they are fine with that. Then we have the following states with variations: Florida, Maryland, Utah, Missouri and New Hampshire and the last one, Massachusetts.

Massachusetts is a state very well known to a colleague in this Chamber, Sen. Henry. Sen. Henry went to UMass. UMass is a school where it is only when you really want to challenge all orthodoxy you go to UMass. If you follow the line, you do not go to UMass. Where do you go? You go Harvard; you go MIT. In this state of Massachusetts—and the AG knows, too, where I am going. In this state of Massachusetts you have Harvard down the road and MIT not so far away. In the *Times* ranking of education institutes they are always like number one and number three. I went to a school which is ranked like number 10, so I "eh" that good. Right?—but one and three in Massachusetts. But let me mention four other schools in Massachusetts. Mr. Vice-President, how much time do I have? Because I have plenty to say, you know.

Mr. Vice-President: You have until 3.42.

Sen. Dr. D. Mahabir: Oh, I have serious time, man, "Lord, and ah now getting into stride here". Massachusetts is the home of Mount Holyoke College. Sen. Henry knows where all of them are located. Mount Holyoke College, 1837; Smith College, 1865; Wellesley College, 1865; and a very interesting one called Radcliffe College, 1869—I am sure Sen. Henry visited all "ah dem" while he was at UMass. What is peculiar with these colleges? In 1837, the people of Massachusetts decided that women needed education and that the way to give them education—because there were concerns in the society then that you could not have men and women in universities because of social sanction—they created these four women colleges. And if you are a woman in the world today and if you have aspirations to read for a PhD in any subject and you want the best chance to do it, pray that you are going to be born in the state of Massachusetts. Take Wellesley College, one of the more famous alumnae is Hillary Clinton. Another one is Madeleine Albright. Wellesley had its history and law, and so on, and you have another college like Smith. If you are somebody like Sen. Ramkissoon, you will go to Smith. UMass and technology and science and chemistry and engineering, she would go there. Now, Radcliffe College, if you want to do an MA and your parents say, "well, kinda doh go to a man's college", you go and do an MA and PhD at Radcliffe.

And so, Mr. Vice-President, I looked at all—at the states—and I asked myself: what is the marriage age in the state of Massachusetts? Mr. Vice-President, I am still reeling in shock that in 2017, in a state that gives a woman the opportunity to read for a PhD in engineering at MIT, and has been the forefront state in the world in education, the age with parental consent for a woman, is what? Twelve! Twelve! Mr. Vice-President, 12, in Massachusetts? I could not believe it "mehself". The AG knows it.

Mr. Vice-President, how do I reconcile now the views of the religious bodies in Trinidad and the views of the legislators in Massachusetts? This is not Mississippi, which is said to be—"a kina state down in the south there", or somewhere in Virginia, in Appalachia; this is the centre and the bastion of education in the world. Ask Sen. Henry, he lived there.

3.30 p.m.

Mr. Vice-President, the second thing is when I looked at the number of marriages now—I thought it was just on the books—in Massachusetts, from 2010 to 2015 with parental consent, 200 girls were married in Massachusetts, giving an average of 40 a year. So here is a State which is telling you that you should aspire to Wellesley College and a PhD in Harvard, and at the same time it is telling you if you are 12 and you want to marry, with parental consent you marry. When I looked at the statistics in Trinidad now—and I am grateful to the Parliament staff for allowing me to see the *Hansard* report of the hon. Attorney General where he mentioned a very important statistic—between 2006, AG, and 2016, there were in Trinidad and Tobago something like 548 of the marriages that we are looking at with minors. That is on average 50 a year.

You know, Mr. Vice-President, when I looked at the statistics I asked myself, really, 548 sounds like a lot, but what percentage of marriages did that constitute? I like to play the Rumpelstiltskin game. You know the game that the Queen played with Rumpel. She knew the answer, but when Rumpel say "Well what is my name?" she said; "Is it Twinkletoes? Is it Gobbledegook?" And she went down until she got to the Rumpelstiltskin situation. Let me play that game. Is that 548, 90 per cent of the marriages in Trinidad over the decade? No. Is it 60 per cent? No.

Hon. Al-Rawi: 0.6.

Sen. Dr. D. Mahabir: "Oh God, you spoiling meh game, man." AG, you have to learn to play the game, man. Let me continue. The AG just spoiling the

game here. Hear what is happening. It is not 50 per cent of marriages, it is not 20 per cent, it is not 10 per cent, it is not 5 per cent, it is not 1 per cent.

[MADAM PRESIDENT *in the Chair*]

Is it closer AG, as you know, to half of a per cent. In statistics we say it can be statistically insignificant, but yet still, Madam President, we are talking about 548 marriages and we are making a big issue about it and I come back to Sen. Samuel's point, the second point he raised.

So I hope that the first point of why 18 has been somehow addressed, but the second point that Sen. Samuel raised that forced me to do something that is very taxing, it forces me to think. So when he said he has visited the St. Michael's Home, and he has visited the St. Jude's Home and the youth training facilities, and he has seen children, people we call children ages 12 to 17 locked up, so wait, he has also advised me that someone who is age 16 can go out and work. So we have in our scenario a situation where in our penal code, children who commit crimes can face adult sanctions. We have 16 year olds, who are considered to be children, can go out to work without sanction, and again I listened to Sen. Samuel, I listened to Pundit Maharaj when Pundit Maharaj said, "You know, with respect to children you have to consider families as well", and I listened to Maulana Mohammed when he said children mature at different ages.

Madam President, why is it that the State of Massachusetts has this law on its book? It has not been repealed. Why is it that the State of Florida and the State of California both allow marriages below the age of 18 with parental consent? There are three States which allow marriages below age 16 as long as a pregnancy is in the situation. So, Madam President, we need to ask ourselves why is it that the religious leaders are asking for the retention of the existing law, and when I gave it some thought, this is what I have realized. This particular situation, 548, less than one-half of 1 per cent of the marriages in Trinidad and Tobago is not really a practice of the majority. It is a practice of the minority, and then I asked myself, again, why are we so adamant about protecting the minority? And this is where I had to go to Africa, Nigeria—famous author. The author is Chinua Achebe who wrote that classic book, *Things Fall Apart*. It is classic reading.

In Achebe's book, "Things Fall Apart," the protagonist committed suicide. What happens in Massachusetts when a girl who is 12 gets pregnant? Abortion is legal in the United States, why does she not get an abolition? Because it is a large Catholic community in Massachusetts and they give the parents and the child a choice and an option. Anyone looking at the State of Massachusetts, or Florida, or California will say, child marriages, child marriages. Not so. It is for when things

fall apart. And when things fall apart what do we do? This is where, Madam President, we—[*Interruption*]

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

Sen. Dr. D. Mahabir: Thank you very much. When things fall apart, what do we do? We really refer to cultural traditions. When at age 12 a child gets pregnant—children are sexually active. We have to listen to Sen. Maulana Mohammed, children mature at different ages and sometimes things go wrong.

When things go wrong in the 12 to 17 category—and the AG himself indicated that there are a number of illegal abortions. So I hope we will look at abortions, but right now it is illegal—what do the families do? In some contexts it is quite okay for the 13-year-old to have the child out of wedlock. It is accepted in that community and in other communities it is not accepted. Trinidad and Tobago, when I make the law, Madam President, I do not make it for religion. I make the law in the context of the culture in which we live. What is really culture? Culture is just the norms, the traditions and the activities of certain societies with which they are able to navigate their day to day life. Cultures differ in the society. We have a culture of money where some people must have a big car to get respect, other people must have a big house. Different cultures.

In the time I have left, Madam President, there is an amendment. Given my arguments, there is an amendment that I would like to raise for the consideration of this honourable Senate based upon the contribution that I have made, and in keeping with what has gone before I propose the following. I agree that the age of consent is 18. In fact, if I had my way it would be 21, but I agree with 18. But understanding that marriage involves families, communities, cultures and religions, I am saying that:

> "With parental consent the age will be 16 years for both male and female"—with parental consent.

So when two 16-year-olds want to get married, or a 16 and a 15, it has to have the 16 and the 15 and parental consent. And the mischief I want to avoid there is what occurs in India, where raising the minimum age has resulted in thousands of children, young people running away to the cities. Google it and you will see. That is a problem arising in India and I want to solve that mischief. So instead of running away, I am saying, hon. AG, with parental consent the age will be 16 years for both male and female. This age can be lower.

> "This age can be lower in the case of pregnancy, once the male is under the age of 18 and there is additional consent from a judical officer."

I will read that again.

"This age can be lower in the case of pregnancy…"

—because abortion is illegal in Trinidad and I am looking at a number of jurisdictions in America with specifically cites pregnancy in their statute. Florida is one of those.

"This age can be lower in the case of pregnancy, once the male is under the age of 18 and there is additional consent from a judicial officer."

So I am arguing, Madam President, two 16-year-olds, or a 16 and a 15, they are giving their parents trouble—the kind of trouble that Sen. Samuel is speaking about—they are behaving like big people, they are causing trouble even for the judicial officers, parents alone involved, parents get together and say let us marry them. In certain cultures, if that is what is going to work, I say let it work. I want to give the society a choice. I also want to have, however, in a lower case a judicial officer involved.

Madam President, in the minute or so I have, let me say one thing. I have confidence in the people of the Republic of Trinidad and Tobago. I have confidence in parents. I want to meet the parent Sen. Stewart spoke about in Tamana because I have not yet met anybody. All the parents from all cultures, all groups, all regions want their children to become successful. I have confidence in the religious leaders. Madam President, I know I have to the wind up, but let me in closing just say—thank you.

Let me just say, Madam President, I thank you. [*Desk thumping and laughter*]

The Minister of Labour and Small Enterprise Development (Sen. the Hon. Jennifer Baptiste-Primus): Thank you, Madam President, hon. Senators. Madam President, it is really with a disturbing degree of disappointment and very grave concern that I rise to make my contribution on this very critical and far-reaching debate. My disappointment stems from the fact that since the start of the debate on this very delicate matter, this honourable Senate has been subjected to some of the most unthinkable, unbelievable, mind-boggling and deceptive submissions from those on the other side. These views have shaken me at the personal level because I stand here today not only as a Government Minister, but as a mother and a grandmother, and as one of our friends from the women's movement who was part of this honourable Senate some time aback, as Verna St. Rose-Greaves would say, "meh belly boiling" over some of the statements that I have heard.

But you know, Madam President, I have observed that most of the people who are requesting that the law not be amended and that legal rape remain in place, they have all been men. Where are the women of these organizations? Or is it that these organizations do not have women? It is only the men who are the talking point and that must be of concern to all of us. I just want to get two issues out of the way very quickly before I proceed with my contribution.

I sat here and I listened to Sen. Wade Mark try to convince us that their position did not change and how it dated back to some months ago. I looked at Sen. Mark when temporary Sen. Maulana and the other temporary Senators were making their contribution. He was pounding the desk and encouraging them. [*Desk thumping*] Today, having been influenced by the public pressure out there, Sen. Mark comes and wants to fumble and rumble all over the place to make people feel as though the UNC has always supported the increase to 18. But I will say this, the UNC fools no one in this country. Absolutely no one. That is why we are here and they are there. [*Desk thumping*]

The second issue I want to get out of the way revolves around a statement made by temporary Sen. Pundit Bhadase Seetahal. In his contribution he made an amazing statement. He said that marriage is a strategy in his bid to influence us, but I want to share with this honourable Senate a document prepared by the Hindu Women's Organisation—and I see its President, I believe she is still the President, Sister Brenda Gopeesingh here, and I am very happy to see her after all this time and a number of representatives from the women's movement who have done yeoman service in this country in assisting [*Desk thumping*] for the protection of children and women in this country. But the document that the Hindu Women's Organisation—the research that they did, very interesting research, did not share that view at all of temporary Pundit Bhadase Seetahal.

As a matter of fact, the document speaks to a marriage being a threefold state. It is a sacrament which is a spiritual union in which a man and woman utter certain vows to one another and thus bind themselves together for a life and their souls for the mutual benefit of both. The second fold of marriage, it is a contract, a personal agreement to live together as husband and wife. He to provide shelter, protection, sustenance, and she to care for the home and bear children. And the third fold of the marriage as an institution, it is marriage is the lawful custom in society bringing stability and to the family and social order. So I think the Hindu Women's Organisation have quite scientifically put to rest the myth that was placed in this Senate sometime last week.

Having said that, Madam President, never in my wildest imagination could I have anticipated the kind of irrational and outlandish attempts at justification

coming from the lips—hopefully not from the hearts of those on the other side—especially from the lips of those from whom you would have least expected. If such irrational thinking is a genuine reflection of the anthropological positions on the matter, I would be tempted to conclude that our society, Trinidad and Tobago, is under serious threat of cultural deterioration and moral decline.

Madam President, my concern stems from the fact that the young people in this country look upon all of us in this august Chamber; all of us as exemplars of honest, sincere and dedicated leadership. Honourable men and women, we may disagree on certain points from time to time. We may even get a little robust at times, but we are viewed as honourable men and women whose opinions and ideas must of course set the tone for critical, informed and rational thinking enriched by enlightened and the abundant wealth of communication and information that would flow from time to time. It is indeed sad that these overwhelming advances in human endeavour are being imperilled, sacrificed at the gallows of partisanship and one-upmanship, and I dare say inept leadership.

Madam President, this Bill before us is no joking matter. It is very simple, but extremely serious, as serious as they come. If all of us in this Senate fail to have this Bill passed, the repercussions would be very far-reaching and inimical to the best interest of our young innocent boys and girls, and by extension all the citizens of our beloved nation. I would want to commend those on the Independent Benches, in particular for having the feel, the pulse beat of not only the society, but their own conscience of what is right and what is wrong and we have learnt a lot from their contributions last week.

It is so serious that I shiver when I recalled a Senator on the other side dismissing the media with a response that we are wasting precious parliamentary time debating this matter because there are more serious issues which should be engaging our attention. Oh, Madam President, what a shame; what a burning shame; what a dereliction of duty, what a travesty; what a callous shirking of responsibility which lies upon our shoulders; what a betrayal of trust to protect and preserve the inalienable rights, freedoms and liberties of our innocent children, and to save them from the clutches of those who endeavour to endanger and enslave them long before they arrive at the age of maturity, of knowledge, of understanding, of developing the ability to reason an appreciation of the vicissitudes of the world around them. This is real serious business.

Madam President, in my research on this upsetting subject, I discovered that the battle against child marriage dates back many centuries from the time when in

the year 1533, at the age of 16 Princess Emilia of Saxony married George the Pious, Margrave of Brandenburg-Ansbach, who was then 48 years of age. Generally speaking, child marriage is defined as a formal marriage or informal union entered into by an individual before reaching the age of 18. I shudder to think—I mean I have a girl child, I have a boy child, at this point in time they are a young man and a young woman, but our children always remain children to us, those of us, and I am quite sure I do not wish for my child to be married at age 12. I do not wish for my grandchildren to be married by age 12 because I want them to have a future and getting married at such a young age cuts their future, brings it to an abrupt end. [*Desk thumping*]

Madam President, it is no secret that the legally prescribed marriageable age in most jurisdictions is 18 years and over especially in the case of girls but many jurisdictions permit earlier marriage with parental consent as has been espoused by one or two speakers earlier, but child marriage is an imposition which affects more girls than boys. The record shows that child marriages are organized in many, many instances as a result of wanting to emerge from poverty by selling the child for a price. In some countries the younger the bride, the higher the price. This puts younger children at risk of being sought after and married off very early by her family to the highest bidder.

It is not unusual that oft times it is simply a source of income to the parents, consequently creating a market for child trafficking. This is serious business. How long can we continue to tolerate our very young children being lost and never found? One can easily recall our celebrated sister, Ella Andall, the lost generation. That is what we are dealing with here. I ask the question fellow Senators, given the scenarios which I have just enunciated, do we as people representatives sit ideally by and allow the abuse and exploitation especially of our young girl children in this blessed land to continue?

Madam President, I am tempted to make a statement and I will seek your guidance in that regard. Hardback men in this society with 12 year-old girls? I mean, one shudders. Today, in spite of the fact that child marriage still exists in a few developing countries, the numbers have been falling exponentially in most parts of the world. The decline in numbers began during the 20th Century when the practice began to be aggressively questioned and we experienced the minimum marriage age increasing in most countries.

Madam President, the days are fast disappearing when arranging and contracting the marriage of innocent young girls were the undisputed prerogatives of her father. Marrying off little girls as soon as they reach the age of puberty—and we had an incredible statement being made in this Senate that puberty

depends on climatic conditions. Well, that is another debate by itself. Those were the days when inadequately or ill-informed as civilization was, a girl aged 12 and a half was considered to be an adult in all aspects, but those were ancient times. We live in a modern world today. [*Desk thumping*] Here is what one of the world's most outstanding and highly respected and regarded leaders of all times has had to say on the subject of ancient beliefs and customs. I quote the late revered Indian martyr Mahatma Gandhi. This is what this iconic man had to say and I quote.

> "But I must not be misunderstood. I do not hold that everything ancient is good because it is ancient, I do not advocate surrender of God-given reasoning faculty in the face of ancient tradition. Any tradition, however ancient, if inconsistent with morality, is fit to be banished from the land. …the institution of child widowhood and child marriage may be considered to be an ancient tradition, and even so many an ancient horrible belief and superstitious practice. I would sweep them out of existence if I had the power. When, therefore, I talk of respecting the ancient tradition, you now understand what I mean, and it is because I see the same God in the Bhagavad Gita as I see in the Bible and the Koran that I say to the Hindu boys that they will derive greater inspiration from Bhagavad Gita because they will tune to the *Gita* more than any other book."

Madam President, all over the world, customs, traditions and religious beliefs have been dictating the lives of young girls as if they had no mind of their own, no right of choice, no privileges to enjoy. So in the face of all these ancient customs and religious beliefs and practices which vary all over the place, the mass scholastic contradictions, the assumptions, the presumptions and confusion which are bound, the question remains to be answered: who has been assigned the ultimate responsibility to determine the conditions under which marriage should be legally entered into and consummated in Trinidad and Tobago? That is the question and the only answer is, this Parliament, the State via this Parliament, those of us in whose hands the people of Trinidad and Tobago have entrusted and entrusted and invested the authority to govern and to serve their best interest, and that means protecting our young children.

As recent as 2010, 158 countries reported that 18 years was the minimum legal age for marriage for women, for women without parental consent or approval by a pertinent authority. On the other hand, 18 is the legal age for marriage without consent among males in 180 countries. The experts tell us that child marriage has very lasting consequences especially in girls from their health,

education and social development perspectives. These consequences last well beyond adolescence.

Madam President, these unfortunate girls struggle with the adverse effects of getting pregnant at a young age and often with little spacing in between those children—so they have children in steps—birth complications and social isolation become the order of the day for these young girls. Let us be honest with ourselves. Girls in child marriages are more likely to suffer from domestic violence, child sexual abuse and marital rape.

There is statistical evidence to support the contention that complications from pregnancy and childbirth are the main cause of death among adolescent girls below age 19 in developing countries.

4.00 p.m.

The World Health Organization statistics show that pregnant girls, age 15 to 19, are twice as likely to die in childbirth as women in their 20s and girls under the age of 15 are five to seven times more likely to die during childbirth. These consequences are due largely to girls' physical immaturity where the pelvis and the birth canal are not fully developed. Child marriage not only threatens the mother's health, it also threatens the lives of their offspring. Mothers under the age of 18 years have 35 to 55 per cent increased risk of delivering prematurely or having an underweight baby than a mother who is 19 years old. In addition, infant mortality rates are reported to be 60 per cent higher when the mother is under 18 years of age. These are very serious statistics, not statistics emanating from Trinidad and Tobago but from the World Health Organization, an organization that this country has a long-lasting relationship with.

Madam President, the prevalence of child marriage means higher rates of population growth which we can ill afford and more cases of children left orphaned. We live in an enlightened society and we can ill afford the luxury of child marriage ending a girl's education. Generally speaking, most times when these young girls get married at that tender age, they usually drop out of school to focus their attention on their domestic duties and having to raise children. But we all know, Madam President, without education, they have fewer opportunities to earn an income and provide for themselves and their children. This leads to increase in the poverty index especially if their spouses die or abandon them or worse, divorce them and, because they become widowed earlier in life, they face economic and social challenges for the rest of their lives than women who marry later on in life, for example, my dear senatorial colleague.

Madam President, I can go on and on but time does not permit me. So serious an issue is this that the United Nations has declared child marriage a violation of human rights. Add to this, the fact that there is evidence that high rates of child marriage are obstructing significant progress towards achievement of the eight Millennium Development Goals as well as global efforts to reduce poverty mainly due to its effect on educational attainment, economic growth and health care.

Madam President, as recent as December 2011, a resolution adopted by the United Nations General Assembly designated October 11th as the International Day of the Girl Child. On October 11th, 2012, the first International Day of the Girl Child was held. The theme of which was "End Child Marriage". In 2013, the first United Nations Human Rights Council, resolution against child, early and forced marriages was adopted. It recognized child marriage as a human rights violation and pledged to eliminate the practice as part of the United Nations post-2015 Global Development Agenda.

Further, in 2014, the United Nations Commission on the status of women issued a document in which they agreed, among other things, to eliminate child marriage. The World Health Organization has recommended increased educational attainment amongst girls, increased enforcement structures for existing minimum marriage age laws and informing parents in practising communities of the risk, all the risks that are associated with child marriages and how to proceed to prevent child marriage.

The Haryana State Government in India operated a programme and this was a very interesting bit of research that I identified. That state in India, they operated a programme in which poor families were given a financial incentive if they kept their daughters in school and unmarried until age 18. A similar programme was operated in 2004 by the population council and the regional government in Ethiopia's rural Amhara region where families received cash if their daughters remain in school and unmarried during the two years of the programme. They also instituted mentorship programmes, livelihood training, community conversations about girls' education and child marriage.

Madam President, Stephanie Sinclair, that Pulitzer Prize winning photographer, she has been documenting child marriages all over the world for more than a decade. When asked what she found most disturbing about child marriage, this is what she had to say and I quote:

> "I think the thing that we must acknowledge is that in most cases these young children do not want to be married. They want normal lives. They want to play with their friends, they want to be educated and they want to

> have is a full…"—attempt at their—"adolescence. These marriages rob many girls of their innocence, many times before puberty, and this is something that as a global society we cannot tolerate. The bottom line is that child marriage isn't just harmful to the girls involved. It's at the root of so many other societal ills: poverty, disease, maternal mortality, infant mortality, violence against women. All of those are symptoms connected to the same problem. If you solve the child marriage problems, these other issues benefit as well."

She continues:

"Let's be honest,"—

She said:

> "…when an eight-year-old has sex with a 20-something-year old, that's rape. It is child rape. It's something we cannot be okay with."

Madam President, Senators, let us face it. There was not this level of public awareness of the perils of child marriage in days gone by as it exists now. In fact, so critical has the issue become that a group of world leaders, led by Archbishop Desmond Tutu, dedicated to peace and human rights, made it a priority issue and formed an organization called "Girls Not Brides", which has over 200 members based throughout Africa, South Asia, the Middle East, Europe and North America, all united by a commitment to end child marriage and enable girls to fulfil their potential.

Madam President, sometime ago, former Secretary of State and United States presidential candidate, Hillary Clinton, undertook a US AID sponsored pilot programme in Bangladesh to foster community support for an end to child marriage and Archbishop Desmond Tutu and his organization also announced a very ambitious goal and that goal is to end the practice of child marriage by 2030.

We, in Trinidad and Tobago, must—and I stress must join the ranks of enlightened and progressive nations worldwide and ensure that in keeping with the provisions of the United Nations Sustainable Development Goals and of this Government's Vision 2030, we must meet that deadline. There are ways to do it starting with bipartisan support for the passing of this particular piece of legislation, but once we have started, we just have to keep up that momentum.

Madam President, child marriage is a global epidemic, one that affects tens of millions of girls worldwide. The United Nations Convention on the Elimination of All Forms of Discrimination Against Women states categorically and I quote that:

> "…the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage…"

That is what we are about via this piece of legislation, joining the chorus around the world in eliminating the incidence of child marriage once and for all. Trinidad and Tobago must come of age. Let us stop the hypocrisy all around. Let us take heed of what some of the world's leading figures on the subject are saying. What are they saying?

> "Child marriage is an appalling violation of human rights and rob girls of their education, health and long-term prospects."

This was said by Babatunde Osotimehin, Executive Director of UNFPA. Child marriage is not a standalone in Trinidad and Tobago, it is a global issue, but we in Trinidad and Tobago must play our part and we must bring an end to child marriage and that is what this Bill is all about: bringing an end to violation of the rights of the young girls in our society.

Claudia Garcia Moreno of the World Health Organization, she is a leading expert in violence against women, she is quoted as saying the following and I quote:

> "Child marriage marks an abrupt and often violent introduction to sexual relations…The young girls are powerless to refuse sex and lack the resources or legal and social support to leave an abusive marriage."

Madam President, in short, the record shows that child marriage, which has existed for centuries, is a complex issue rooted deeply in gender inequality, tradition and poverty. In the majority of cases, parents arranged these marriages and young girls have no choice. Poor families marry off young daughters to reduce the number of children they need to feed, clothe and educate. In some cultures, a major incentive is the price prospective husbands will pay for young girls. It is like slavery reborn. It is unthinkable that in 2017, that we are having this debate. We should not even be debating this issue.

For example, some cultures believe marrying girls before they reach puberty will bring blessings on families. Some societies believe that early marriage will protect young girls from sexual attacks and violence and see it as a way to ensure that their daughter will not become pregnant out of wedlock and bring dishonour to the family. Too many families marry their daughters simply because early marriage is the only option that they know. Thank God, Madam President, many religious leaders and their communities are already working to end child marriage and other forms of violence against children. Changing stubborn behaviour is

immensely challenging so we must go further to positively influence beliefs and actions. This is a view held by Tim Costello, Chief Executive of World Vision, Australia.

In addition, the former Secretary General of the United Nations, Ban-Ki-Moon urge governments, community and religious leaders, civil society, the private sector and families to do their part to let girls be girls and not brides, and so assist in the achievement of other millennium development goals aimed at eradicating poverty and achieving universal education and more so, combating HIV/AIDS.

Madam President, what baffles me is the fact that these temporary Senators and some not so temporary have been deliberately planted in the Senate to oppose the amendments being sought by this Government. It is the most disingenuous grandstand of insincerity and hypocrisy that I have witnessed in years [*Desk thumping*] but such is the mantra of the UNC Opposition, no thought for anyone but themselves and their unashamed lust for power and authority, even, even at the expense of dishonouring what is left of their infamous reputations. Are they for real? When will those on the other side cease playing games, mind games with the population and get down to the business of looking after the best interest of—[*Interruption*]

Sen. Cumberbatch: Point of order. Is the hon. Member imputing improper motives to Members on this side? [*Interruption*]

Madam President: Minister, continue.

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President. Are they for real? When will those on the other side cease from playing games with the minds of the people and get down to the business of looking after the best interest of the citizenry? When will the hypocrisy come to an end? But they are not fooling—[*Interruption*]

Madam President: Senator, just adjust your language a little bit. Thank you.

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam President. They are not fooling anyone, they are not fooling anyone in this country. The nation has spoken and they have spoken and the nation has stated that the children of Trinidad and Tobago must be protected.

In conclusion, Madam President, I wish to quote once more from Mahatma Gandhi who said and I quote:

> "If I had the authority or if my pen had enough power, I would use it to prevent every child marriage.
>
> Parents who marry their children at a tender age become their enemies and are responsible for making them dependent and weak."

Modern day civilization owes an unquantifiable debt of gratitude to Mahatma Gandhi for his vision and his foresight. If we, in this country, are to achieve our Sustainable Development Goals by 2030 and uphold the human rights of women and our young girls, we have no choice. We are under an obligation to act now and to end the menace of child marriage.

Madam President, I thank you for the opportunity to make my contribution to this important debate and I call upon everyone in this Chamber to do the right thing and support this Bill wholeheartedly. I thank you. [*Desk thumping*]

Sen. Khadijah Ameen: Thank you very much, Madam President. It is my honour to rise in this Senate to join in the debate which has been coined a debate to end child marriages in Trinidad and Tobago. Protecting our children is important and I agree that in a country where a person can be married under civil law and under the various religions: the Muslim, at 12; the Hindu at 14 and I understand civil at 14 as well; the Orisha at 16. I agree that child marriage is one of the dangers that we must protect our children from and we on this side firmly today reiterate our position that is not a new position.

But today, I stand in this Senate partially saddened and partially angry that we as a Parliament are debating this topic today where we know—and I just want to quote from the Attorney General's contribution that over the 10-year period from 2006 to 2016, there were 548 child marriages out of 84,330 marriages in Trinidad and Tobago that gives a total of 0.65 per cent. I want to ask this nation, through you, Madam President, to consider how many girls have been murdered in our country over the same 10-year period and tell me which is the greatest danger. [*Desk thumping*]

We have seen the number of murders in this country reach to 25 today for the year 2017 and since this morning, the number may have increased. Our young women are facing the real danger of being snatched, of being suffocated, bound and gagged, dumped in rivers, in swamps, gunned down, stabbed, raped, kidnapped and on a daily basis. Our young men as well because when we consider the representations being made, it is not only to protect young women but also to protect young men and our young men are facing the same dangers because every day in Trinidad and Tobago, we lose our—[*Interruption*]

Sen. Gopee-Scoon: Madam President, on a point of order, 46(1).

Madam President: No, Sen. Ameen, continue. Sen. Ameen has just begun her contribution.

Sen. K. Ameen: Thank you very much. Madam President, I could understand the objection to the Government not wanting to hear this but that is the reality that we face. And in our country, our young men are dying every day because they are being gunned down over turf wars, over drugs, over a sneakers, over $20. Blood is flowing in our streets and today, the Government comes to make a case to the nation as though the Opposition is so vehemently against getting rid of child marriages, as though this Government wants to continue some great evil against the young people of this country. And the whole tone of the Government seems to be to accuse the Opposition of something rather than to let us collaborate as a responsible Parliament to get rid of one of the dangers that face our young people. [*Desk thumping*]

Madam President, I heard from the other side, Members in their contributions presuming that the position of the Opposition would be to automatically oppose the Government's position. The position of the UNC and of the Opposition is to seek what is the best interest of the child in Trinidad and Tobago. The position of the Opposition is not new. In fact, I want to refer Members opposite who had indicated that the Opposition today is somehow, in reaction to public outcry, bringing a new position. Let me tell you that while the Leader of the Opposition must be commended for widening democracy and allowing voices of other interest groups to be heard through two temporary appointments in a representative of the Muslim faith and a representative of the Hindu faith. Those views have been criticized but they are real. They are part of our multicultural society and we must give an ear to those views. [*Desk thumping*]

But, Madam President, the views of the religious organizations are not the only views in our society that have an impact on what we are debating today, and there are mechanisms in the rules that govern Parliament to hear the contributions from civil society, from stakeholders including the religious organizations and I want to ask that the Government, that we all be responsible as a Parliament and put our heads together to receive those views.

Madam President, I indicated before that the position of the Opposition was firmly articulated in a statement by the Leader of the Opposition on the 20th of May 2016, long before this debate came to the Parliament and our position today is the same. There is no doubt that the UNC and the Leader of the Opposition have

been one of the strongest advocates for the protection of children in Trinidad and Tobago. [*Desk thumping*]

I heard the Minister of—Sen. The Hon. Jennifer Baptiste-Primus outline the horrors of teenage pregnancies attributing it to child marriages and I want to tell you, we must be strangers to the reality if we in this Senate, stand and speak as though every pregnancy that takes place in a teenager is as a result of marriage. Teenagers are engaging in sexual activities. There are 2,500 teenage pregnancies on record annually, according to a statement made by the National PTA. HIV/AIDS and other sexually transmitted diseases are increasing incrementally every year and the number of teenage pregnancies does not take into consideration the number of illegal abortions in Trinidad and Tobago. [*Desk thumping*] We must protect our children from those things.

Earlier in the debate, a number of speakers mentioned, so I will not go into those, but I want to ask, the Government had indicated previously through the Minister of Health, sometime in the public domain, that it does not intend to consider any legislation to protect women and girls from abortion and given the real danger that it is today, at some point, the Government must consider this legislation that will protect women and girls from the thousands of illegal backyard abortions that take place every year.

The point about older men being with younger girls, while I support that, you know, the dramatic horror that comes with that statement, let me tell you something. When schoolgirls are in relationships with maxi and taxi drivers, it is the same thing that is happening. Teenagers are being preyed upon by 40-year-old and 50-year-old men. So changing this age for marriage does not remove the danger that our teenage girls face. [*Desk thumping*]

Children as young as nine and perhaps sometimes even younger are sexually active and much of it takes place in schools, yet we are not considering provisions for sexual education in schools. So if you really want to protect our children from the dangers that were outlined here with all this dramatic and all this horror and all this show that is being put on, let us be real. The things that you have brought as the horrors that come with child marriages, I want to tell you, those things come whether the child is married or not. Those dangers, they are exposed to everyday.

We have taken this opportunity and I say, we, our society, has taken this opportunity to bring this into a religious debate. And earlier, a colleague indicated that this is not a religious debate, but all marriages are conducted in some place of

worship, most of the marriage officers are religious leaders and we must consider. But we have allowed this debate to become a debate where we criticize each other's religion in this cosmopolitan Trinidad and Tobago and we must be very careful of that.

The fact is while there are many who are not Muslim and not Hindu who criticize the position of these groups and where in law, it states that a Muslim can marry as young as 12 and as young as 14 for Hindus, the civil marriages in Trinidad and Tobago, the minimum age, is there even a minimum age listed? So the truth is, the reality is, the horror is, that infants can be married under law in Trinidad and Tobago presently under the civil marriages and so on. So whereas we use this opportunity to pit religious arguments against each other, I want to warn that we stay clear away from that direction.

The marriages, Madam President, I agree that the marriage of any child is not something that should be taking place and I agree that this must change. And I want to tell the Government that the tone of your argument is unnecessary, you are speaking to the converted so do not come here as though you are trying to blame the Opposition for wanting children to be married or any such thing. I am saying you are speaking to the converted—[*Interruption*]

Madam President: As this stage, we will suspend for the tea break and we will return 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.*

Sen. K. Ameen: Thank you very much, Madam President. Before we went to the tea break I was indicating, through you, to the Government, that they are knocking on an open door when it comes to support for the age of marriage to be 18.

I was also at the point where I emphasized the contributions made by representatives of religious organizations and civil society as well. And I am imploring to the Government and to the Member who is piloting this particular Bill that we must ensure the mechanisms of Parliament are used to properly hear the recommendations coming from the different quarters.

Madam President, protection of our children is important. If there is anyone in this Parliament or outside who has any doubt about the Opposition's position on protecting children, I want to refer them to the statement of the Leader of the Opposition, which was made on 20th May, 2016 in which the issue of child marriage and the position of the Opposition was made clear.

But I also want to take us back into the term of office of the People's Partnership, where Kamla Persad-Bissessar as Prime Minister of Trinidad and Tobago brought several measures, several pieces of legislation, several organizations, into being to protect the rights of children in Trinidad and Tobago. [*Desk thumping*]

Madam President, there is need for continuity. Several Members on the other side, in advocating for the change in the age to marry, outlined some other social issues that other pieces of legislation would be relevant. Madam President, earlier my colleague, Sen. Mark, mentioned the Children's Authority. The Children's Authority, at this time, does not even have the required number of staff. They do not have the funding to do all that they are required to do and many of the social ills outlined by Members on the three Benches in this Senate can be addressed by the Children's Authority. So I want to implore this Government, if you are really concerned about children, ensure that the Children's Authority has the support that they need to carry out their work. [*Desk thumping*]

Madam President, the education of our children, if you want to protect our girls and boys, education is important. It was under Kamla Persad-Bissessar that early childhood education was made available to every single child, from preschool and this was recognized by the United Nations. Education at this time, Madam President, the challenges such as funding to continue school to go to university, those things must be considered when you talk about the education of girls. And while Members criticize the whole situation of early marriages ending a girl's opportunities when it comes to education, we cannot take that in isolation. We must consider the cut in funding for GATE by this Government that also jeopardizes the young people's access to tertiary education.

Madam President, there is also the Children Life Fund that saved the lives of so many children who were ill and there is still a question mark. Very recently, it was in the public domain—[*Interruption*]

Madam President: Senator, it is fine to make passing reference to some of these issues, but the matter at hand, really will be all the different Marriage Acts. Okay? So I want you to just come back to the matter at hand specifically.

Sen. K. Ameen: Thank you, Madam President. I take your guidance and while I am responding to Members on the other side who indicated the need to protect our children, I am saying that all of these things must be taken together in consideration and the work that was done in this country with Kamla Persad-Bissessar as Prime Minister, must be continued with international organizations to meet not only the rights of a child outlined by the UN Convention but the other things that Trinidad and Tobago is a signatory to.

Madam President, I also want us to consider that changing the age of marriage does not prevent a child or a teenager from living in a common-law relationship with a person of the opposite sex. There are instances on record where young women, teenagers, have had several pregnancies, numerous abortions and there was one very outstanding figure where there was a 19-year-old who had four children by four different men and countless abortions. These are the things that our young people are vulnerable to. I want to say that a 14-year-old in this day and age is not the 14-year-old of 40 years ago or 60 years ago when some of this legislation was drafted.

Because of technology and information and the availability of information, our young people are much more informed and we must not discredit our young people's ability to make decisions. We let our children go and apply for driver's permit at the age of 17, because that is allowed in law. So let us not discredit young people, in terms of their ability to make decisions.

It is very evident that we must have some sort of consensus on this issue where it comes to minors as defined in our law, where we had the recent Children's Authority Act changing the definition of what a child is, but then you have, in other places in our law, where a person can be employed at the age of 16. So let us put our heads together and get some consensus on this matter.

I want to remind this Parliament that the legal age for criminal responsibility is seven years. The age for compulsory education in Trinidad and Tobago is now 16. The age of consent for private sector employment is 16. The age that you can apply for a driver's permit is 17. You also have the age where a person can give medical consent is 16.

So, Madam President, surely we must not rate it as though all persons under 18 are somehow handicapped to making decisions. We have very young people who are leaders in their own rights, who are under the age of 18 as well. So, it is not only about the age but even, from my understanding when one of our religious leaders spoke, he spoke not about the age in number only but the stage of development and we must recognize that, when we take the social and psychological position into consideration.

We can do so at a committee. We can do so at a Joint Select Committee, but because—and I want to remind the Attorney General, through you Madam President—the Bill requires the support of Members of the Opposition in the Lower House, it might be more advisable to have a Joint Select Committee. Although a Committee of this House can deliberate on the amendments being suggested here, I think it is an opportune time to engage Members of both Houses

by means of a Joint Select Committee. So, at the end of the day it is for the Attorney General, if he truly wants the support, to engage the Opposition and Independent in a meaningful way.

Madam President, earlier Sen. Baptiste-Primus mentioned the position of the Hindu Women's Organisation and I found it very convenient that she mentioned their condemnation of temporary Senator who spoke last week but failed to indicate what their position was.

Madam President, for the sake of the record, I just want to read the recommendations of the Hindu Women's Organisation of Trinidad and Tobago in their media release on 12th January, 2017:

> "'Our position, articulated since 2012 in the resolution coming out of the Marriage Act Public Discussions held by the organisation this year, is that the Marriage Acts should be updated to reflect the age of consent for sexual relations.
>
> This resolution of June 6th 2012 was presented to the Minister of Legal Affairs in 2013, with our petition to amend the Marriage Acts accordingly. In 2015, the age of consent to sexual relations was changed to 18 years through the Children's Act which also included a 'Romeo clause'."

Referred to by the Hon. Attorney General.

"We therefore submitted a revised resolution to update our position,"

This stated as follows:

> Be it resolved that:
>
> "'While we promote marriage between people who are 18 years old and over, we recognize that in certain circumstances it may be desirable for a girl between 16 and 18 to be married but that this should be done:
>
> 'a) With her own consent and the consent of her parent(s) or guardian(s)'
>
> 'b) That female parents have equal rights of consent'
>
> 'c) After the parties wishing to be married have received pre-marital counseling by qualified, professional counselors'
>
> 'd) After an application is made to a judge in Chambers or a specially appointed committee by the President of the Republic.....in order to determine the circumstances of each case'

‘e) Only after it is determined that the person to whom the 16-18 old girls is to be married is not undertaking the marriage for purposes of exploitation, and

‘f) In cases where the person to whom the 16 - 18 year old girl is to be married is no older than three (3) years her senior at the time of marriage.’”

I really thought that is what the hon. Minister was going to bring to the record, the position of the Hindu Women’s Organisation. So, while she paid tribute to their President, hard-working Ms. Brenda Gopeesingh, I found it, you know, sad that she only used the statement, the section of the statement, to criticize another religious leader’s contribution rather than bring the recommendations forward.

So I am bringing it on the record, again to reiterate, Madam President, that while this is the position of the Hindu women, we heard earlier, last week in the debate, the position from Muslim leaders, from the Hindu. But there is also the civil society, the network of NGOs who are well recognized through the work of Mrs. Hazel Brown who have also put forward recommendations and we, all of us, must be responsible to take their recommendations into consideration and not come here to try to bash the Opposition. If that is the purpose of your debate today then it clearly tells Trinidad and Tobago that you are not working in the interest of ensuring that the legislation is passed to genuinely protect our children.

Madam President, I want to reiterate that as I contribute in this debate today, that I do so with a heavy heart because I come from a place where very often young people are gunned down, young people lose their lives. I see every day families being broken by the tragedies that we are facing and the pain that is facing our nation, Madam President, really the marriage of children and I say children, but the marriage of teenagers is one of the smallest of our problems. [*Desk thumping*] Quite frankly, this Government could be seen as being irrelevant, or not having their fingers on what the real problems are by making this Miscellaneous Provisions (Marriage) Bill, 2016 their big issue.

Madam President, I just want to, for the record, read the names, if you will allow me, of some of the people under the age of 18, children, who have lost their lives. Earlier when my colleague, Sen. Ramdeen, was reading a Motion, mentioning the name of Rachael Ramkissoon, age 16, a Member opposite was heard saying: Was she 12? Was she 12? As though, because she was not 12, it was okay. And then to come in the debate and to stand and say that I have children of my own. Every child who lose their lives in this country should be a concern for us. [*Desk thumping*]

In memory of those children and in imploring this Government for us to be relevant with what comes to Parliament, I want to read the names of victims, children, who have lost their lives in Trinidad and Tobago: Rachael Ramkissoon, 16.

Sen. Gopee-Scoon: Point of Order, 46(1), relevance.

Madam President: Sen. Ameen, you have made your point. I do not think it is necessary to go through an entire list or whatever list you have. I think the point has been made already. So let us, you have a few minutes to wrap up on the debate of the Marriage Acts.

Sen. K. Ameen: Madam President, I thank you for your guidance and I could understand why the Leader of Government Business would object to me reading these names because it stares the reality, brings the reality to their face.

Sen. Gopee-Scoon: Point of Order, 46(6).

Sen. K. Ameen: Madam President—[*Interruption*]

Madam President: It is better to wait until the Presiding Officer makes an adjudication. Standing Order 46(6), Minister? Continue.

Sen. K. Ameen: Madam President, the Government would not want us to read the names of—would object to us reading the names of these children because it brings the reality stark in their faces. Madam President, for the entire term of this Government, they have been in denial. They have brought up this marriage business at a time when we should be dealing with—yes marriage business, when we should be dealing with the lives that are being lost out there. They have brought up all kinds of other issues to distract from what is really affecting citizens. Failure after failure, when it comes to dealing with crime. Those are the real dangers that face our children and I hope that the Attorney General could tell us if he plans to bring legislation that would address the current social dangers that our children face. This Government cannot bury its head in the sand and bring distraction after distraction if it really is serious about protecting our children.

Madam President, I sit as part of a political party, as part of an Opposition who, when in Government, brought a record number of pieces of legislation to protect children and the 0.65 per cent of marriages in Trinidad and Tobago are under the age of 18 and several of them are in fact over the age of 16.

But I want to reiterate that while we seek to protect our children we must not forget the real dangers that face them.

I want to say to this Government it is time to be real. I am in support of the age being changed when it comes to the age of consent. I am in support of 18 year olds, but I am a very real person. I come from a very real place. I am not here to bury my head in the sand and pretend as though some of the ills that are outlined do not exist.

We have to, Madam President, treat with the exceptional cases and exceptional circumstances. Some of it was advocated for by the network of NGOs, some by religious leaders, some by the Hindu women, as I outlined. We should not, in this Parliament, take a position of 18 or nothing. I am saying that we must be reasonable and we must be real. We must collaborate and come up with what would be a real solution to treat with the very real challenges that come out, where a 16 or 17 year old who gets pregnant, where her options will now be limited to abortion and living common law or giving up her child for adoption and all those things. We already have enough of those cases on our hands. Thank you, Madam President. [*Desk thumping*]

Sen. David Small: Thank you very much, Madam President. I want to thank you for the opportunity to join in on this debate on the Miscellaneous Provisions (Marriage) Bill.

Madam President, I myself am contributing here with some heaviness because I listened intently to all of the contributions both today and last session and for me, in my initial conception of this, it seems to be relatively something that was straightforward and this is after I received, just like everyone else, all sorts of submissions. I have seen all of the information and I want to say this: I empathize with Sen. Khadijah Ameen. Geographically we live very close together and I understand some of the challenges. We live in what we consider regular people area and there are challenges.

Madam President, we are here to debate this Bill. I have two teenagers and I had to explain this weekend. So forgive me, Madam President, I walked with my Oxford dictionary. I told my son what we are dealing with is an oxymoron and he said: Dad what is an oxymoron? So I said hear is what, I said according to my old "beat-up"—my colleague said this is real old, beat-up Oxford dictionary—I said "child" as defined by Oxford is a young human being below the age of full physical development. A child is described as a young human being below the age of full physical development, and then I said marriage is the formal union of a man and a woman. So that child marriage, if he used Oxford, is an oxymoron, it should not be and that is my simple logic to try to explain it that you are as a

parent, most parents tend to be people who want to see the best for their children and that tends to involve making sure that we give them the best opportunity to grow and to be people in their own individual right.

So, that, Madam President, we live in a place now where our women are under attack. Our children, our girls are under attack. There are predators out there and I am concerned that this Bill allows us to be in a place where we do not legislate. If we do not pass this Bill we may be legislating to encourage closet predators and I am really, really concerned about that. [*Desk thumping*]

Madam President, there is an old time saying about be careful who you invite into your home because sometimes people come into our home and they are lurking. They come into your house and they are lurking around and they are marking what they are looking at and that is perhaps, forgive me for digressing, Madam President, but I am probably showing my age.

I want to talk about a few things here today, Madam President, because I am somebody who is here. There is no vaps about what I come to do here. What I come to do here I go through a process. Madam President, I am on the record in this Parliament as saying that I do not believe any piece of legislation we do here is going to be perfect. No piece of legislation that comes here will be perfect. [*Desk thumping*] It will not treat with the concerns of everybody 100 per cent. If we cannot accept that at the outset, there is nothing wrong with consideration but consideration does not mean we accept every single thing that you say. There has to be accommodations on both sides. And also what we have to recognize, Madam President, legislation is not an à la carte menu. It is really more of a set menu, which tries to accommodate as many of the needs of the majority as possible, but it will never treat with everyone's needs.

More importantly, Madam President, since I have been in this august Chamber I have not been here to have to contribute on any Bill that I could say to penalize any particular group or organization. But by the same token, I can say that there has never been anything that I have debated here that is here to grant benefits to any particular group or organization aside from anyone else. Laws here are being made with the intent to do the best for Trinidad and Tobago as a whole, and if we start to query or question the intent of the Attorney General then the whole process breaks down. I have to have some trust or faith in the system that if the Government is bringing a piece of legislation, there is an intent to do good for Trinidad and Tobago. I have to believe that. [*Desk thumping*]

In that vein, Madam President, I am concerned about postulations that engender a view point that somehow a particular group is being persecuted for their beliefs. That has not been my experience. That has not been the practice of this Chamber since I have been here. So that, I think that we have—I am very concerned about that because that serves to create divisiveness and we have enough of that in the society and I do not get that when I read the piece of legislation. I do not get that.

For the record, Madam President, as most people should know, I am about inclusion. As I say, I am a regular normal person. I breathe the same air as everyone else. I think every member of the Parliament staff here would tell you I talk to everyone. I am about inclusion. I am a regular, normal person. But in that context, Madam President, when we do things, I think it is important that we all understand that accommodations have to be made.

I want to deal with the issue of viewpoints. I take the view that, I have said it in this Parliament and this Chamber on more than one occasion, we have to be able to be in a place where we can disagree respectfully and there is nothing wrong with disagreements. I disagree with people all the time. I have disagreements with people all the time. But we can disagree and then have a coffee. Yeah? Let us disagree respectfully.

So Madam President, in that context, if someone or any organization or any group or any set of people is of the view that it is fine to allow a child as young as 12 to get married then they are perfectly entitled to that view. It is their inalienable right to hold that view. By the same token, those who believe that such a marriage is wrong are also entitled to have that view and we have to understand that both views have their own supporters and their detractors.

The challenge emerges, Madam President, when, as we are doing here, we trying to agree on a piece of legislation that proposes a change that affects both groups. That is the challenge. In this situation, as I said, you would never have 100 per cent consensus and that although someone may not be "happy" because they may not be pleased with the way in which the outcome is shaped.

But here is what, Madam President, in the same way that we have a wonderful process in democratic countries called elections and at the height of election the fever, the tensions run high, but the day after the results what happens? People make adjustments and life goes on. Yeah? We make the adjustments that we need to make personally and professionally and life goes on. Okay? And you accept the results because you understand that the results are not targeted at you. They are the results. Because the issue, Madam President, I am driving at is intent. I do not

read or see any intent here to personalize or demonize anyone or any group. I believe that we have to understand that the focus of this is protecting children from being married.

5.30 p.m.

Madam President, there is a point that was made, as I have a couple of points I want to deal with. I have a challenge, Madam President, mentally, forgive me, in my own space, on several points during the discussion and the contributions made by various Senators. There seems to be a linkage between marriage and sex, and I cannot process that, so I am going to leave that. I cannot process that because if we are saying, someone is suggesting that if a child is ready for sex then they are ready for marriage, then what is the cause for the marriage? Is the cause for the marriage sex? I cannot, in my own mind, even rationalize that.

But there is a point, Madam President, made about sexual activity by teenagers, and that has been made several times by several speakers. Here is the issue, Madam President. That situation occurs in virtually every country around the world and there are reasons for it and there are many. Societal norms are different; there is parental failure in many instances; there is access to adult material for want of a better term; there is also peer pressure and there is also the normal process of curiosity by teenagers about their changing bodies and those things have—it is a complicated set of activities.

You know, I recall, Madam President, when I was a young guy, which is probably a couple decades ago [*Laughter*] or more. As a teenager you wanted to appear older. I remember you would go to try to appear to look older. R-rated movies were showing at the cinema, and you would try every trick in the book to slip by the guy by the door and, eventually, he would try and tell you give him a $10 and go by pit and you would get in pit. I mean, what I am saying, successive generation of children have found ways to subvert whatever controls are in place. That is all that is happening. As more children become more savvy, technologically savvy and information savvy, children have been able to find ways to circumvent parental controls, all the various parental controls and engage in activity. Is that, in doing so, the cure for that marriage? I do not see the obvious linkage, and I am not convinced.

I am going to make a point. I think that the issue for me, Madam President, is that marriage is a life contract. Marriage is a responsibility. Anyone who is married here in this room would attest to the challenges and the effort required to make a family system work. To place this burden upon a child is unreasonable. It is unfathomable that we could agree to that. It has potential to reduce that child's future potential aspirations.

So that I think that marriage is a legal contract and that putting a child—and I understand. There is an argument that I remember—well, there is a family system and a family circle—and all I would say to that is yes. I believe that family support is important, but that is only one side of the coin. Sometimes nobody ever mention that there is family pressure, and that family support is not always positive. Family support could actually be negative. So we focus on one element of it, I want to show that there is another dimension to it that the family may be actually putting pressure on the child. They may be giving support, but that is what comes with pressure and that is a very real thing. Madam President, I have a short message for the few men that remain populating this room, and the message is simple. Women are our equals, deal with it. [*Desk thumping*]

Madam President, I have had the honour in my life to be introduced to and interact with some truly formidable women in both the professional and other spheres. Our society and country is so much better off because of the contributions made by women. We only have to look at the Parliament here where we have two history-makers as our Presiding Officers. These are women who demonstrate professionalism, dignity and decorum and both have my deepest respect. Would either of these persons have been able to aspire to these positions had they been married at 14 or 15? [*Crosstalk*] I am not even going to 12, and this is the question. This brings me to my other point, Madam President.

When we talk about every country aspires us to improve its prospects for development, women have a key role to play in helping the country develop. If you remove them from the productive system it inhibits the country's ability to develop. [*Desk thumping*] This is the thrust of the Sustainable Development Goals. People talk about it, but we have to internalize what it means. If we get a lesser contribution from women in the society, the ability of our country to develop is hindered. Okay? So, Madam President, someone quoted what I was going to quote about the United Nations Population Fund—but child marriage, oxymoron as it is from where I stand, is a human rights violation. It is a human rights violation. I cannot support it in any way.

And just for the record, Madam President, I recall we had a debate here brought by a Senator who is not present right now about the Sustainable Development Goals, and it was a very active debate where I think every Senator on the Independent Bench who contributed fully supported it and every Senator on the Opposition and the Government. For the first time in this Parliament in a long time all Senators supported it. One of those goals is Goal 5, and one of the targets under Goal 5 states:

"Eliminate all harmful practices, such as child, early and forced marriage…"

So if we sat in this Chamber and we agreed that we should eliminate all harmful practices such as child marriage, what are we really here having this long debate about? And all parties agreed. Why is the need for this? Why am I even talking here? It is at pains that I am speaking here.

Madam President, child marriage, oxymoron as it is, sanctions the criminal offence of statutory rape. By not agreeing to the amendments before us, Trinidad and Tobago would be known as a country that in 2017, it is sanctioning the perpetuation of legal rape through the cloak of marriage. That is something that is an absolute abomination. If this measure fails to be passed, then who is meant to protect our girls? Is it that the State is wrong to prioritize the welfare of our children above other concerns? Is it wrong for the State to prioritize the welfare of our girls? Because, Madam President, we can end up in a situation where if this Bill is not passed here, I do not want to pontificate about the other place, but we may be saying to the world that paedophiles are being granted protection by the law, all under the cover of marriage. Let us protect our children, Madam President.

I even think given that we have a wonderful process in the Parliament here called the Youth Parliament, I would love to hear what the Youth Parliament students would have to say about this—engage the Youth Parliament and it may end up the first time that the Youth Parliament, there may be some members crossing the floor for probably the first time in the Youth Parliament, because this is an ideal topic for the Youth Parliament to hear from the youths what their views are.

We have a brilliant youth who gave a sterling contribution, Sen. Nikoli, last week. As I say, I am happy to see the future, because I am seeing the future. These are the people who are going to allow me to be able to go and sit down in my rocking chair in a "lil" while and rock back, and I could flip to the Parliament Channel and say. "Well, it is under control, Nikoli and these other young chaps have the thing under control." I could relax, but for the time being, I have to keep putting some pressure on the system.

Madam President, I want to deal with a couple other little things. Madam President, I recall the first time I was appointed as a Senator, and before the actual ceremony, there was a process to come into the Parliament to familiarize yourself with the surroundings and everything, and a presentation was given by one of the Procedural Clerks, and something stuck in my hair during that presentation. The would-be Senators were told that we must always remember that whatever we say

here in the Chamber is part of a permanent public record. It is part of a permanent public record, and whenever you come here you should be putting things on the record that if questioned you can defend it or you can provide information to support what you are saying. This is not a place where people should be able to come and say things that they cannot support or cannot defend. I have a huge problem with that because I work very hard when I come here to make sure when I talk about something, and I put a position on the table I can defend it. So that brings me to a point made by one of the temporary Senators last week and it caused me—and I approached it in a particular way, Madam President.

Even though when I heard the topic of puberty and marriage I, in my own brain, and puberty and marriage, I have a challenge with it, because I asked the question internally: is it because a child's body begins to go through a biological change that that becomes the signal that they are ready to get married and raise a family? I cannot connect the two. I cannot connect the child's body going through a biological change being a signal that they are ready to get married. I cannot connect it. If someone could connect it in their conception, great. It does not work—my brain does not accept it, and because as Sen. Mahabir noted in his contribution, gaining life experience and being able to understand what life is about is so important about building and being in a marriage. It is so important. But I begin to start to wind up. I do not intend to delay everyone here this afternoon.

A point was made that particularly stuck in my ear. I saw more than one newspaper story about it, and it was made that in the context of puberty and marriage that one of the things that affects puberty is the climatic effects. Now, that stuck in my ear because and I apply a particular rigour. Even though I hear something and for me, intuitively, in my understanding, I have a challenge with it, I said David go and find information to see whether or not there is some validity to it.

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

So I went and I searched and I searched. I called, I emailed all my various colleagues all around the world, and then I was guided to a document, a document printed by an Oxford academic, and the title of the paper is:

> "The Timing of Normal Puberty and the Age Limits of Sexual Precocity: Variations around the World, Secular Trends, and Changes after Migration"

The research paper was done by several noted Oxford personages and several names. I would provide it to the note takers, but they went through a document. It

is a very long document. A whole history paper. They talked about nutrition factors, genetic factors, clinical indicators and they said regarding the issue that was raised, what they said and I quote:

> "…most observations indicate that climate in itself has little or no effect on menarche."

Menarche is spelled M-E-N-A-R-C-H-E, and just to be clear, menarche as the wonderful doctors and them—let me rush back to my wonderful Oxford here, menarche is the first occurrence of menstruation. So it is a medical term and it is taken from a Greek word. So I learned something. I say this, Mr. Vice-President, because if we come and we make a point on an issue, we have to be able to say this is based on something, it is not based on—something. So I am making the point that based on the information I am able to find—and I am quoting from their paper—there is no effect between climate and menarche, which is the onset of puberty and it is interesting, because I learned some new words, Mr. Vice-President.

Inside of the document they say that menarche may occur at an unusually early age preceding the larche. I will challenge others to go and find what the larche is—t-h-e-l-a-r-c-h-e—and pubarche. So I would not give the—

Sen. Gopee-Scoon: You need to educate them.

Sen. D. Small: You want me to educate? Certainly, Madam Minister. Thelarche—t-h-e-l-a-r-c-h-e—and it is pronounced that way because it is Greek origins—refers to breast development—forgive me, Mr. Vice-President, if that is an unparliamentary term—and pubarche which is the appearance of pubic follicles, for want of a better word. I learnt a couple of new Greek words. But the point I am making, Mr. Vice-President, is if someone is coming to the Chamber, and you are making a point on any issue and you are putting things out there—I think more than one story—people are asking: where did you get that from? And if you got it from somewhere, provide the information so that we could understand where you are coming from. Do not come and say things that people struggle to understand or defend. I am not saying to agree with the wonderful people from Oxford who wrote the document. All I am saying is this is where I got it from, and anybody can go and find it and refer to it and understand at least all 69 pages of it. It was not short.

So, Mr. Vice-President, as I begin to wind up, I have looked at the Bill's provisions. I have heard during the debate that there are some provisions around—recommendations from parties around having consideration for 16 to 18.

A 16 year old is a child. A 16 year old is a child. So placing a child in a legal contract that is likely to be for life bearing, for a period of time of their lifetime, I cannot process it. I do not understand it. I understand from the situation, okay, there may be a situation of a pregnancy, but is marriage the only solution to that? Is marriage the only solution to that?

Sen. Ameen: There is abortion.

Sen. D. Small: So that I am struggling with legislating that if a child at 15 or 16 gets pregnant, one of the solutions that you can put down their throat is being married. I struggle with that. I do not think I could support that, because as far as I am concerned, I have a couple of teenagers around my house and they are children, they are children. Mr. Vice-President, with the greatest of respect, I have met some adults who are adult in age, but they have childlike tendencies, and this speaks to the fact about people developing differently. So that 18 for me is highly understandable, reasonable and supportable.

There was a question about the penalties being applied, Trinidad is a place where for some reason people seem to want to continue to flout the law, and putting a penalty in there that in the same way that I think I saw a notice that, you know, some new increase in fines have now been proclaimed for speeding or drunk driving or whatever, you have to put a penalty that is a deterrent. You have to put a penalty that if someone says if I do this, I could really be in some trouble here or this is going to cost me some money. So, I do not see it as being draconian or putting pressure on people. I see it as something that is needed so that people do not—if someone is thinking of breaking this law, if it is passed, they recognize that they are in some trouble if they are caught. I have no objection whatsoever. It might be even too easy on them, because what you are doing by sanctioning a marriage or performing a ceremony with a child I—perhaps, Mr. Vice-President, I am an only child and I understand how that parent bond is and how your parents struggle and work hard to want to see you succeed and want to give you the best opportunity.

There is no conception in my mind that my 14-year-old—I mean, it does not arise, because my thought process cannot allow for something like that to come to the table. We are dealing with children, we are here to protect our girls. Our girls are under threat, let us not put them in a situation where they have no choice about their lives. Give them the choice. I am saying teenagers are probably making not the best choices, and whereas their parents and their family members and their community members, we are there to help them and guide them, not to put them in the hands of some other older person or whatever to have them taken

away from the society for life, because we need the contribution of our women to allow our country to grow. We need the contribution of our women.

Mr. Vice-President, in closing, those of us here in this Chamber are required to seek the best interest of Trinidad and Tobago. Seeking narrow interest diminishes our collective efforts. Mr. Vice-President, I am not here to demean or to knock any particular group. If anyone takes that away from my contribution that is not my intent. If when I say that if someone comes here and they say something that is difficult to conceive off, and I cannot find any information to support it, I do not see that as a knock on the person, but it is a knock on what they have presented, and they did not do their work in presenting here, and that for me is a level of rigour that we have to apply in the work that we do here. People sitting on TV listening the radio have to understand that when people come here this is serious work. This is serious work and I take it very, very seriously. So when I come here and I present information I make sure and I double-check and triple-check to make sure what I am saying I can defend, and if I cannot defend it, I can show how it can be defended. It is not just talk.

As I say at the beginning of my short contribution here, Mr. Vice-President, the work of creating good law is fraught with difficult choices, and the results will almost always find detractors, but c'est la vie, c'est la vie. That is how it is. If we create a piece of legislation here and every single person in Trinidad and Tobago say. "Yeah, the best thing ever", well I want to, you know, get some of what you are smoking, because that will never happen. So that we understand that there is a responsibility placed on us. There is a piece of legislation, the Government, in my view, I have seen the work they have done with the consultations. We could always argue about the level of consultations and more consultations and private consultations. We can argue about that, but it is not that the Government came and foisted this upon the Parliament without having any views from anyone else, at least from the information I have.

So that it came to me. I believe the Government brought this with good intent to protect our girls and this Bill, as it is currently structured, has my fullest support. All we can hope to do is to pass laws, Mr. Vice-President, that serve the larger interest of Trinidad and Tobago as a whole. Mr. Vice-President, with those few words I want to thank you. [*Desk thumping*]

The Parliamentary Secretary in the Ministry of Agriculture, Land and Fisheries (Sen. Avinash Singh): Thank you, Mr. Vice-President, for this opportunity to contribute in this very important debate today that has taken over two days in deliberations and conversation thus far. As I see it, this debate, Mr.

Vice-President, is a very simple set of amendments that is very clear and was very clearly articulated by our Attorney General.

This Bill, Mr. Vice-President, as we call it, the Miscellaneous Provisions (Marriage) Bill, 2016, seeks to harmonize the aforementioned marriage status across the board by raising the legal age of marriage to 18 years, repealing any parental control of marriage and creating an offence where it is illegal to solemnize a marriage of a person who is under the age of 18, and also extending the hours in which the marriage can be solemnized.

Mr. Vice-President, I want to start by saying after nine years of a relationship, 44 days ago I signed a contractual arrangement pursuant to the Hindu Marriage Act, Chap. 45:03. [*Desk thumping*] I am going to approach this debate, Mr. Vice-President, as my colleague, Sen. Stewart would have—[*Crosstalk*]

Mr. Vice-President: Continue.

Sen. A. Singh: Thank you, Mr. Vice-President. I am married. I am not sure about those on the other side and their intentions. Mr. Vice-President, the time has come for this country to take action, and progressive action, to protect our children and, more so, our young girls in society. If I were to contribute the full length of my contribution, Mr. Vice-President, which I would not, because I believe a lot of what has been said by members of the Government and members of the Independent Bench is exactly the outcry by the public and most of the right-thinking citizens in society.

Mr. Vice-President, while I indicated that I signed my contract recently, I will tell you—and maybe this is one of the reasons why we are proposing the change in times from 6.00 p.m. to 9.00 p.m—it is no sinister plot to go and have marriages as proposed by some of the other speakers by changing the time. I could tell you from first-hand experience that under the rights and rituals that I would have been subjected to that 6.00 p.m. mark was fast approaching.

I could tell you the way in which marriages are concluded under the Hindu Marriage Act it is long, it is hours at length and maybe, Mr. Vice-President, in extending the time, that is one advantage of a lot of the marriages taking place. Because some may say convenience, and some may even say, in some cases where the religious leaders or whoever may be presiding over those marriages, may not rush down your marriage and so on. Because, as we see it, I am a practising Hindu and I hold very, very strict to my values and my morals where I was brought up. So I could understand and I appreciate from a Hindu's perspective the extension in time so that my ceremony could have taken the full course, and as a young person would understand all the responsibilities of taking that next step.

Mr. Vice-President, I want to share some of the context in which after I read this Bill and all these amendments, my interpretation of some of what the public is out-crying as to why this step is needed and why it is needed now. Mr. Vice-President, what is the history of child marriages? I mean, a lot of persons have shared their own interpretation, their opinion, their beliefs and so on and I would just like to share a few points that led me to fully accept and support these proposals in this Bill here today.

You see, Mr. Vice-President, long ago—and a lot of colleagues here would have spoken to that. In fact, my grandparents on my mother's side, my grandmother got married at age 16 and my grandmother on my father's side got married at age 17, and my great grandparents I am sure they would have gotten married even at a lower age, just like some of my colleagues here who would have shared that. The intention today, Mr. Vice-President, is not to demonize that activity; it is not to condemn that activity, but it is to indicate that we have moved as a society, as a world, as a country, from what was considered as acceptable norms back then to where we are today.

And, Mr. Vice-President, long ago, I could tell you, my growing up life and my child days was one in which I go to primary school, walk to school, walk back home and back out to the agricultural fields where my family would toil every day. I could recall being just about five, six, seven years old having to come back to the garden and work to ensure that ends meet and I have food to eat at the end of the day. In today's society, we would look at that as child labour which is illegal, but what I am saying, Mr. Vice-President, in most families, in most communities, that was acceptable then, because that is how strong some families were and that is how some families are successful today and they survived.

Mr. Vice-President, we all know about extended family life and structure. Long ago, it was acceptable, it was common. Today we have seen the erosion of this type of structure and we have seen certain changes that attribute to in-laws and newlyweds having challenges.

6.00 p.m.

Mr. Vice-President, the point today in society is that almost all the newlyweds you speak to would like to have a place of their own. Not because they disrespect the guidance set forth by their parents and their elders, it is because today's society is different to the one we are accustomed to and the one that a lot of our ancestors, our parents or grandparents were subjected to. But I dare say there was a lot of merit in those types of structures back then, because when we talk about child marriages in the context of extended family life, it was acceptable then

because in most of the statistics you would look at and most of the contributions we have heard, a child, whether it be boy or girl, got into arrangements because of a range of reasons, and we have heard a lot of them here today. Traditions and culture, some may even say poverty, some may even say religion.

At the end of the day, under the family structure of the extended types of arrangement, young girls, young boys were brought up a certain way. They were not just brought up by parents. Long ago, children, I dare say, were brought up by communities. In fact, all the elders in society back then played a pivotal role in the development of any child in any community around this country. We need to recognize the changes in the times and bring our legislation in line with international standards and best practice. That is the reason for a Parliament.

So when I sat here on the last occasion and I heard a Member of this august Chamber saying that their law in their belief is not subject to changes, then that seemed to erode the whole nature of a Parliament of a country. If you want to think like that, I mean, right now a lot of laws need amendments, and that is why we are here. We are here to try to put some equality in our system. When one looks at the Constitution of our great Republic, and I would just read the rights enshrined and the recognition and declaration of rights and freedoms, Part I:

> "It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex,…"

And then you go on:

> "the following fundamental human rights and freedoms,…"

One reads as follows:

> "(f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;…"—together with other things.

Mr. Vice-President, where education is concerned for our young children, our children at large, at the end of the day I think most of this population has come in full support to the intention of the hon. Attorney General and this Government, because it is timely.

While some may say go back to the drawing board for consultation, I want to say after 26 years—that is almost my lifetime, I am 28—this thing has been in the cycle and in the making. Today I am proud to be a part of this exercise and this conversation, to put my two cents in this piece of law-making, and pledge my full support for the protection of our young girls in particular and our children under the age of 18, in shaping a society and moving forward.

While we have heard that there are some horror stories in the past where child marriages occurred, there are also success stories, as we have heard from my colleague when he spoke, the Minister of Agriculture, Land and Fisheries and the Minister of Works and Transport. People are getting the impression that the Opposition is portraying the image that we are here to condemn the actions of any religious entity or in fact, the position of the UNC. Today I stand very confused as to what really is the position of the Opposition, because last week a different song was being sung, a different tune was being played. I do not need to go into any of the details, because every Member on the Opposition Bench who spoke had contradicting views, and today they have reeled back all that in, to stand in line with what the public wants, and what the public is asking for, which is the value of what the Government is doing at this point in time, in doing everything in our authority to amend our laws in line to protect our young girls.

Mr. Vice-President, Sen. Small referred to the fact that no piece of legislation will ever be perfect, and that is true, and that is why the government of the day would have to come to this august Chamber and amend laws. We would have to keep the laws of this country in line with what is best practice, what is accepted in society in modern times.

The intent of this Bill is not to demonize or segregate anybody; this is a national issue. As he quoted, I will quote him: Women are our equal, deal with it. He referred to the fact that he would like to see us engage the Youth Parliament, and I applaud that, because I engaged a secondary school a few days ago—I ask permission to call the name, Holy Faith Convent in Couva—where I delivered a few remarks on behalf of the Minister of Agriculture, Land and Fisheries. I paused and asked the question in front the entire gathering, all 800 students of that school, all in the range of ages 12 to 18. I asked the simple question: which one of you all here in this school is ready for marriage or even considering marriage? Absolutely not one hand went up. All 800 girls in that school are in full support of our intention to protect them, by passing these amendments here today.

When you look at some of the intelligent citizens in society, I would just like to quote from one article here, with your permission, Mr. Vice-President, the daily *Express* of Monday, January 16th. The commentary by a reputable gynaecologist, Miss Sherene Kalloo. I will just quote about a paragraph or two from what she had to say, headlined:

"Time to abolish child marriage

It goes on, and I quote:

> "T&T is one out of eight countries in the world where it is legal for a 12-year-old to get married."

Understand that in the context of the world we are ranking one out of 12 that allow for our 12 year olds to get married.

> "We as a country and our backward law have contributed to the global problem.
>
> When children marry early they are denied the opportunity to an education.

We are saying it's okay for a 50-year-old man to marry a 12-year-old child and have sex with her. It is sickening, it is wrong and people need to stop and think when they open their mouths to question or speak against the amendments to the archaic Marriage Act.

> When girls marry early they drop out of school."

We have heard the statistics, we have heard from a lot of the speakers here today with respect to some of the ills in society that we can point to, that are caused because child marriages occur.

> "One cannot expect a child's 50-year-old husband to say don't cook, clean and wash just focus on your books because I want you to pass for your first choice.
>
> A child bride becomes the house servant and walking womb as of course she'll be expected to bear children.
>
> Child brides are victims. They are subject to a greater risk of HIV infection and intimate partner violence, and face serious health complications and even death from early pregnancy and child bearing."

She also goes on to say it is her hope that:

> "every Member of the Opposition would do the right thing and vote in favour."—of this Bill today.
>
> "If they do not, I challenge any one of them to marry their grandchildren off at 12.
>
> In my view, the time has come to protect our girls and if anyone breaches the new law, jail them."

These are some of the views that some of the people, in fact most of the right-thinking citizens share—I share.

You see, Mr. Vice-President, we did not come here by "vaps" as some may claim. The reason for us being here is that the majority of the citizens of this country voted for the PNM in the last election; that is a fact. [*Desk thumping*] In our manifesto which is now Government policy, at page 69 where it deals with gender affairs, I will just read one paragraph:

> "The status of women in Trinidad and Tobago compares favourably with many middle income developing nations. The equal rights of men and women are guaranteed under the 1976 Republican Constitution and the PNM has always been and remains committed to promoting gender equality and equity. Under the PNM, women's overall participation in national leadership and decision-making has increased exponentially. In fact, women's political participation within the PNM is far ahead of any other political party and even exceeds international benchmarks."

That is the basis on which we the PNM and we the Government, through the Attorney General, have come here to take active measures to put on the record our stand against discrimination against women in this country, and more so our girls. I dare say, I will never be a part of a Parliament who would stymie the growth and development of children, our girls and say to them that it is okay for a boy to be seen or treated as more favourable in the eyes of the law, especially where education or any other contractual arrangements are concerned. That is what we are trying to alleviate here today, as some of the reasons in bringing this piece of law.

Mr. Vice-President, there are so many persons calling on us, pleading with us to do the right thing. I am going to be part of a government that will be recorded in history, after 26 years of a conversation, hopefully tonight I will be voting in support of this Bill that will bring this country within the range and rank of almost all the developed countries and international benchmarks that we would like to see, where our girls are concerned.

Mr. Vice-President, marriage is a sacred thing. I have grown to learn that, and even at age 28 I feel I need support and guidance from my elders, from my colleagues, from all the experienced husbands and wives out there. It is no easy task. I am saying so with some level of experience. I mean, 44 days is no experience to talk about yet, but you have to compromise. You have to love, you have to follow. Sometimes you have to take orders, and more so you have responsibilities. [*Laughter*] You have responsibilities that cut across economic barriers, that cut across all barriers to make this thing work. Because as some have

called it, it is a lifelong commitment and a lifelong contract, and in order for it to be successful you have to make it work; two hands clap at the end of the day.

I would like to share a position taken by one organization. I saw their position so close to my position, I would like to share that on the public record, because a lot of organizations have come forward. A lot of NGOs, religious organizations, civil groups have come forward. I would just like to share one that came to my attention recently, I would like to place on the record. It is entitled:

"SWAHA Calls for Adjustment in Marriage Age"

It is by the Paramacharya of Pundit Hardeo Persad, spiritual head of SWAHA. It goes, and I quote:

> "Time, place and circumstances must be the major factors that dictate adjustments in the Hindu Marriage Act. Almost a century has gone by since this Act was established in 1923 and with it several changes have taken place in the social, cultural and economic landscape of our country. Family, education, communities and other social institutions have undergone significant modifications. Many of the support systems that provided strength to some of these institutions have crumbled over the years. SWAHA strongly recommends that the adjustment of the marriage age from fourteen years to eighteen is a necessary step in the interest of all. It takes cognizance of a changing environment and developmental needs, while maintaining continued respect and credence of the institution of marriage."

Decades ago, the appropriate family structure was in place, providing the necessary support and stability to a fourteen-year old married girl. The young bride would undergo training in the preparation of married life by experienced family members. Today, such family settings and social circumstances are no longer existent. With a decrease in nuclear families and the prevalence of other variations to the family-structure, it can be near impossible for this mode of preparation and training to be implemented. Changing times, it is said, require change in thinking.

From a Hindu perspective, parents are responsible for the upbringing of a child. They are the child's first Gods upon earth who provide the child with birth, growth, sustenance and the provision of opportunities for his or her development to the fullest potential. I ask, how can this be possible when children are having children? The increasing number of separations and divorce today speak to a burning need to revisit the Act.

Women of varying ages, levels of attainment and occupation within SWAHA Incorporated were respondents in a survey conducted recently by the organization on the age of marriage. Without exception, one hundred percent of them agreed that the marriageable age should be raised. A few of them suggested the age should be raised to sixteen years while over 90% of them suggested that there should be an increase to eighteen years. Many of these women were in full support of the child acquiring her education, as well as attaining a state of mental and emotional stability. Many of them saw the early marriage as having an adverse impact on the child's health and education. It was agreed by many of them that marriage being a legally binding contract, should be treated with the legal gravitas it warrants and only be entered into by adults, not less than eighteen years old."

That was the position by a large following and a large organization that consists of Hindus, as the SWAHA organization.

So to come and say that Hindus are not in support of this legislation—we have heard the position by the Hindu women's group. We have heard from SWAHA. We have heard from many in society. As I said, we are not here to discriminate on any group or anybody. We are not here to condemn anybody's position.

In fairness to the Attorney General, I have seen the attendance. I have seen the amount of participation. I have seen the social participation via our media portals, and almost all young people, almost all mothers, grandparents, almost all right-thinking persons in society have come forward in recent times to voice their concern and share the similar sentiments as SWAHA would have done.

As Sen. Small said, we cannot get it perfect, we cannot get it right. Some may not be in support of it, but we take your considerations, we understand, but we are a Government here elected to serve all, and the majority of persons would like to see these amendments be tabled and accepted. I think most of the persons who would have contributed here, with the exception of the Opposition of course, would like to actually vote on this piece of legislation and have it recorded. One day we will look back and say that history would have had it that today we would have taken a progressive step as a nation in continuing the progressive building of our institutions and more so our children at large.

Mr. Vice-President, I would like to place on record again, having been one of the youngest persons to serve this country at this level, I join with colleague, Sen. Edwards. In 2013, 24 days after I turned 25 years old, I was appointed in this honourable Chamber. That was thanks to the then Opposition Leader, because he understands the role of youth in decision-making, and he understands the contribution we would like to make.

You have heard my colleague, Sen. Stewart, you have heard my colleagues in all realms of society. We want to take active responsibility if given the opportunity. I commend the People's National Movement for that, for taking the lead in putting young people first and foremost; in understanding we have a valuable asset in our minds and our thoughts and in our interaction, and we want to contribute. Today I proudly stand in my second term here and I salute all those members who have gone before me and have contributed to good law in this country. Because I believe that this piece of law that we are about to pass, and I dare say pass, is good law. It may not be perfect to some eyes, but it is a step in the right direction, and our girls are the ones, our young people, our children are the ones to really benefit from the actions that we are going to take here today. I feel proud to be part of that.

So, Mr. Vice-President, I give this Bill, this debate, my full endorsement. There is so much more I would like to speak to, but I do not think it is necessary, because most of the persons who spoke here from the Independent Bench, I dare say, we have learned a lot from what the Independent Senators had to say. They have contributed excellent towards this piece of legislation, and more so the Attorney General for laying this in this timely manner, and I dare look forward to voting yes to this piece of legislation.

I thank you, Mr. Vice-President. [*Desk Thumping*]

Sen. Paul Richards: Mr. Vice-President, it is an honour to be able to stand here and contribute to this critical piece of legislation, because of its importance to ensuring equity for girls and boys and women and men in Trinidad and Tobago.

Before I go into my contribution I would like to just wish Sen. Khan a speedy recovery from my understanding of his health challenge and hope that he has a full and speedy recovery, and also Sen. Solomon I understand had been under the weather. So we also want to wish him a speedy recovery.

I also want to congratulate the Attorney General and the Government by extension for dealing frontally with what is a very sensitive issue, and having the courage to deal with it, because it is not an easy issue to bring to the Parliament at this stage. There are several controversial issues that sometimes administrations may shy away from, but this one I think was worthy of its placement in the docket this early, even though it is in the second year of this parliamentary term.

I want to start with a quote. Yesterday was Martin Luther King Day in the US, and I want to start with a quote from him:

The time is always right to do what is right.

And I think now is the time for this.

Interestingly enough I am heartened, because last Wednesday I sat and was pretty dismayed by one or two of the contributions I heard, because of the direction they were heading in this present day time. This is not to demonize anyone's religious belief or their perspective, because everyone has a right to their opinion and perspective, and to voice that in our kind of democracy. But it was disheartening because it seemed to hold on to a kind of mind set which, to me, is at the heart of what we are debating.

To quote an old song, this is really a man's world. It is a man's world in every seeming way, form or fashion from history immemorial. Even religious God figures primarily have male gender assignments. I do not know if we realize that. God is he; Prophet Muhammad is he; Allah is he; Buddha is he. There are some Hindu deities that are female also, but primarily even God figures are male. Women are really second in human culture and human civilization. I respectfully suggest to this august House that what is really being debated here is the examination of our value system. Do we equally value girls as we value boys? Do we equally value women as we equally value men? In Trinidad and Tobago today have we valued girls as equally to boys in the last 50-plus years of our independence? If we are honest with ourselves the answer is no.

I am going to make a statement here, but I hope it is not construed as disrespectful. These traditions of child marriage and the laws in many jurisdictions, the 12 jurisdictions still supporting them and those that supported them in the past century or so, would not have been even on the law books or practised, if men could get pregnant. [*Laughter*] If men could get pregnant they would go through the same issues that women go through in society. I know society has changed a lot over decades in historical terms and such, but women have to make decisions about their careers, their lives.

Those who can are afforded the opportunities, that is, to make those decisions about if and when to get pregnant and how it would impact their careers and their relationships with their spouses, and men do not have to make those decisions. Even more so, in the context of the discussion of child marriage, girls do not even have the option to make that decision. That decision is made for them, literally mapping out their lives for better, very often for worse, and with absolutely no impact. As I said before this is not to demonize anyone's cultural or religious practice, that is just how it has been. But you know what? That is not how it has to remain.

I really want us to sit and reflect on what it would mean in word, deed and in law to equalize the playing field in Trinidad and Tobago, for girls and for women who really have been marginalized throughout history, not only in Trinidad and Tobago, but around the world.

We also have to ask the question: whose interests are really being served by the law as it presently stands? We have had so many different arguments purported about why the law is, and they fall into general areas. Fortunately I do not have to go through everything I had planned to talk about, because there have been so many contributions that have gone over many of the merits and demerits of child marriage and why it has happened and why it should continue, and why it should not continue. But they fall into four general categories: one, culture, religious tradition and practices and the rights to continue to hold on to those, to protecting the honour of girls because they may get pregnant—may. The rights for parents to choose what they feel is best for their children.

On the issue of cultural traditions, sometimes we forget that culture is functional. These traditions and practices did not just fall out of the sky. In human societies cultural practices serve a function, and culture is also not static; it is dynamic. Culture changes from time to time, from context to context, from jurisdiction to jurisdiction.

6.30 p.m.

And when we talk about culture, what do we mean? We mean intellectual and creative products including literature, music, drama, painting, beliefs, practices, traditions. It is a fabric of every society including our own. It shapes the way things are done, what we believe and the understanding of why things are the way they are and why they should remain or change.

Culture is a complex and distinctive social construct. It is material; it is artefacts; it is belief systems. And as I said before in all societies, culture is not static. They are living entities that are continually being renewed and reviewed because times are changing and times are revolving.

And before I go on because I do not want to forget this point. You know, the good thing about listening between Wednesday, last Wednesday and today is that, while I may have been dismayed last Wednesday by some of the contributions, I was really heartened today because it seems—and I am not going to get into the reasons why and if and who and what—that there has been a shift and some sort of consensus that a 12 year old is a child. And we should not be allowing children at 12 years old to be married based on the contributions I have heard today.

I have also in my interpretation realised that we seem to have come to some sort of consensus on 18 as the benchmark with a caveat being suggested by Sen. Mark and Sen. Mahabir that some sort of consideration being given to some sort of 16-year-old accommodation. I do not think that this is invalid suggestion, but I will tell you, after 26 years of talking about this and decades of the practice, though they may have been valid for decades, I much prefer to vote in favour of the Bill as it is now and protect one girl a month from now [*Desk thumping*] than wait another 10 years or three months, [*Desk thumping*] because it will mean that we move closer to enacting a law that protects girls primarily in Trinidad and Tobago, and some sort of amendment may be possible to accommodate the 16-year-old caveat as suggested by Senators Mark and Mahabir earlier on.

You see, the issue of culture and change is very important because we need as a developing country to realize, we have to review our culture and traditions regularly. That is to me part of the function of the Parliament of Trinidad and Tobago because we serve the interest of the people.

You know, in Bangladesh there were changes in, just to give an example of the changes in culture and how they impact different jurisdictions. In Bangladesh changes in trade policies allowed for the growth of the garment industry which drew large numbers of women into urban labour force. This process has involved the reinterpretation of the norms of a tradition called purdah which is female seclusion by women entering employment by their families at that time. And the much greater visibility of women in cities such as Dakar were also influencing public perceptions of possible female traditions and belief and their flouting of those. And they had to change that tradition although it was held onto steadfastly in the past, because they realized that as their society evolved, they had to revisit some of their traditions, religious beliefs and practices. And that is why we need to do the same in Trinidad and Tobago.

You know, when you think about gender stereotypes, the changes in the roles of girls who mature into women in Trinidad and Tobago and societies when decades ago girls and women—well, girls were expected to grow up, get a husband, have children, take care of a home. All extremely noble endeavours. At the time that was primarily all that was expected of them. Now, as around the world, women can do anything they want if given the opportunity, if given the access to education which is very much in conflict with marrying at 12 years old and we need to recognize that, or even 16.

You know, we look around, we do not have to go far to get examples. There are Sen. Romano, Sen. Stewart, Sen. Ameen, Sen. Chote, Sen. Ramkissoon, Sen.

Baksh, Sen. Baptiste-Primus, Sen. Gopee-Scoon. All sit here because primarily, and I am making a big presumption, but I think I am right, they had access to education. [*Desk thumping*] They did not face marriage at 12 or 13 or 14 and the accompanying pregnancies that would have had significant impact on their ability to access education and achieve their fullest potential and make the contributions that they make in this august Senate.

Why should any other girl in Trinidad and Tobago not enjoy the same facility? That is what we describe as a society that is truly democratic and engenders a sense of equality between girls and boys, and that is at the heart of the debate here today. Do you really think these women would have been able to achieve and continue to achieve all they do if they were under that circumstance of marriage at 12, 13 and 14?

You know, doing research for this contribution, I tried to get to the source of how these traditions and practices came to be. And I came by two really interesting, pervasive trends of thought in the research. One, the issue of family wealth was closely tied with early marriage, and one was the issue of value of girls as opposed to boys. Where in families hundreds of years ago girls were, quite frankly, not as valuable as boys and women did not hold the same social status as men in societies around the world. So in terms of girls we had the issue of the dowry where, you know, there was a sensibility where a dowry was agreed upon as the price of the bride to be and the girl. If the girl was a virgin, the dowry was higher. So the earlier the child was married, the higher the price would be paid to the family for her. So it was an economic situation.

There was also a situation related to in Asia and the subcontinent in some parts marauding, invading tribes where it was felt that if girls were married off younger and had families they were protected because the tribesmen who were invading did not necessarily want married women who had children. They preferred girls. So the earlier girls were married off, the more they seemed protected in terms of honour and their safety from invading tribes. So you see, the practices had functional origins. And those situations do not exist today. They have no application, but their traditions would have carried on for whatever reasons.

There is also the issue of just basic economics, where we see in the world, once again as I have said before, this debate is really about the value placed on girls as opposed to boys, where—and we know of jurisdictions where female foetuses are aborted because they are simply not as valuable as male family members to carry on the lineage and the family name. And also, if they are not

aborted, when they are born they are drowned, thrown in the rivers and lakes because they are not as valuable as males. And these kinds of traditions and laws are vestiges of that sort of mind set of the unequal valuation of girls over boys and men over women or women over men.

One of the issues that I would like to deal with also is the issue of development which was also one of the arguments put forward by earlier speakers particularly on Wednesday about 12 year olds who have begun menstruation being physically ready because they are now mature, physically. And an obvious lack of a conversation with a gynaecologist, an obstetrician, a paediatrician, a psychologist, a developmental psychologist about human development and the fact that if you are menstruating, which means you have released an egg and it has not been fertilized, that your entire body is ready for gestation.

As a matter of fact, let me reverse that a bit, for sexual intercourse, for gestation, for labour and for delivery, and then for the rearing of that child and making decisions that have implications on that child's life. That is not so. Because a female has begun menstruation, that does not mean that the rest of her body, her pelvic girdle, her uterus, her cervix, et cetera, are all ready and developmentally mature physically for all of that, not necessarily until way after 16 if you ask most medical professionals.

Add to that the emotional, psychological and cognitive immaturity, because any psychologist will let you know that the human prefrontal cortex which makes the decisions about reason and practicality is not fully developed until after 19 years old, probably 21 years old. So you are not able to make decisions in a rational manner. That is why teenagers act so impulsively because their emotional parts of their brains are developed faster than the rational, reasoning part, the prefrontal cortex. So they are not ready for parenting. If they do have a successful pregnancy and delivery which is very, very unlikely in many cases.

Let us go to the boy. Is a boy at 14 years, because his body is producing sperm, ready to be a father? "It have some men 35 and they ain't ready to be ah father. [*Crosstalk*] It have 50 year olds ain't ready to be ah father."

Hon. Senator: I could tell you that; right inside here. [*Laughter*]

Sen. P. Richards: A daddy is not a father. A father is somebody who understands the role of fatherhood and parenthood. Because you can procreate biologically because of certain physical developments in your body, that does not make you emotionally, psychologically, cognitively ready to be a parent, and marriage at 12 is not birth control. [*Desk thumping*] We have to understand that we have enough problems in society without adding.

And there have also been the additions to the argument, well it is a family that is making the decision and the family will help to raise the child. But the family is not undergoing what the primary person at the centre of this is, that is the girl, because the boy continues to go to school. The girl has to stop school in most cases and continue to raise the child. In some instances fortunately her education may continue, but it is stymied in some way and we need to start equalizing the playing field where that is concerned.

And that is why I am so heartened to hear the contributions today which, to me, have evolved from last Wednesday, that there seems to be consensus, one, that 12, 13, 14, 15 are children and should be involved in the activities of children not adults. Eighteen years old, from the contributions that I have heard today, seems to be an acceptable benchmark on the Government's side, on the Opposition side through Sen. Mark, from Sen. Mahabir and from certainly what I have heard on the Independent Bench individually, possibly with a caveat of 16, for the reasons articulated worthy of consideration later on.

One of the issues also that we need to look at when we are dealing with culture and cultural changes-there was a time in Trinidad and Tobago when the pervading culture, the dominant, cultural entity forbade blacks from owning land. Voting-women could not vote. Women could not hold legislative power, and those things have changed. The times have changed and society and societal practices and traditions must also change to reflect that.

And I go back to my prevailing question about the valuation of girls and boys and women and men in Trinidad and Tobago and look at a development that has been happening for, I would say, about 15 years. I have seen an acute change where we have less and less respect for women in Trinidad and Tobago. So much so that we now have seen the murder of Shannon Banfield, the murder of Rachael Ramkissoon in the last three weeks, the murder of the woman who was—the name is not on my paper here—shot dead in the car.

There are rapes occurring weekly in Trinidad and Tobago that are not being reported. And the ones that are reported, it is a torture system in and of itself for these women to even go through the process of reporting to the police. Although the police have made great strides in that regard, and coming to terms with this tragedy that has happened to them and trying to move on with their lives. So in many instances, they do not report it. And that is because there is something about our society that is more and more telling men, and training and socializing men that women are either your property, your sexual toy and once you have your way with them, you can either discard them or snuff out their lives. And all these are

parts of a complex myriad of societal circumstances that have evolved because of our mind set toward women and our mind set toward girls. And these laws as they stand are vestiges of that mind set that must be eliminated now.

And you know, I think we really all agree on this, but when you go around in society and talk to people and you look at social media, you get the sense that, you know what? We have really come to a place where we are not in agreement with this anymore. And not everyone wants to say it out loud, but when you see the discussions, people have really frowned. And it is not that we are demonizing what has happened, but we really want to evolve past this, and I think the time is really now.

There have been many who have gone through the list of issues related to what happens negatively to a girl's life including psychosocial disadvantage, the loss of adolescence, and I am going to go through them quickly because they are worthy of repetition because they are important, but they have been articulated before.

The impact is subtle and insidious, but the truncation at personal development in attendant early marriage has profound psychosocial and emotional consequences: adolescent health and reproduction also; sexual relations—girls that marry before puberty. The normal understanding between families, they have no sense of what is happening to them initially. It is a traumatic, abusive violent situation, a violation of them. Because no one can stand in here and tell me that a 12-year-old girl can tell her 25-year-old husband, no, in a bedroom.

First of all, she does not know what is happening to her. So she has no choice in the matter because she has been married by the consent of her parents and put into that situation. So she has to go with the flow. She cannot say—and we have marital rape laws in Trinidad and Tobago. She cannot apply those because she does not have the emotional or psychological strength to do that. That is not going to happen.

Pregnancy and child birth. The risk of early pregnancy and child birth are well documented: increase of dying; increased risk of premature labour; complications during delivery; low birth-rate and a higher chance that the new born will not survive; pregnancy related deaths and leading cause of mortality for 15- to 19-year-old girls married and unmarried worldwide. Mothers in the age group face a 20 per cent to 200 per cent greater chance of dying in pregnancy than women aged 20 and 24.

Those under the age of 15 are five times as likely to die as women in their 20s. The main causes are haemorrhage, sepsis, pre-eclampsia, eclampsia and obstructed labour. And, of course, the issue of unsafe abortions is another risk to teenage children. Higher rates of vaginal fistula and also, if the emergency obstetric procedure is not applied, the woman can literally die or become infertile after this process fails.

In terms of the infant and early child care with poor maternal nutrition: low birth-rate babies are five to 30 times more likely to die than babies of normal weight. If the mother is under 18 her baby's chance of dying in the first year of life is 60 per cent higher, 60 per cent higher than those of a baby born to a mother who is 19 years old. So she has a more than half-half chance of dying, the child that is, if the mother is under 18; push that back to 12 years old. Of course, well-articulated, the denial of education and the fact that their educational access is stymied and it is very difficult, if possible at all, to recover that time and that opportunity.

You know there are two groups to add to those who have been advocating for this harmonization of this law. The coalition comprising 24 organizations reiterates the imperative of standardizing the age of marriage to 18 regardless of sex or religion. This standardization eliminates sex discrimination and better secures protection of children and adolescents from violence, as well as predatory, exploitative sexual relations with adults.

They have also been advocates of the exception to allow marriage of persons between 16 and 18 who are older adolescents. And also:

> "Christian Youth Foundation condemns the practice of child marriage within Trinidad and Tobago."

It is deemed as:

> "…immoral and contrary to the rights enshrined in 1976 Constitution of Trinidad and Tobago."

And I am quoting from a statement from Christian Youth Foundation condemning child marriage here. Jonathan Bhagan is one of the authors.

> "As it stands, child marriage sanctions the criminal offence of statutory rape. Legally permitting the rape of a child in the 21st Century is absurd and abominable."

This I fully agree with.

"No democratic society should tolerate it."

And it goes on to articulate their views in terms of discounting this.

You know, I said I am not going to be long because fortunately a lot has been said already and I do not want to repeat because it is not necessary. The law as it presently stands is really vestiges of a particular view of girls and women and their rights to equality of treatment in society, Mr. Vice-President.

There was a time when it was legally and culturally acceptable to have this kind of practice, but now times have changed, you know. When we look at this, we must look at it as a golden opportunity to do what is right. The world is watching us. We will all be judged individually and collectively by what happens in this august House today. People will look back and say, we had an opportunity to end a practice that discriminates against girls and women primarily, disproportionately, and it should not be happening. We have an opportunity to change the status quo. Very often in societies we either make history or history makes us. This is an opportunity for us to make history.

Before I close, I want to really commend the Children's Authority for the amazing work that they have been doing and call for more resources to be placed at their behest, because if these amendments are passed, I presume their work load will increase exponentially, because cultural change does not change automatically because laws change, and we have an abysmal history of enforcement in Trinidad and Tobago and monitoring. So the Children's Authority must be given more resources.

We also really need to—and this is directed to the hon. Attorney General—look at legislation which seeks to get some sort of national referendum on these issues possibly during national elections. Because we have seen three administrations past all touted about consultations and very often it is very easy for opposing groups to say, well this consultation was not really consultation.

And I think having some sort mechanism in the Constitution for referenda on critical issues where you have a large catchment as in a national election, can go a long way to having more credible evidence of what the general population actually thinks on issues of abortion, on issues of child marriage, on issues of homosexuality and the law as Sen. Mahabir has said. And so there is not going to be the opportunity for anyone to say, "Well the consultation has 50 people and they have two". It is going to be a more credible evidence-based sense barometer of what the population thinks on critical issues. And all it will take is a form in an

election booth: "Do you support X or do you not support X", and you can tabulate those and have credible information for a large section of the population on the issues that come up during those elections.

So you get a sense, any administration coming into power, has a sense of what the population thinks on these critical issues. Because it does not seem that anyone believes, no matter who the administration is, that the consultation was valid and/or reliable. So it is a suggestion I would like to place to the hon. Attorney General.

As I said, I was not going to be long and I understand the caveats being suggested in terms of the 16-year-old accommodation, but as I said before, this issue is too important and it has been too long in coming for us to delay its possible passage anymore. If we are a responsible, caring people and if we understand this is a landmark opportunity to equalize the playing field between girls and boys, women and men in Trinidad and Tobago, and show exactly what we value in word, deed and law, we will all give our support to this and possibly add amendments later on. It is time to move this forward and move on to the next issue. Mr. Vice-President, I thank you very much. [*Desk thumping*]

Sen. Alisha Romano: [*Desk thumping*] Greetings, Mr. Vice-President, hon. Senators. I commence by thanking my heavenly father for granting me the favour to be here today to make my maiden contribution. Then with a truly full heart and much appreciation to the Hon. Dr. Keith Christopher Rowley, Prime Minister of Trinidad and Tobago for allowing me the privilege to sit in this great House and make a humble contribution to a matter of such salience.

To you, Mr. Vice-President, I would like to thank you for recognizing me and, of course, to the hon. Attorney General for having the fortitude, the will and the acumen to move this Bill to amend these four Marriage Acts to not only harmonize the contract of marriage, the offence across the pieces of law, the penalties of said offences, but to seek to bring balance to gender rights, which I must say is of particular importance to me.

Mr. Vice-President, anyone who does not stand in support of this legislation to protect our children has failed in their declared purpose in this House. I dare say, have failed as adults, guardians and mentors. Further, Mr. Vice-President, any group or individual who wishes to hold on or protect or to maintain this archaic custom will be the perpetuators of child abuse.

At this point I would like to refer to an article by the US Department of State, "Diplomacy in Action", which states:

> "Child marriage is one of the most prevalent forms of sexual exploitation of girls. It is a practice that robs girls of critical, educational and economic empowerment opportunities and prevents them from developing to their full potential. Their childhoods are effectively short changed; their education ended; their emotional and social development interrupted. Girls are often damaged by marital rape, and, if they become pregnant, they experience greater risk of both death and chronic disabilities than other mothers."

It goes on to state that:

> "It is estimated that one in every seven girls in the developing world marries before she turns 15."

It is one in seven.

And this statistic is also noted in another article from the Human Rights Watch which states the same thing:

> "Child marriages violate many human right, including: to educate, freedom from violence, reproductive rights, access to reproductive and sexual health care, employment, freedom of movement, and the right to consensual marriage."

7.00 p.m.

Mr. Vice-President, if we fail to pass this Bill, we would have taken one step forward with our amendments to the Children's Act, No. 12 of 2012, assented to in 2015, declaring that a child is any individual under the age of 18. This, I am proud to say, that my PNM Government, then in Opposition, so responsibly supported for the good and overall well-being of our children.

But, today, Mr. Vice-President, we are in danger of taking two steps backward by not completing the harmonizing of the country's laws which are aimed at protecting our children, the most vulnerable among us. Further to this, Mr. Vice-President, one of the primary purposes of this Bill, as outlined by the hon. Attorney General, seeks to balance gender rights and issues. Being a woman, this point stands out quite considerably to me. Surely we are all called to uphold the Constitution as it relates to the recognition and protection of fundamental human rights and freedoms, it reads:

"It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely:

(a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;

(b) the right of the individual to equality before the law and the protection of the law;"

Now, I ask you, Mr. Vice-President, why is there one set of laws for men and another for women? Or more accurately, for boys and another for girls? As the Marriage Act now stands there is a bit of a contradiction in our Constitution with regard to this issue of equality. In every one of the Marriage Acts, as they presently stand, the age for males to marry is different from their equal female counterpart. In the Muslim Marriage and Divorce Act the age for girls is as low as 12 years old. How could any right-minded thinking individual sanction such a thing by the lack of support of this Bill, which seeks to bring some level of equality in our laws? Are male rights different from that of the female rights? By this argument alone all should support this Bill which seeks to balance gender rights and issues. Females are equal. We females have the same rights and the same protection. The marriage age ought to be 18/18.

Before making my second point please permit me to voice the testimony of a mother of one of my childhood friends. Because I grew up in a traditionally Christian home, some of these parts of the story I could not really bring myself to understand or relate to, but this is her story. She grew up in a predominantly religious home. I will not name the religion, because it is not about that. It is really about the practice. She was married off at 15 years old to a man that she never met prior to the day of her marriage. Immediately stopping her education or any future hopes of education. She immediately became a victim of physical, emotional, psychological and financial abuse. This is a true story.

At 19 she was a mother, not of one, or two, but four children, brave enough at 19 to try to escape her life of torture, she ran away and she was hidden by some relatives who, thank God, she was able to confide in. After months of hiding and years of living in agony, she finally fell in love with another individual and, eventually she was able to marry, and she had two further children. One of these children was one of my very good friends. This union ended in happiness, I thank God for that. But surely, this is not how she saw her life when she was 12 or 13 years old.

This is one example of a negative result of child marriage. Some may argue this is the exception rather than the norm. This brings me to my point. In criminal

law there is a principle known as the Blackstone formulation. This principle being closely tied to the presumption of innocence states: it is better that 10 guilty persons escape than one innocent suffer. In history there are two early examples of its use; in the *Bible* in Genesis 18:23-32, when the Lord told Abraham of his intent to destroy two cities, it is stated that:

> "Abraham drew near, and said, Will you consume the righteous with the wicked?
>
> What if ten are found there? He"—the Lord—"said, I will not destroy it for the ten's sake."

In the Islamic tradition as compiled in their Hadith, or the sayings of the Prophet Muhammad, peace be unto him, he is quoted as saying:

> "Avoid legal punishments as far as possible, and if there are any doubts in the case then use them, for it is better for a judge to err towards leniency than towards punishment."

Again, he is quoted as having said:

> Invoke doubtfulness in evidence during prosecution to avoid legal punishment.

In both examples and the principle itself, in my very layman understanding, seeks to protect the innocent at all cost. It is in this same vein of argument I wish us to consider passing the Bill to protect the child, despite the exception, from facing the violence and abuse that we are aware does occur more often than not. Let us then sacrifice the minute possibility of 10 happy child marriages, if this is realistic at all, for the possibility of one abusive nightmare disguised as a marriage. We certainly owe this to every one of our children to protect all of them at all cost.

Mr. Vice-President, we in Trinidad, as mentioned by my learned friend, Sen. Sophia Chote, who quite rightly called for greater contribution from the female Senate population, said that we are not living in a theocracy. For example, we are not an Islamic State as is Iran, nor a Christian State as is the Vatican City; but, rather we are a constitutional democracy allowing for free expression and acknowledgement of all faiths. Therefore, we as a people cannot be guided by any laws based on any one religion; that would cause inequality to persons of other beliefs. It is for this reason we make laws for the protection of the majority, and not the preference of the minority.

In this pluralistic society that is Trinidad and Tobago, we see according to the 2015 Index Mundi site that no one religion makes up a majority. It would be imprudent therefore for us as a society to pass laws that would give expression to each individual religion. That would only be opening up the floodgates for individual religions to constantly make demands in keeping with principles of their religion, and that spells chaos. We must therefore seek wherever possible to bring uniformity to our laws. To end this, we the Government of Trinidad and Tobago seek to harmonize the age for contract to marriage.

Mr. Vice-President, it is given that most religious beliefs uphold the concept of freedom of choice. Child marriage denies the child of his God-given right to choose. In child marriage, consent is not given by the child, but rather the consent comes from the parents. Even in cases where it is purported that the child is in agreement, that agreement carries little substantive value as the child does not possess the mental acumen to comprehend the choice that is before him or her to marry; mere submission is not, it is not consent. This denial of freedom of choice is the underlying premise of statutory rape. I am now left to query, why prosecute a person for statutory rape under the laws of Trinidad and Tobago, and with very stiff sentencing guidelines, when in essence non-consensual sex is permitted in the union of child and adult in child marriage. Again, we see the urgent need for us to bring harmony into the legislation regarding marriage as it relates to the child.

I gave a story of my friend's mother, and one might argue that that occurred many, many years ago. So, now I give a story that is a little closer to my heart, and this did not happen 20 years ago, or 10 years ago, but rather one year ago. My daughter is 17 years old and she has a very, very good friend. At 16 years she fell in love; at 17 years she was a victim of physical abuse from that person that she thought she had loved. She then became pregnant. After much, much consultation with me and my family she finally agreed to report this abuse to the authority. I did not go with her because her mother said she would take her. After that encounter she came home and she told us that she had decided to get married. So, therefore, she is now married, has had a child, and the abuse continues. Had this law, this Bill been passed that would not have been an option. The officer being of the same faith as her convinced her to protect the man—she said that you must love him. You know, yes, he can get help for the battery, but there must be some love there, and if you proceed along these lines he will be sent to jail for many, many years for statutory rape, for abuse, et cetera. But if you get married, with your parents' consent, all this would go away. So, now, at 17 she is married, out of school, unemployed, and is still a victim of abuse. We need to pass this Bill for individuals such as her. [*Desk thumping*]

Before I close, Mr. Vice-President, I would like to comment on a point made by the temporary Senator, last week, Sen. Seetahal-Maraj. His point was that the Government ought to spend more time on issues such as raising the compulsory age for school to 17. A very valid point. But my question to him would be, how is this going to work out with child brides? Is it that the mother and the child would be going to school together? Because, certainly if she is 12, or 13, or 14, or even 16, and she has a child, you know—

Sen. Baptiste-Primus: One going to one school and the other going to another school.

Sen. A. Romano: Yes, one going to one school and the other going to another school, you know. Who is taking care of the household? How is that going to work? So, perhaps he did not think that point through. Mr. Vice-President, it is my opinion that that really is absurd.

It is indeed a pleasure to hear that the Opposition, according to Sen. Mark, has joined us on this side with respect to raising the age a person ought to be capable of contracting marriage. However, I got a bit excited, but then I heard his "but"—[*Interruption*] So, does a child have the mental acumen even at 16 to comprehend the choice of marriage? I really do not think so. This goes back to my daughter's friend, she was 16 when this whole horror story began, and it is a horror story that she still lives today.

Sen. Mark also said that child marriage is a family thing. I totally disagree with that point. It is a criminal thing. So, I agree with the fines and the terms of imprisonment. [*Desk thumping*] Sen. Mahabir questioned the laws and practices in the state of Massachusetts. He said that it is an educated society, yet child marriage is still permitted at age 12, I believe he said. I asked Sen. Mahabir if he was able to capture the information with regard to the age difference between the two consenting parties. Because, I believe in Trinidad we have the 12 year old marrying the 30 or 40 year old. But, perhaps, and I ask if he would possibly get that information to us, if the 12, 13, 14 year old in Massachusetts is marrying someone within a reasonable age group, this will be interesting to know. And I certainly agree with what Sen. Small said, where he said that child marriage is indeed an oxymoron.

So, in closing, Mr. Vice-President, in summary let me state my rationale for supporting this Bill. We must be mindful that we do not take backward steps in protecting the child, since the Children's Act, No. 12 of 2012, assented to in 2015, states that a child is now anyone younger than 18. Gender equality is absolutely essential. It is in line with our undertaking to adhere to Clause 5 of the Sustainable

Development Goals for the period 2015 to 2030, which supports the achievement of gender equality and empowerment for all women and girls.

In keeping with the premise of the Blackstone formulation, I propose that we sacrifice the minute possibility of 10 happy child marriages, if that is realistic at all, for the possibility of one abusive nightmare, again, disguised as a marriage. Let us ensure we construct and enact legislation for the protection of the majority and not for the preference of the minority in this pluralistic society that is Trinidad and Tobago. I believe that we should guard the concept of freedom of choice of our citizens, and this includes our children. We must question, therefore, if a child under 18 possesses the mental acumen to comprehend the gravity of the choice to marry, I must consider therefore whether there is a difference between what we consider to be statutory rape and child marriage.

Mr. Vice-President, I thank you, and I rest. [*Desk thumping*]

Mr. Vice-President: Sen. Romano, I just want to congratulate you on your maiden speech in this august House. [*Desk thumping*]

Sen. Stephen Creese: I would like to begin, of course, by commending Sen. Mark's contribution for what I take to be like a caveat to ensure that there is some balance. I am referring here to his suggestion that we allow for recognition, that there may be instances where there is a certain level of maturity below the age of 18. So that, with parental consent, with judicial intervention that we leave room for that possibility.

And certainly among the female of the species, I think most of us would recognize that there is sometimes difference in the levels of maturity between the sexes, so that the likelihood of the female of the specie being a little more mature, and I think from our own physical experiences we recognize that usually marriages tend to take place between, perhaps, a younger female—I am talking about marriages over the age of 18—to a slightly older male. And, there is a standing complaint amongst the young girls that their peers in their same class, age 18, age 19, and so on, tend to be not quite mature enough; not yet ready for that step.

So that I would concede to Sen. Mark's point that there needs to be recognition of the possibility that young females, females under the age of 18 may be ready to make that leap forward ahead of their male counterparts, and therefore with parental consent and judicial intervention the possibility of that taking place should be catered for. Outside of that, I also want to recognize the issue with regard to what has happened over time, in that the persistence of old cultures, old

cultural norms has tended to create a situation where this being a migrant society has thrown together a multiplicity of religions, and therefore in that context has made it very difficult for us sometimes to find consensus. So that we are in a sense at a crossroads in that regard in terms of the relationship between Church and State. I mean the entire Americas, the new world was founded because of the relationship of the confluence of the perspectives of Church and State. So this Pope drew a line and all to one side was for the Spanish Catholics, and all to the other side of that line was fair game for the Portuguese Catholics. I think we could remember that from our history.

So that there is a question of dominance, and dominance is really another word for power. So that at one stage Church and State shared power in a certain way, and if we look around our towns and so on we would see that prime real estate is in the hands of the old church. So, we are now in the process, perhaps, from disengaging what has been the consequence of the influence of the church, and our norms, our mores, our values and, of course, the laws that ensue.

So, it was interesting to note Sen. Mahabir's point that in canon law you found that—and perhaps that is why some of the bodies are quite silent on this issue. He found that in existing effective canon law, they are in fact catering for way below age 18. So that tells us, really, that the ancient philosophies that are behind the founding of the modern state is in fact tied to much of the western variation version of Christianity, because there are other versions. This, of course, does not legitimize the continued influence of those value systems that come from another continent and another era. But the history of man, the assent of man, and sometimes I think it is not the assent of man from four legs up to two, sometimes it begins to look like the descent of man, and when one contemplates the images of adult males over 40 and 50 seeking out teenage partners, it is really the descent of man, but in the progression—that might be the better term than saying descent.

In the progression over the centuries, the question is really one of the relations of power, and where the various groups, and particularly dominant groups, what place they occupy in the relationships of power. Because it is really all about power; sexual relations, rape, in particular, is about power, and the exercise of power, and most times not really about pleasure, sensual pleasure in the way that we know it. So, seeing against this background of the relations of power, and church, and state power, but more particularly male dominance, and to some extent some amount of class dominance, but male dominance.

And the Shakespearian line, I think in the play, *The Tempest*, about Prospero arriving on the island to be lord on it, and being lord on it, and I think it was my colleague Sen. Richards who made the point about the concept of God being a

male figure, and the importance of that in all of this. Because, if in all these major religions God is largely a male figure, then there is some kind of nexus between that male machismo thing and dominance. And yes, the bright woman or the wealthy woman would probably join the ruling class because of her wealth, or her wit, but it is largely a boys' club thing. And if it is a boys' club, if it is really man creating God in his own image and likeness, and not the other way around, as most of these books want to tell you, man creating God in his own image and likeness, then man creates an ism or a schism, a religion or a finance theory, that puts him at the centre. So, he is at the centre of all things. He is the lion of the jungle, the chief figure, and he gets what he chooses, and he arranges the society so that he can get what he chooses.

So, viewed in that context, the whole question of liberation, in this case of young females, from the paws of self-seeking rabid sexual beasts, is really about understanding how race and class domination, but more particularly, male domination, has weed its way through history, and how we have arrived at this place, at this juncture where just the day after the celebration of Martin Luther King Junior's birthday about African American and African and black, generally, liberation in this hemisphere, in the world even. And while those North Americans/Afro Americans are wondering whether the departure of Obama and the arrival of Trump, whether their liberation process has reached full circle. And while in the midst of that we thought we were going through the feminist movement, female liberation as it were, we find ourselves at a point where young females, we have to pass this legislation to protect young females.

And, my argument about all of this is that it is boys' club activity that we are trying to curtail and we need to recognize it for what it is. We are interfering with big boys and their toys. But we are also understanding that the final frontier of liberation is not the liberation of Africans, wherever they are, it is not the liberation of women, it is not the crystallization of the feminist movement in the 21st Century. It is about recognizing that in all of these things that the final frontier of liberation has to be the liberation of children from the tyranny of adults. [*Desk thumping*]

[MADAM PRESIDENT *in the Chair*]

So that the provisions of the Marriage Bill, while it may help this particular situation, it has to be part of a wider process that recognizes that sexual exploitation of young females is only one aspect of the broader liberation of young people, of children, from the tyranny of adults. And that is the context in which I have always viewed corporal punishment. You know, growing up and

seeing in the communities big, beefy, matronly women, and you know the size they put on between age 45 and 55 if they are largely housewives, the generation I was growing up in, their arms flailing down on six to 10-year-olds. As Shadow would say who "tief" the—after they sliced the dumpling thin, thin, thin, who stole one. Corporal punishment is part—and I think the Children's Authority Act deals with that aspect of it to a point, but generally within the society where do our body of values stand in appreciating that we come from a slave society in which corporal punishment, in which the undervaluing of people, not seen as people, seen as indentured servants, seen as slaves; if we understand how that promotes a culture of violence and sexual exploitation of children, then we will recognize that no Children's Authority Act by itself, no Marriage Bill by itself will bring an end to centuries and centuries not just here on this island, centuries across the hemisphere, centuries in the old world, because it will be naive to think that we all came from very liberated, or progressive, or paradise-like societies in India, or in Africa, or in Europe, is to really rewrite history.

7.30 p.m.

The Hobbesian notion of Europa's being a life in the 13th, 14th medieval times, being nasty, brutish and short is valid. And I think there was a movie which dealt with the American version of that, trying to remember its name now, where they were dealing life among the native peoples of the Americas and how brutish it was. I think it was a Mel Gibson movie. [*Interruption*]

Hon. F. Al-Rawi: Apocalypse movie.

Sen. S. Creese: Right, Apocalypse. And then at the end of this very brutish movie you saw the ships of the conquistadors now arriving. So the point was that listen, these people were nasty and brutish to each other before the arrival of the conquistadors.

How true it is I do not know, but the fact is it made you wonder as to this very naive perception that we all came out of some nice part of India or some nice part of Africa or nice part of Europe. Because for all we may say about slavery being such a brutish thing to children and so on, and the traditions that we may have picked up from that, at the time in medieval Europe there were 300 capital crimes, there were 300 crimes to which you could lose your head. So how brutal was slavery, vis-à-vis Europe, you tell me. The jury is still out on that one.

The bottom line in all of this is that if we are to really be true to the movement of which this legislation forms a part, deliberations of children from the tyranny of adults, then there are other things that need to be done within the education

system and we need to come to terms with corporal punishment and even capital punishment in that context. That is why I have a concern about what is the punishment for people who seemed to be perpetrators of crime under this Act. What really should that punishment be and we need to look at that again. Because if they are facilitating a sexual offence, in terms of conducting, facilitating the marriage of a minor, then it should be viewed in that context and whatever prescriptions are available to that or prescribed for that category then we should look at this, similarly.

And if we are talking in terms of punishing people for offences connected to the Marriage Bill, then I have a concern about sending people into our current penal system of sending one more person, because of the shortcomings of our current judicial system and the ease at which the course of justice is often perverted. So that I heard the neophyte Senator on the question of one person of 10 being guilty men getting off so as to be assured that one person does not go to jail. And when it comes to sexual offences, I am sure the lawyers amongst us and our own knowledge of cases in our community, we would be aware of matters being prosecuted because the parents took objection to the boyfriend and that there is a valid relationship that is being prosecuted, because the parents, whether for racial reasons or whatever reasons, class reasons, whatever reason, religious reason, whatever, take objection to the male suitor and the rest is court house history until the girl gets old enough and she refuses to testify against the boy.

Are we not all familiar with such instances and whether we are opening up the door to another round of that kind of activity. But beyond that, even if that does not occur, even if there are genuine cases you know, of molesters that we have brought to book or possible molesters we have brought to book, I have a problem of sending one more person into our current penal system given what goes on there.

And I have had the unfortunate experience of starting off my public service career as an investigator for the Office of the Ombudsman and being assigned to the prison to take complaints from prisoners, and there discovering what Golden Grove, Remand Yard, what Frederick Street—I visited all these places, Carrera, visited all these places, what they are truly like. And the worst thing you have seen about Attica and all those famous prisons, they are right here. And we all bury our heads in the sand that within our 1,800 square miles all these kinds of perversities take place. But you know of that, North American prison system, you know of our local system, trust me. I have been there, I have seen the damage, I have seen the things that happened and I could tell you tales of practices that occurred there now that you would not want your worst enemy to experience.

I often ask the question, why it is we are going with a centralized prison system in a tiny island like this, where the prison becomes a university, it becomes a factory for more crimes and so on. Why we cannot develop communal prison systems, community-based prison systems where people, some of our prisoners are retired only for the night and they continue to go to school or go to work and do more productive things and they report to the cell at six or seven in the night, et cetera. Why we cannot go down that road rather than create a mass and expensive prison system, that really does not rehabilitate anyone and it is just a factory for more crimes and for degradation of the kind that you could not begin to imagine is possible and for practices that occurred.

I was telling someone today if they know what currency is in the prison system. Right now the highest form of currency in the prison system is the phone card. It used to be, at my time and visiting the prison, it used to be cigarettes, is the highest form of currency, now it is the phone card, the communication information age that makes sense. You are inside of there and you want to make a call, you need a phone card. So phone card is the highest form of currency. So do we want to send people into that?—because you know what you have to give to get a phone card. I do not need to be that explicit, do I?

So I have a problem with consigning more people to a prison system for whatever the offence and certainly not for what can be perceived as a sexual offence, because if you know prison systems anywhere, you come in there, relation to a sexual offence, the worst possible sexual offence that you could come in for is one connected to a child. And I do not have to tell you what the sentence is within the prison jail house. So we cannot pass laws in isolation from our reality because if we are not considering those implications we are not just naive. We are perpetrating, we are active participants—[*Interruption*]

Madam President: Sen. Creese—Leader of Government Business.

PROCEDURAL MOTION

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you, Madam President. I beg to move that the Senate continue to sit until the conclusion of the business on the Order Paper, which is the Bill at hand, taking through all of its stages and also to include the matter on the Adjournment of the Senate. Thank you.

Question put and agreed to.

MISCELLANEOUS PROVISIONS (MARRIAGE) BILL, 2016

Madam President: Sen. Creese.

Sen. S. Creese: Thank you, Madam President. So I am saying this by way of saying that while it is valid, while it is necessary for legislation such as this, for the Children's Authority Act, it is not sufficient if our goal is to advance the living conditions, the vital liberation, ending of the oppression of children, because the conditions that those among them and the females particularly, but let us not be naive, the question of homosexuality and the question of little boys, the attraction.

The attraction is not just to girls, you know, the child marriage Act facilitated legally the abuse of girls. But I do not know that they exist or I have not seen any statistics to suggest that they exist—more female child abusers as opposed to male child abusers and whether sexual trafficking is confined, on the pornographic material, et cetera, is confined to the bodies of young females as in relation to young males.

So the bottom line in all of this is that, yes, I support the spirit of the legislation but I am not so naive as to believe that legislation puts an end to the evil that we may see occurring in this regard. As a matter of fact, it may just—and that is what my real fear is— it may just drive it underground. Because in this modern era once you have the money, just like the fellas with the phone card in the prison, there is nothing you cannot put your hands on. It used to be that you could get a drink, you could get some alcohol, you could get ice cream, you could get cake.

Imagine Nya in prison accustomed to whiskey and what have you, whatever colour Johnny Walker was around in those days. Imagine the effect that his arrival in prison would have had on the system being accustomed to all those nice things and there you have this "drug lord" inside the system. What it does to the system? What it would have done then is what getting your hands on a phone card or two does now.

So we need to have an appreciation of the total scenario and we need to come at it from all the different fronts, quickly or know that declaring the thing illegal drives it underground and drives it beyond our reach, unless we are prepared to have vice squad cops. And we have never done well with vice squad policing in this country. This is one of the eras of our greatest policing failures. I say that with no apology to anyone having lived for over 30 years, less than a half mile from some of the more famous spots in San Fernando and every Friday night when I went to the bakery, there were all these funny language sailors around. And at the drugstore by Hubert Rance Junction in Vistabella. Right, hon. AG.

Hon. Al-Rawi: Yes, Sir.

Sen. S. Creese: So these places have existed all the time in San Fernando and our capacity for having vice police has been poor and will continue to be so for quite a while, because we know all the flesh spots around the place. One of the great sex barons was in fact a police for much of his life. Not so? Elephant something or the other.

Hon. Senator: Elephant Walk.

Sen. S. Creese: You said that, not me. [*Laughter*] So, I close by congratulating the AG in bringing this forward. I close by congratulating Sen. Mark and, you know, the caveat he has suggested, good, and I hope that we recognize that this is a small step and there is a long way to go still. I thank you, Madam President. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): [*Desk thumping*] Thank you, Madam President. Madam President, where do I begin? It gives me great pleasure to proceed to respond to the submissions of all honourable Senators this evening. We have had 21 speakers to date and we have spent two days discussing this. I wish to remind that the discussion on the Bill before us, the Miscellaneous Provisions (Marriage) Bill, 2016, began as a nation in or around the middle of last year.

Indeed, what we had was a series of consultations which progressed the national discussion on what we intended to do. This national discussion saw consultation at the Radisson Hotel, Port of Spain, on June 15, 2016. It saw us on July 22, 2016 at the Hyatt Regency Hotel. It saw us on July 29, 2016 at the Magdalena Grand Hotel in Tobago. It saw us engaged in the receipt of submissions in writing from hundreds of persons in society, some of those persons, in fact, engaged in response for and on behalf of several persons themselves. Indeed, there were 27 entities that put submissions in writing and those entities themselves had hundreds of persons give them consultations.

We have come forward as a nation, now, to this Parliament last Tuesday on the first day and today January 17, 2017, some 27 years after the 1990 Declaration which dealt with the Rights of the Child by the United Nations. That was adopted in Trinidad and Tobago in 1991 and 26 years later we are today proposing how to treat with an issue which—is one upon which there can be no whole and complete agreement as to every issue in the subset version. We have heard all of our Senators say, look, child marriages ought to be put away from our laws of Trinidad and Tobago. At least, that is what most of us said.

We had a rather peculiar position of the Opposition today giving an explanation for statements of two of its temporary Senators sitting on the Opposition Bench. We heard the Leader of the Opposition in the Senate say today that those people spoke for themselves. [*Laughter*] What I found rather unusual about that is that at no point in the Opposition's contributions has there been a statement that the Whip has been lifted and that this is a conscious debate. At no point in time, because under the party political system and the Whip system that we operate on as a political democracy, there is a Whip that operates on the Government Bench and on the Opposition Bench and the Independent Bench is the only Bench that really is not allowed the privilege of caucusing.

So to watch the Opposition's position today was rather unusual to say the least. I did find it refreshing however to hear the views espoused today by my learned college, Sen. Mark, by my learned colleague, Sen. Ameen, by my learned colleague on the last occasion, Rodger Samuel, saying effectively as I understand it, look, we agree that the position ought to be 18 years of age, however, we would like to have, as Sen. Mark put it, the process to continue. When I looked at that particular position espoused by Sen. Mark, in fact, he said that there was a call for a renewal of the process of consultation.

I want to put on record that whilst we were at the Radisson Hotel, I came across a gentleman who asked me, he said, "Sir, you know how long we have been discussing this issue, right here in this hotel." I said to him, "Well, Sir, we have been here approximately three hours now. I think we have had a fair discussion." He said, "No, Sir, I was here in 1998 with Kamla Persad-Bissessar in a forum discussing child marriages." That was in 1998 in what I believe was then the Hilton Hotel. I was quite surprised that that gentleman turned up so many years later, nearly 19 years later, 18 years later depending upon whether it was '98 early and where we are now. I think it was fair to say that it was 17 years, to tell me that.

Now, Madam President, this debate is really about the voice of the child. Strip it any which way that you want, this debate is about the voice of the child. This debate is about equity of gender. This debate is about the harmonization of the laws of our democracy and not our theocracy. This law is seated in the fact that this is a secular society and not a religious society. [*Desk thumping*] This law is seated in statistical information which tells us in Trinidad and Tobago that in 2016, and in this democracy we have had child marriages. This debate tells us— and I would like to get the actual numbers— this debate tells us that in 2016 there were 53 child brides. This debate tells us that there was one child groom for 2016. This debate tells us from 1996 to 2016 there were 3,478 child marriages and of

that number, 3,404 of them were female and 74 of them were male, giving a distribution 97.85 per cent female to 2.156 per cent male.

These are not figures coming from the United States of America, from the Eurocentric States, from East Africa, from China or from India. This is right here in Trinidad and Tobago put on the table for the first time in the history of our country. [*Desk thumping*] This debate tell us that we have four pieces of legislation, all of which deal with marriage and all of which allow for children to be married, save for a distinction that I will make clear in a moment, under the Civil Marriage Act, Chap. 46:01, Christians and those who undergo the civil marriage can be married as minors. The canon law which applies here is not 14 and 16. It is 12 and 14: 12 for girls and 14 for boys.

This debate tells us the Muslim Marriage and Divorce Act in section 8 I believe it is, tells us that you can have a girl at 12 and a boy at 14. This debate tells us under the Hindu Marriage Act that you can have a girl at 14 and a boy at 18. So under the Hindu Marriage Act a man can marry a child. There is no child, man in the Hindu Marriage Act. This debate tells us that under the Orisha Act that children can marry because it is 16. So we are talking gender, we are talking equality, we are talking Trinidad and Tobago statistics and we as a country, all 71 of us from the House of Representatives and Senate included, are being given the privilege of having participation in law to say enough is enough when it comes to analysis paralysis; enough is enough when it comes to gender inequality; enough is enough when it comes to statistics which tell us that 12-year olds are still being married in 2016, 2017, 2015, 2014 in Trinidad and Tobago to men one and a half times, two times, three times their age in Trinidad and Tobago in circumstances where any right-minded citizen would call that pedophilia from some points of view.

We as a country are saying in some quarters, "Well boy, leh we talk about that a little bit longer nah". Let us commit to the process of talking a little bit longer. Let us commit to ensuring that the law stays the same way. Let us compare ourselves with the United States of America. Let us compare ourselves with the Eurocentric States, valid contributions. However, are we comparing apples with apples and oranges with oranges or zaboca with zaboca?

You see why I say that, it is true that many of the Western jurisdictions do permit marriages between 16 and 18 with certain conditionalities, which include, consent of the parent, judicial consent, but these jurisdictions, the United States of America and the Eurocentric divisions and the Western world, much of which I laid out on my first occasion in this batting in the piloting of this Bill. There are

jurisdictions more in the West than in the East which allow for this, but when we compare the network services that stand behind the management of children's rights and issues and the voice of the child, can we truly say that social services in the United States of America are the same as social services and probation services in Trinidad and Tobago? Can we say that the judicial process in Trinidad and Tobago takes the same length of time as it does in the United States of America? Can we say that the Legal Aid quick footedness is the same in the United States of America as it is in Trinidad and Tobago? Can we say that the probation officer's department which has to engage in the social analysis of the child's interest when a petition is put to a judge to consider giving consent is the same in Trinidad and Tobago as elsewhere?

8.00 p.m.

You see, we did consider the exception of 16 years old. We did look at it. We looked at the fact that some jurisdictions have that, but in Trinidad and Tobago we are certainly not operating at the levels of efficiencies as it relates to social services and as it relates to the pace of the Judiciary and the cost of access to justice as prevails in other jurisdictions. And I dare say, having practised in the Family Court for many years myself, that when you get to court your trip is not that quick. And by the time somebody accesses justice between the ages of 16 to 18, can you really say that you will confidently get a judgment before you are 18 years old? That is one reflection that we could have.

But why I have raised the rights issue is quite important as well. You see, in this debate we are properly looking at two competing rights in the democracy of Trinidad and Tobago. This Bill has a legitimate aim. This Bill says, let us hear the voice of the child; let us ensure that there is equality across the positions. This is not one religious issue over another religious issue. This is harmonization. This Bill is saying that Trinidad and Tobago wishes to accede to the United Nations' standard for children.

This Bill is saying that we want to adhere to our own law, Act No. 12 of 2012, the Children's Act. This Bill is saying that we wish to ensure that our most vulnerable are protected. We do not propose to go any further in intruding upon any potential right under religion, as it is expressed in section 4(h) of the Constitution, than we have to.

But this Bill is also equally saying in relation to the other right in the Constitution which is relevant, which is the section 4(b) right, the right of equality of treatment, we are saying the statistics show a gross misapplication of attention. We are showing 98 per cent discrimination of female across the boundaries. In

one particular religious grouping we are saying, well, forget them at all, because it is 18 years old for Hindu males and children can be married as females in that particular faith. The Orisha, the civil, Christian and Muslim all allow both male and female to go. But the gender disparity and equality of treatment—4(b) right—is extremely powerful.

In Tanzania, a young lady approached the courts where the Tanzanian government had child marriage laws, as we do—the oxymoron that it is—and the supreme court in Tanzania upheld that that was a breach of the constitutional right of the child, as a result of which, the Government was given the push by the judiciary to amend the laws.

Now, I have raised that because it is very important for us to recognize where we are as a country. In this particular Chamber, in the Senate, there are nine Independents, six Opposition and 15 of the Government. It means if there is support on this occasion, as we have heard speakers speak out already on the Independent Bench, this House could probably pass this Bill with a three-fifths majority. This Bill has come to the Parliament—to the Senate—with the inclusion of a preamble and a certification and a three-fifths majority exception. I have stated in my piloting that that is debatable as to whether we need the support or not. Sen. Roach has said it; Sen. Chote has said it; and, indeed, I have taken advice outside of the Chamber which has also supported that view.

But if I run the risk of running to the House of Representatives if this Bill passes tonight with a three-fifths majority clause, what am I going to meet on the Opposition Bench? Because I have heard two temporary Opposition Members say: "We are not supporting it all". I heard Sen. Mark say, "We want to engage in the process of consultation further. We wish to have amendments to the age to allow for the exemption and exception provisions for 16."

But I will dare say this. I am prepared tonight—and I have circulated amendments—to delete the three-fifths majority clause in the Bill to run this Bill as a simple majority Bill. I accept that there will be a risk of somebody bringing suit for infringement, as they would allege, of their right under section 4(h) of the Constitution for their religious belief. I genuinely believe that the proportionality of this Bill is clear and that the section 4(b) right in a democracy such as Trinidad and Tobago will certainly give the passage within the terms of dicta in the Privy Council in the case of Suratt, which we all know. There is no need to read what Baroness Hale had to say aloud. But the fact is it may be debatable. It may go to court.

I am prepared to back the legislation in court if necessary, because I genuinely believe in the proportionality of the measures which we are doing: legitimate aim; not moving further than we need to do in infringing any right and that it is proportionate in a democracy such as Trinidad and Tobago. So that is issue number one.

Issue number two. When we talk about where we are headed to, Sen. Mark and Sen. Ameen raised some very important issues. Sen. Richards, in his excellent contribution, said "Look, you may not get excellent, perfect work on every occasion", as Sen. Small said as well. I have said already and I will repeat it again. We have observed a number of amendments that need to be made to the respective laws—these four laws—but what we did on this occasion was to select out the issue of the age-to-contract marriage and bring that as the paramount concern whilst we work on the back-filling of the other areas. Because we said, look, enough is enough.

We heard Sen. Ameen say with a straight face, "0.65 per cent is nothing. What is this Government doing?" We heard the contribution made by her to say, "The Government is attempting to hide the issues of crime, et cetera, by bringing this Bill. This is a distraction. It is 0.65 per cent, essentially. Kamla Persad-Bissessar was the strongest advocate for children." That is what Sen. Ameen had to say.

Well, you know what? Let me translate that; 0.65 per cent was the percentage distribution gained off of an analysis of 587-odd child marriages in a period of 10 years for the period 2006 to 2016. The number from 1996 to 2016 is 3,400. The capacity of this room is probably about 250 people. Three thousand, four hundred people cannot fit in this room but 3,400 children certainly got married. And for me, if it is one child, I am prepared to say that that is one child too much. [*Desk thumping*]

To answer the issue: "What else are you doing about crime? How many children have died? What is going on in the society?" Well, let me put on record, this Government has been very careful to bring to the fore the support services that are required to articulate with the particular positions—[*Sen. Ameen stands*]—if you wish me to give way—

Sen. Ameen: Madam President, 42(8)—point of order.

Madam President: Sen. Ameen, 42(8)? Attorney General, continue.

Hon. F. Al-Rawi: Madam President, I was worried about time. It is very short to say everything that we need to do. Madam President, I was saying that the

Government has been very careful to operationalize support services to go along with the protection for children. Specifically, if I may put on record—

Madam President: Attorney General, sorry. A Member who had spoken on a question, is that it? Okay. Continue, Attorney General.

Hon. F. Al-Rawi: Thank you, again, Madam President. By Cabinet decision, as Cabinet Minute No. 333 of March 10, 2016, we put on record that the Trinidad and Tobago Police Service was given the capacity for 169 police officers to form the formal established Children Protection Unit of Trinidad and Tobago.

Secondly, we certainly also had the Cabinet, under Prime Minister Rowley, deal with the Government's guarantee of loan arrangements and meeting of financial obligations to deal with the construction projects, to deal with gender and child affairs issues, specifically, the Aripo rehabilitation facility site, the modernization of children's homes, the rehabilitation facilities for girls and boys, projects in relation to children, the instituting of the formalized project for the institute of healing, the reduction in "designatees" for institutes, the Chaguanas Assessment Centre, just to name a few—St. Michael School for Boys, St. Mary's Home for Children, places of safety, male safety houses, Tyler Lane, Ste Madeline, female safety house, Chaguanas Assessment Centre, the permanent rehabilitation centre, the Institute of Healing.

We have, with a budget of $1 million, improved the living conditions at YTC to accommodate 36 persons now there. We have, Madam President, also dealt with improvements at the community residences. We have dealt with the training manuals; we have dealt with the comprehensive training programme for rehabilitation staff. [*Desk thumping*] We have dealt in collaboration with Unicef on the Tobago pilot project; we have dealt with the schoolchild rights awareness presentation programme; we have dealt with BTS training; we have dealt with Unicef coach training; we have dealt with inter-ministerial committee.

Madam President: Hon. Attorney General, in respect of what Sen. Ameen has raised, Sen. Ameen is raising the relevant Standing Order so I am going to give her two minutes now so that you can wrap up properly.

Hon. F. Al-Rawi: Technically it goes at the end—

Madam President: I prefer to do it now because you are going to move into committee and everything. So, Sen. Ameen.

Sen. Ameen: Thank you very much, Madam President.

Madam President: You have two minutes, uh?

Sen. Ameen: Yes. I thank you for the opportunity. Madam President, I really do not want the Attorney General to misrepresent what I said. I did not say that the 0.65 per cent of girls, or of people, who got married was negligible. I compared that to the number of children, or the number of people, under the age of 18 who were murdered, who were raped, who were victims of various crimes in Trinidad and Tobago. So if the Attorney General did not hear exactly what I said, I want to share that with him and ask him to please not misrepresent my concern, and that the horrors that are faced by children do not diminish the horrors that are faced—

Hon. F. Al-Rawi: Your time is up.

Sen. Ameen: You are not the timekeeper in here. You are not the President.

Madam President: Sen. Ameen, just—

Sen. Ameen: Thank you for the opportunity, Madam President.

Hon. F. Al-Rawi: Thank you, Madam President. Madam President, you know, when one stands to speak about this marriage thing and "yuh hiding", and the manner and tone and content that actually comes out of Sen. Ameen's mouth, I wonder if she really believes what she says sometimes.

Madam President, the fact is, the work which has been commissioned by the Government, as I have just outlined, articulates with the protection measures that we are speaking to. More particularly, Madam President, it is a matter of record that the Government has moved, not only to pass the Children and Family Division Bill, but to operationalize it at the same time by the selection of courthouses, by the personnel to actually staff those institutions, by the funding arrangements, by the amending of 18 pieces of law, by the acceleration of the proclamation schedule. You see, when you factor all of these elements alongside the conversation which is being had as to whether one ought to have the age of 16 years to 18 years as the exception, it tells you that for a very long time Trinidad and Tobago did not put in place what it should have put in place, but rest assured that now it is being operationalized. [*Desk thumping*]

Sen. Mark raised the question of whether the Children's Authority is being funded and said that right now the Children's Authority is not in the best state of funding. I want to give Sen. Mark the assurance, as has been demonstrated by the Appropriation Bills and the allocations year on year to the Children's Authority, in 2009, under a PNM government, the allocation was $17 million. In 2010, the allocation dropped under the United National Congress to $9 million. It went to $12.5 million the year after; $23.73 million that year following; $26.436 million

in 2013/2014; 2014/2015, $38 million; 2015, again, $37 million, and in 2016 under this Government, $43.8 million. [*Desk thumping*]—2010, $9 million; 2016, $43.8 million.

So, Madam President, the fact is that the statistics which come out of the Children's Authority and the Appropriation Bills show that there is increase in funding. Whether that is adequate now is certainly a live discussion. The Children's Authority has spoken to the fact that in 2016 there were 5,322 cases of reports alone, the vast majority sexual offences.

The opening of the floodgates of the Children's Authority has brought significant avenue for ventilation of real issues in this country and, obviously, that is why the Government gave the 169 officers to the TTPS because they have to deal with these issues, because the investigation of crimes is the Trinidad and Tobago Police Service. That is why a manpower audit is afoot under that area [*Desk thumping*] because, as a country, we have spent $21 billion on the police service in the last 10 years, across 6,000 policemen, including SRPs. So we want to see, as a nation, where are we spending our money. And I do not mean to cast any aspersions on the police. It is the management of your resources which results in your solutions.

So, Madam President, it is critical for us as a country to recognize, this Bill certainly cannot fix every fault. This Bill will not deal with the 15,000 live births that we have had, of children giving birth to children. This Bill will not fix that. This Bill certainly would not fix the amount of incest and rape that happens in Trinidad and Tobago. This Bill will not fix the pace at which the criminal justice system is dealing with the charge matters at the Magistrates' Court. That is why we brought the Criminal Proceedings Rules to quicken the pace of justice. That is why it is proposed and very shortly we will be seeing the elimination of preliminary enquiries. That is why the public defenders office programme is moving ahead. That is why the operationalization of so much which we will speak to very shortly is there.

But this Bill, this marriage harmonization at its core Bill, is intended to draw the line as a nation. It is intended to say to 3,400-odd children, 74 of whom are men now, who were boys then, all of whom were certainly not 12 years old, it is intended to say: we as a nation draw the line on our girls being discriminated. We as a nation draw our line on the inequality of treatment between men and women. We as a nation draw the line on the access to education being disproportionately applied. We say, as a nation, by passage of this kind of legislation, that we must send our girls to school.

Madam President, I recall in this debate we had a lot of discussion about maturity. We had a UNC Senator tell us in a contribution on the last occasion that once you had reached the age of puberty that you were in a proper state to be married. That was a religious reflection. I want to put onto the record that the consultation provisions have demonstrated that there is no one agreed position on what religions say.

First of all I should note, the United Nations, in its publication, Monday 16 January, 2016 press release commended Trinidad and Tobago for the manoeuvre to end child marriages as we propose now. [*Desk thumping*] That one, of course, was a significant advance for us because our United Nations review specifically noted that our laws needed to be updated.

Secondly, relative to whether there is full consensus, I can say without a shadow of a doubt, SWAHA wrote in on the 6th of June, 2016, saying that SWAHA stands firms that the legal age should be 18. Abdul Aziz Trust wrote in saying that there is no one religious position in Islam and that the age should be changed to 18 for females and 21 for males. The Hindu Festival Society noted that the review of the minimum age for marriage under the Hindu Marriage Act, the minimum age for marriage for boys and girls should be 18 years. The National Muslim Women's Organization of Trinidad and Tobago noted the recommended age for marriage is 18 years for both male and female. At this age there would be better development and understanding, et cetera. We had the ASJA actually deal with its position by reversing its position, because they had written on the 11th of January, 2017, most recently, to say that they rescinded their position, which was stated in June 2016 where they recommended 16 years for girls and 18 for boys. People are entitled to change their minds.

But the fact is that there is no one religious position for those who are concerned that we are in some way breaching a religious right which is insurmountable or immutable. The fact is that there is no one clear position in relation to it. What is required as a country is really for us to recognize who we are, what we are made of, how we operate and in what circumstances and condition and to make sure that we are not realistically comparing ourselves to other jurisdictions which have a totally different architecture in how they operate, as I am sure you will agree the United States of America and Europe and other jurisdictions do.

What I found incredibly persuasive was a press information bureau Government of India press release on child marriages. That was a really

remarkable position, because the Indian Government took to the Indian Parliament a position which resulted in the abolition of the Child Marriage Restraint Act, 1929, and the implementation of the Prohibition of Child Marriage Act, 2006 in India. And it says that punitive measures against those who perform, permit and promote child marriage was put in. Under this Act child marriage is defined as the marriage of males below the age of 21 years and females below 18 years. That Act came into effect in November 2007. So here we are in Trinidad and Tobago saying, "Hold on, our religion, as recognized across several religious groups, prohibit us from changing the law." One of the motherlands to be accessed—this is the Government of India—going to the Parliament of India, passed law in India to say, 21 for men, 18 for women, no exceptions.

So right here in Trinidad and Tobago we are so bound by our teachings that we cannot change the law. Sub-Saharan Africa, the Middle East, in many of its places, Asia/Pacific, have all changed the law, but our living, breathing democracy in Trinidad and Tobago wants to consider that these laws which we have are immutable and should not be touched. That argument, most respectfully, cannot hold water.

Madam President, as a nation, we had a few issues raised which I dare say we have taken on board. In particular, Sen. Ramkissoon and Sen. Chote and Sen. Roach made observations on the specifics of the law as it was drafted. I am pleased to say that we have taken on board for consideration of this honourable Senate a number of those suggestions. Specifically, we have asked for those to be circulated in the circulated amendments proposed by the Government.

What we have asked specifically is for the marriage time frame to be moved for the posting of banns, the notice, from three days to one. We have looked at the issue of the forms and we have confirmed that the forms which were amended should have included an amendment to the Orisha legislation which was slightly outdated as it was in the civil marriage legislation. The Hindu marriage and the Muslim marriage, they did not have difficulties because their forms were more up to date. We looked, specifically, at the concept of the offences, whether they should have been summary or indictable, or either way, and what we did was to go back to the matrix from which we pegged them. In particular, the matrix was the Perjury Act. And what we did was to keep indictable for the more serious offences and to use summary offences for the lesser offences, and we will come to them in the committee stage.

We specifically also dealt with the views on whether mental competence should have been looked at. When we looked at mental competence as an issue, it

was reflected specifically in the language of the Hindu Marriage Act, the Muslim Marriage Act and the Orisha Act. It is not in the Civil Marriage Act, but the common law and case law which prescribe how that ought to operate as it is grounded in the issue of consent—

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

Hon. F. Al-Rawi: Thank you, Madam President—as it is grounded in the issue of consent leaves it into, perhaps, the best state that it should be. We will look at it a little bit further and after consultation with the Christian community, in particular, we can, in our second round of amendments, come back to that.

To Sen. Roach, through you, Madam President, we did look at the extraterritoriality issue, and that found itself in some complication. We recognize that persons who go abroad for marriages to be recognized elsewhere and then come back, could be a back door to this equation. I looked at the provision in Kenya and other jurisdictions. The United States has some of it, et cetera. However, what we have operating right now in our laws is the conflict of laws provision. And further research is required to tighten this up to see how we are going to guide ourselves on the conflict of laws provision for persons coming from other jurisdictions into Trinidad and Tobago, and therefore, the criminalization factor there.

And I will tell you why I asked for a deferral of dealing with this issue, but certainly undertake to look at it. What we wish to do is to criminalize the conduct of taking a child abroad for marriage, because then that goes into the issue of forced marriages as well. And what we wish to look at is how we traverse the jurisdictions that we intersect with in this particular domain.

It requires a little bit more work. I do not think that we are in the best position to do it. I think it is a very noble suggestion. We have looked at it at the LRC but could not come to a particular decision on it, and it certainly is now being looked at again, and we are seeking advice on it with a view to coming back to the Parliament, if necessary, to make the amendment on the extraterritoriality and the criminalization of forced marriages and movement out of the jurisdiction for it.

So that was a very important observation by Sen. Roach. Madam President, I really do pray that this Senate can end 27/26 years of analysis paralysis. [*Desk thumping*] I really pray that this Senate can decide to draw a line decisively in the sands of Trinidad and Tobago. This is no tribute to the Government of Trinidad and Tobago for the time being. We are people in revolving doors who serve one day and are out the other day. Whilst we have an opportunity to make a

difference, we pray for all of us to make that difference because it is the votes in support and the observations made in debate that really define what Trinidad and Tobago's Parliament is about to decide. And that, I dare say, is historic for all of us.

8.30 p.m.

There is no paternity to this other than paternity by the Parliament of Trinidad and Tobago and, Madam President, we will not get a perfect bit of legislation. No one Bill can get us there, but I do think it high time that we say to our girls in society in particular, and those who we have allowed to be treated differently from our boys that we are drawing a line collectively as a society, and that we wish to act in their best interest to hear the voice of the child.

Madam President, with those few words, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Madam Chairman: Hon. Senators, there are eight clauses in the Bill, but we have amendments circulated on behalf of the hon. Attorney General, Sen. Mark and Sen. Mahabir. So we will now proceed.

Clause 1 ordered to stand part of the Bill.

Sen. Mark: Madam Chairman, may I enquire? My colleagues are saying that they do not have copies of the amendments.

Madam Chairman: Whose amendments?

Sen. Mark: Mine, on our bench. But they are saying that they do not have that.

Madam Chairman: Do all other Members have the copies? So let me just ask again. There are three sets of amendments: amendments moved by the hon. Attorney General, Sen. Wade Mark, Sen. Dhanayshar Mahabir. Do we all have each of those? Yes. Okay.

Clause 2 ordered to stand part of the Bill.

Clause 3.

Question proposed: That clause 3 stand part of the Bill.

Madam Chairman: There is an amendment as circulated by the Attorney General.

Mr. Al-Rawi: The proposal is to delete clause 3. Consonant with the submissions made during the wind-up, I indicated that the Government's intention is to propose the deletion of the preamble, the certification clause and the clause by which we require a three-fifths majority. The preamble and certification clause come at the end of the committee stage by order of process and the first opportunity to clean up as indicated is to delete clause 3, which is to remove the language to say that the "Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution".

Sen. Mark: Madam Chair, this is a Parliament and I think it is reckless for a Bill to be circulated. Trinidad and Tobago has been advised that this Bill requires a special constitutional majority, and therefore, one would have thought that my good friend, the hon. Attorney General, would have been properly advised by his team of attorneys who would have recommended that violations were taking place and a special certificate would have therefore been required.

We are now being told at the end of a debate that that is no longer so because he has received advice otherwise, and this Parliament has not been made privy, Madam Chairman, to the advice that has been given to the Attorney General. But we are being told by the Attorney General, please accept on my word that I have received legal advice and the advice is to the effect we do not require a three-fifths majority. I think that is an absolute abuse.

Madam Chairman: Okay, Sen. Mark, your point has been noted. I do not think we are in the committee stage—

Sen. Mark: We are not in the committee stage now?

Madam Chairman: We are in the committee stage, and therefore, all debate has finished. We are dealing with the—[*Interruption*]—yes, we are dealing with the details, but I am asking that all of that extraneous matter—you have raised an issue, I am going to ask the Attorney General to address it.

Mr. Al-Rawi: Thank you, Madam Chairman. Were there any other views before I do wrap up on it? I am not sure.

Sen. Dr. Mahabir: I too have a concern that the initial Bill, as circulated, indicated a clause 3 under the assumption to me at least that this was a Bill that requires a special majority. It is not very clear to me how a special majority can

then convert into a simple majority without any kind of explanation. So I really would like to get an explanation from the hon. AG on that.

Sen. Ameen: Yes, Madam Chairman, my concerns are similar but I want to ask if the Attorney General has—he indicated that he has legal advice. As Sen. Mark mentioned, we are just going on your word, but I do not know if it is customary for something like that to be circulated in writing indicating the rationale behind it and so on. I do not know if that is customary. If it is and it is possible that you can share with us. That is one.

Secondly, something like that would show because you are not suggesting a substantial change in the amendments being put forward that would change this from requiring a special majority, but except by removing the clause that says it requires that majority which really does not change. If you remove a label it does not change the substance of the thing. So perhaps, Madam Chair, what I was asking is if it could be circulated? If you could please provide us?

Sen. Sturge: Madam Chair, through you, we have already heard that there are two section 4 fundamental rights that are being impacted by this legislation. We heard that from the opening statement of the Attorney General. Given the fact that the Attorney General is now saying that we do not need the three-fifths majority, I would like to enquire, quite apart from sections 4 and 5, if the Attorney General considered that the right to marry is a right which preceded the 1976 Constitution, and therefore would have been saved? If his legal advice covers this issue?

Sen. Ramdeen: Madam Chair, it has to be that if the Attorney General came today and told us that he has legal advice that suggests, both foreign and local, that this Bill does not require a special majority, I think out of fairness to all of us here as part of a law-making process collectively and having collective responsibility for what we passed here in this Senate, that we should be guided by what the Attorney General has to his benefit as well. And this is the second time, I can say, I am not going to go on, but this is the second time we had asked for the advice in the SSA matter. The Attorney General gave an undertaking to provide that to us, it was not provided.

Madam Chairman: Sen. Ramdeen, please, let us deal with the matter at hand. Okay?

Sen. Ramdeen: I am making a formal request for the advice that was provided to the Attorney General to be provided to all of the Senators who are participating in this debate.

Madam Chairman: Is there anyone—Sen. Chote?

Sen. Chote SC: Yes. Thank you, Madam Chairman. I am just a bit confused and perhaps it can be explained away, but it seems to me as though practically the Attorney General is choosing to walk one of two routes. He is saying that "if I return to the Lower House for the third reading I have no guarantee that I am going to get this special majority that I need for this Bill to become law". So he is making the tactical decision to say that "I am going to go without the special majority and who wants to litigate may do so in the courts".

Now my concern with that is this. I felt that what we did here today was very significant and we would want to see that it has an impact and it does not simply become a heading for a court matter in the civil courts. So while I understand that the Attorney General may feel that he is sometimes swimming in shark-infested waters, I think perhaps my feeling is we should leave subsection (3) in and take it as it goes.

Madam Chairman: I am hearing the comments. I am going to ask the Attorney General to respond, but I want to point out to Members that there is an amendment that we are dealing with. At this stage, when we are in this committee of the whole Senate, we are not going to be going on the merits and the policy of the Bill. We are now dealing with the details. Okay? Does anyone else want to raise an issue that is different from what has just been raised by the previous Senators with respect to this amendment?

Sen. Ramdeen: Madam Chair, the difficulty with the proposition that has been told to us—I will be guided by you.

Madam Chairman: Sen. Ramdeen, no, that is fine. You have raised it. You have raised your issue. Let me invite the Attorney General—

Sen. Ramdeen: Just before the Attorney General's response, if I can just say, I accept that that is the procedure that we should go by, but the difficulty that we have, at least on this side, is that the issue about not requiring a special majority was only raised in the wrapping-up. So we had no opportunity to respond to it in the debate itself, and that is a serious disadvantage. The Attorney General could not have gotten the advice this afternoon. So I think it would have been incumbent on the Attorney General, being the Minister piloting this Bill through the Senate, to have indicated to us previously and not spring it upon us in the wrapping-up of the debate. So all of us could have considered it and have a fair opportunity to indicate in the debate itself and not be hamstrung in the committee stage like how we are now.

Sen. Roach: What I was going to say, Madam Chairman, to what Sen. Ramdeen is saying, is that the hon. Attorney General did say during the course of the debate that comments were made by Sen. Chote and myself concerning this. And just like how any other Senator could comment on whatever has gone before, it was in the open to make that said commentary, and like any other clause that is being attended to at this point in time. So I do not think it is something by surprise. That is all I want to say.

Mr. Al-Rawi: Madam Chair, if there are no other submissions on this point, could I reply? Thank you for allowing us to take it in the round, hon. Members. Relative to the issue, Sen. Chote I think you have packaged it exactly correct. There is a choice that the Government is making not to put a three-fifths majority certification on this Bill. The first time that I raised this issue was in my opening address which was seven days ago on the 10th of January. I do accept that Sen. Ramdeen was ill on that date and was not here. There was a temporary Senator—you were here? Sorry. Forgive me, Sen. Ramdeen. I apologize. Just because of the seating arrangement today. But it was certainly raised on that date and I indicated that what the Government had done was to put this in, that there were two routes and two schools of thought in relation to the law on this and I did mention specifically the case of Suratt, the issue of proportionality, legitimate aim, how the democracy treats with it. I went into that in quite some detail in the opening address that I provided.

Secondly, it is not, in answer to Sen. Sturge, that I said that two rights are impacted, section 4(b) and section 4(h) of the Constitution. What I said is that two rights are in competition. One can view the section 4(h) right as being trampled, but I said the section 4(b) right which this Bill does not trample is one which is being trampled if we do not deal with the passage of the law to amend it and I gave specifically the instance of Tanzania, both in the opening address and in some more detail in the wrap-up.

The position is that the law is well settled. Proportionality can be decided with or without a three-fifths majority. Proportionality is decided and the dicta in the Privy Council is what guides us. Surratt has guided us, Northern Construction in the Court of Appeal has guided us, and it is clear that it is not every section 4 or 5 right that is intruded upon that requires a three-fifths majority clause.

It has never been the practice of the Parliament to distribute opinion. In the six years that I have sat in the Parliament, I have never once received a scrap of paper purporting to be legal opinion from the last Government. I have on the other hand, as Attorney General, taken to giving opinion in Joint Select Committees, et cetera, marked up changes and otherwise.

So whilst I do appreciate that Members may be somewhat taken aback by the tactical choice that I have made to decide to rest my laurels upon Baroness Hale, Surratt, Northern Construction, and the section 4(b) right, I am asking the honourable Senate to consider that the position volunteered in relation to this Bill is one, if it proceeds along this path, is not disturbed by the removal of this clause because at the committee, under our Standing Orders, we can add, delete and do as we please because this is the House in which the Bill originates.

This law is trite law in Trinidad and Tobago right now and I do not think that it needs to go into any point. I am recognizing that like any citizen can, any citizen can challenge any law with or without a three-fifths majority, and I ask Senators to hear the fact that it is my submission. I have received advice, yes, that this is law which does not require a three-fifths majority. Two Independent Senators have reflected upon that themselves and that is my response in the round, Madam Chairman.

Sen. Ameen: No, I am just asking. I asked whether it could be circulated for our benefit and—

Madam Chairman: I think the Attorney General has answered.

Hon. Senator: No.

Madam Chairman: Yes.

Sen. Sturge: Can I at least ask one more question, Madam Chair? Can we at least have the names of these persons who provided these opinions?

Mr. Al-Rawi: No.

Sen. Sturge: No. Okay.

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 3 deleted.

Mr. Al-Rawi: Madam Chairman, just for the sake of the record because I am hearing my learned colleagues' statements across the floor and I am compelled therefore to just clarify this position. I, as the Attorney General, as the advisor to Cabinet, have advised that this Bill does not require a three-fifths majority. [*Crosstalk*]

Sen. Ramdeen: Attorney General giving a speech.

Madam Chairman: Members, Members.

Mr. Al-Rawi: I just want to put that on the record.

Madam Chairman: No. Hon. Attorney—[*Crosstalk*]

Sen. Sturge: Madam Chair, I object.

Madam Chairman: Hon. Members, Attorney General, I have already put the amended clause to the committee. The amendment has been passed by the committee. We are moving on. Hon. Attorney General, you have already said what you had to say while we were dealing with amendment. Yes? So let us just move on now to clause 4.

Sen. Ramdeen—

Sen. Ramdeen: Sorry, Milady.

Madam Chairman:—if you are to make comments—Yeah. Hon. Attorney General, let us all not be provoked. Okay? Let us go to—[*Interruption*]—So we are going to move on to clause 4.

Clause 4.

Question proposed: That clause 4 stand part of the Bill.

Madam Chairman: Hon. Senators, there are amendments to clause 4 circulated by the Attorney General, and there are amendments to clause 4 circulated by Sen. Mark.

Sen. Dr. Mahabir: And Sen. Mahabir.

Madam Chairman: No, you are a new clause.

Sen. Dr. Mahabir: New clause. Okay.

Madam Chairman: We deal with new clauses after we deal with all the other clauses.

Sen. Dr. Mahabir: Very well.

Mr. Al-Rawi: Madam Chairman, clause 4 is amended as follows:

4(b) Delete subparagraphs (i) and (ii) and substitute the following new subparagraphs:

(i) in subsection (1), by deleting the words "three days" and substituting the words "one day";

(ii) in subsection (4) –

(A) by deleting the dash and substituting the words ", there is no

impediment of consanguinity or affinity or other lawful hindrance to the said marriage."; and

(B) by deleting paragraphs *(a)* and *(b)*; and

(iii) in subsection (7), by deleting the word "The" and substituting the word "Every";

4(o)(i)	A. In subparagraph (A) delete the word "and". B. In subparagraph (B) insert the word "and" after the semicolon. C. Insert the following new subparagraph after subparagraph (B): "(C) the word "carelessly" wherever it occurs and substituting the word "negligently".
4(o)(iv)	Delete the word "carelessly" wherever it occurs and substitute the word "negligently".
Insert a new Paragraph 4(sa)	In clause 4, insert after paragraph (s) the following new paragraph: "(sa) in section 44, by deleting the word "three" and substituting the word "five".
4(u)	Delete the word "52" the second time it appears and substitute the word "53".

Madam Chairman, if I could explain the amendments as circulated? The circulated amendment proposes the insertion of a recommendation made by Sen. Ramkissoon. It is specifically to make an amendment to section 19A of the Marriage Act which requires non-residents to post banns for a period of three days. What we propose to do is to reduce the period to one day based upon the very strong submission that tourism and marriage tourism can profit in this country, and to effect the insertion we have to effectively delete what was there before and re-substitute it. So in the circulated version, as it appears, the removal of three days in 19(i), the insertion of one day instead, and then replacing in (ii) as it appears, what was deleted in subparagraphs one and two.

So those will now form paragraphs two and three. I hope I have made it clear.

Question, on amendment, [*Mr. F. Al-Rawi*] *put and agreed to*.

Madam Chairman: We will now deal with the amendment, clause 4, put forward by Sen. Mark.

Sen. Mark: Madam Chair, the Attorney General is proposing that the clause—if I have it on 4(a).

Madam Chairman: 4(k)?

Sen. Mark: Yeah. I am suggesting that the Parliament should have sight of the Order that the Minister may be able to amend, which involves I think Schedule JA of the Marriage Act, and we are suggesting that that be subject to an affirmative resolution so that the Parliament could look at whatever fees that are being proposed by the Minister and whichever public officer would be involved so that we will have an oversight role on this matter. Since this matter is passing us, we do not want it to pass us and never come back.

We want to be on top of this one, Madam Chair, and therefore, we are suggesting the following, that:

> The words "subject to an affirmative resolution of the Parliament" be put or placed before the words "The Minister may by Order amend Schedule JA".

I think it is a reasonable proposal in the context of ensuring that things are not just left up to a Minister, and that the Parliament would have some sight of those fees that are being proposed, Madam Chair.

Mr. Al-Rawi: Madam Chair, are there any other submissions in relation to Sen. Mark's point before I invite him to consider a response? [*Crosstalk*]

Madam Chair, Sen. Mark's suggestion that we have "The Minister may by Order amend Schedule JA" and that at (k)(ii)(3) we insert the words "subject to affirmative resolution". If I read that into context just to make sense, subclause (k) proposes an amendment to section 35 of the civil Marriage Act if I could put it that way.

9.00 p.m.

In section 35(k) what we are looking at, (k)(ii)(3):

"The Minister may by Order amend Schedule JA."

What Schedule JA does and what section 35 does, section 35 is that any person may at all reasonable times search entries in any marriage register book, and it then goes on to say it originally had fees specified, however before searching, you must pay for every search $12.50, particular entry and that would have been scratched off . Then subsection (2) was being inserted by this clause with says

that the Registrar would charge a fee. And what we did, instead of putting the fee in the parent law, we put it in a new schedule called JA, and then what we did was to say that the Minister should have the power to amend that schedule for fees by Order.

Now, just to point out, that is the standard way in which you allow the fees to be adjusted from time to time across the laws of Trinidad and Tobago. The Minister does it by Order, Parliament does not involve itself from what I have seen in affirmative or negative resolution. It is the same as the Muslim Marriage and Divorce Act and the Hindu Marriage Act and the Orisha Marriage Act. So what we are actually doing is simplifying the law, scheduling out the fees, allowing those fees to be adjusted from time to time by the Minister, and respectfully not involving Parliament to amend substantive law to change $12.50 to $14.00.

Sen. Mark: Madam Chair, Attorney General, I think it would be useful even if you want to submit what you have just submitted, to have those fees that are being maybe adjusted, tabled, laid in the Parliament. Now, I know finance is a matter for the House of Representatives. The Senate cannot raise taxes, we know that, that is a function for the House. But in an effort to avoid arbitrary fees being imposed by any Minister, I am suggesting, Madam Chair, that those fees that are being proposed to be increased by a Minister be laid in the Parliament, and I believe that those fees ought to be the subject of a debate.

Even if, Madam Chair, the Attorney General says, well, look, he does not want a compulsory debate so, you know, we do not know want to be affirmative, then we can say, well, look at negative, but at least the Parliament would have sight of those fees that are being imposed on the population, and it does not just appear in the *Gazette* without we knowing because we are passing a law and we need to know what is taking place when this law leaves here. So I am asking the Attorney General to consider, even if you do not support the affirmative resolution, then you could look at a negative resolution and have the fees tabled for sight, and maybe when it comes here, Madam Chair, we just allow it to pass because it is no big thing, you know, but at least it will be tabled.

Sen. Ramkissoon: Thank you, Madam Chair. As we are discussing fees, I just have a small question on section 18, Schedule F, which relates to fees and has a marriage officer certificate which costs 50 cents. Now, is this going to be amended in the Schedule JA or it is not and it is going to remain as 50 cents as it is in the parent Act? And that is on page 11, section 18.

Mr. Al-Rawi: Schedule JA—I will come to Sen. Mark's position in just a moment—for every particular search, for every search for a particular entry, the schedule fee for JA as proposed is $12.50; for every certified copy, $12.50; for a general search not directed to any particular entry, $30. It is exactly what was in the parent law itself.

Madam Chairman: I think, what—you are referring to section 35 of the Marriage Act, Sen. Ramkissoon is referring to section 18 of the Act—

Mr. Al-Rawi: Yes, I was coming to that.

Madam Chairman: Sorry—that does not form part of the Amendment Act; that is the Bill that is before us. So just saying that, Attorney General, so yes, you can continue.

Mr. Al-Rawi: Thank you. I was taking the opportunity to tell you what JA actually said and then I was going to come—and I thank Madam Chairman for the assistance—to the fact that you have spotted something which ought to be amended which is in section 18 because there is 50 cents there and I would just like to say—now, this would join in answer to what Sen. Mark has been proposing.

The Registrar General, as I indicated in my wind-up and the Attorney General's Office, we have a host of legislative amendments to come to all of these Acts to tidy up the manner in which fees are collected, managed, et cetera. But that involved, had we brought it together with this law, we would have been spending a very long time and we would have lost what we really came for which was the age to contract marriage. So we do have this flagged out together with a number of other points to come back to the Senate and the House to have a second view of and there are actually more observations on that.

On Sen. Mark's point, Madam Chair, that Parliament ought to have scrutiny of the fees that are scheduled out this way, that would, most respectfully, fly in the face of current practice under the Orisha, the Muslim and the Hindu Marriage Acts which have been in operation from 1945 come forward depending upon the dates of the respective laws: 1999, 1945, 1962 if I remember the dates, and most respectfully, the intention is to keep this within the Registrar General's domain as it is done for companies' fees, for other documents, et cetera. This is a matter of scheduling for the Registrar General; it is always subsidized by the State and I respectfully do not consider that this ought to occupy the Parliament's attention.

Madam Chairman: Hon. Senators, we will now put the amendment as circulated by Sen. Mark to the vote. So that the question is that clause 4 be

amended as circulated. We are dealing with the amendment circulated by Sen. Mark.

Question, on amendment, [*Sen. W. Mark*] *put and negatived*.

Madam Chairman: I will now repeat the question.

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5.

Question proposed: That clause 5 stand part of the Bill.

5(k)	Delete the word "carelessly" wherever it occurs and substitute the word "negligently".

Mr. Al-Rawi: Madam Chair, may I just out of caution enquire, the question was that clause 4 as proposed to be amended be taken. We essentially spoke only to 4(b) as proposed and we have not yet spoken to 4(o)(i) as proposed to be amended or 4(o)(iv) as proposed to be amended or 4(u) as proposed to be amended by me.

Sen. Mark had proposed one amendment to clause 4 but I just wanted out of caution to make sure that we had addressed the proposed amendments for 4(o)(i), 4(o)(iv) and 4(u). The insertion of a new (sa), I understand, we will take towards the end. It may be convenient to consider it subject to the direction of the President as Chair, it may be convenient to consider the insertion there and then to come back to it as a technicality. I just wished to have brought those matters to your attention.

Madam Chairman: All right. Hon. Attorney General, do you want to therefore revisit? Because when I spoke of the clause 4 as circulated by the Attorney General, I dealt with clause 4 as circulated by the Attorney General, all of the amendments. Okay? So is it that you want to—the vote has been taken on that. Clause 4, as amended by Sen. Mark, was not approved, clause 4, as amended by the Attorney General, in my view, the vote was taken on it. Okay?

Mr. Al-Rawi: Sure. I am in Senators' hands—

Hon. Senator: In its entirety.

Mr. Al-Rawi: In its entirety.

Madam Chairman: In its entirety.

Mr. Al-Rawi: Sure.

Madam Chairman: So Senators, let us talk a little bit here. As we go through, when Senators want to make an intervention, just put your mike on and you will get an opportunity but when we talk about clause 4, clause 5, we are dealing with what is going through unless I break it down. Okay? All right, so we have dealt with clause 4, so we are now going on to clause 5.

Sen. Ameen: Madam Chairman, before we go to clause 5, I see in one of the sheets circulated by Sen. Dhanayshar Mahabir where they have new clause. Do we deal with that now or at the end?

Madam Chairman: What we said is that new clauses are dealt with after. Attorney General, we have put the question about clause 5. Attorney General, you have an amendment to clause 5, clause 5(k); and Sen. Mark, you have an amendment to clause 5 as well. So we will deal with the Attorney General's amendment first. Okay?

Mr. Al-Rawi: Thank you, Madam Chair. We propose that clause 5(k) be amended to take care of an observation made by Sen. Chote as to the maintenance of the archaic language "carelessly" and instead to use the word "negligently". It actually claws back to the amendments which were taken in clause 4 where we have also changed the word "carelessly" to "negligently" in recognition of the submission made by Sen. Chote.

Sen. Chote SC: Madam Chairman, I am just curious about one thing and I do not know if now is the time to raise it but I had observed that there was a disparity in the description of what is contained in clause 5(c)(8)(1)—that is to say, age at which a person being a member of the Muslim community, comparing that with if we go to 6(b)(11)(1), age at which a person being a member of the Hindu faith or religion. And I was just wondering whether it was appropriate to raise this now to see why there is that distinction, if that is possible.

Mr. Al-Rawi: Much obliged, Sen. Chote and through you, Madam Chair. In response, we looked at the issue as observed. The Hindu Marriage Act and the Muslim Marriage and Divorce Act came about, of course, at different times—1945 and later on, 1962. But the terminology used in the original legislation for the Muslim Marriage and Divorce Act was, in fact, "community" and that used in the Hindu Marriage Act was "faith or religion".

Insofar as both these two pieces of law gave a formula which clawed back to prescriptive and persuasive elements grounded in a religion which is described outside the Act, it stood apart from what we had in the civil marriage legislation which does not make reference to religion. The Sharia law which bites in respect

of the Muslim marriage and divorce position and the Dravidic or, forgive me, the reference to the Brahmanic or whichever teachings the Bhagavad Gita provides on the scholastic experience under the Hindu faith, the term used was a term of art, which has been so settled from 1945 and 1962 that we would prefer to err on the side of caution of not changing something which somebody would interpret otherwise to say, well, Parliament, in its wisdom, decided to change this because it meant something else, particularly because there are disparate views in Islam and in Hinduism, so we felt that we will leave good enough alone. I hope that that captures the explanation.

Sen. Chote SC: Understood.

Sen. Ramkissoon: Madam Chair, I am not sure if the explanation for 5(ka) was given yet into why we are changing the word "three" to "five" in section 28.

Madam Chairman: Sen. Ramkissoon, that is a new paragraph so that is a new clause so we deal with all new clauses after we have dealt with these. So we are just dealing with 5(k). Okay?

Question, on amendment, [*Mr. F. Al-Rawi*] *put and agreed to.*

Madam Chairman: Sen. Mark, your proposed amendment to clause 5.

Sen. Mark: Yeah, Madam Chair, I think the framers of this Muslim Marriage and Divorce Act, as we go to the amendment in terms of clause 5, if you go to the original Act, Chap. 45:02 and you look at section 30, you will see, Madam Chair, where it deals with regulations and among the regulations, they outline (a), (b), (c) and (d) which would be among many others that the Attorney General would have to address from time to time. Again, to ensure that the rights of people are not violated and/or breached, given the fact that Parliament was approving this legislation, under section 30, it specifically read and I quote:

> "Regulations made under this section shall be subject to affirmative resolution of Parliament."

For some inexplicable reason, only known to the hon. Attorney General, he has decided to completely remove the oversight role of the Parliament as it is currently in this law and you know, the Attorney General did not even propose a negative resolution. He has proposed an almost complete deletion of this provision and he says what it should read as you saw, Madam Chair, in clause 5(2):

> "Regulation made under this subsection (1) shall be laid before Parliament."

So we just get regulations, they are laid. Madam Chair, normally when regulations are laid before Parliament, they are subject to either an affirmative or a negative. And in this Act that we are dealing with, the framers of this law made it clear it should be an affirmative. Why does the Attorney General wish to delete the affirmative aspect completely? So we are suggesting that it be retained as it is in the Muslim Marriage and Divorce Act. There is no justification or justifiable reason for this deletion as being proposed by the hon. Attorney General.

Mr. Al-Rawi: Thank you, Madam Chair. I had mentioned the rationale for this but I will repeat it and I will remind Sen. Mark that there are other people who make observations based upon inequities and inconsistencies of the law. In debating this Bill, we have to compare the four pieces of law which deal with marriage. Under the Muslim Marriage and Divorce Act, there is, indeed, as Sen. Mark put forward, the obligation for affirmative resolution for regulations but under the Hindu Marriage Act, there certainly is not, specifically at Clause 36, section 36.

Further, the advantage of debating these four laws together, as we have spent 21 speakers and two days and many hours doing, is that a comparative study of the thing which we are debating would also have revealed that section 27 of the Orisha Act also has no obligation, similar to the Hindu, for either affirmative or a negative. More so, the Civil Marriage Act has no requirement at all. So a mere cursory comparison of the four laws would show that the Muslims in our country were being put through paces which no other religion was bound to follow or observe and in fact, the President, when he makes the regulations under the Hindu marriage and Orisha, has no obligation to come to Parliament at all, it is just published.

So we think that it would have been obvious to anybody who had done the homework behind this, by a mere comparison of the four laws that we were removing the discrimination put against the Muslim community, but I regret that you have not spotted that. So most respectfully, the observation that no one has given an explanation, I thought would have been apparent by just the mere exercise of homework.

Sen. Mark: Madam Chair, please, that is illogical, to be honest. The Attorney General is coming down a particular course that is not relevant and necessary, and I will tell you why. If the Attorney General is advancing that the legislation dealing with regulation is discriminatory against the Muslims and what the Attorney General is suggesting is that he wants to level the playing field because it does not exist for the Hindus and the Orisha and under the Marriage Act, I

would have thought that the argument that the hon. Attorney General would have advanced is that in an effort to really level the playing field, he would have brought changes to the Orisha Marriage Act, to the Hindu Marriage Act and to the Marriage Act, to bring them in line with the superior legislation enjoyed by the Muslims in the country.

But, Madam Chair, you know my brother, my colleague. He has "spin de thing" all over the place and indicating to us, well you know what, we are discriminating against the Muslims and therefore to level the playing field, what he is doing is removing that discrimination. Please, Madam Chair, please.

Madam Chairman: So I am now going to put the amendment as proposed by Sen. Mark to clause 5 to the committee.

Question, on amendment, [*Sen. W. Mark*] *put*.

Sen. Mark: I want a division on this one. The country must judge you. [*Crosstalk*] No, no, no, it is all right, but another judge.

Sen. Baptiste-Primus: That is why you are sitting where you are.

Madam Chairman: Okay, could we please—we are about to take the division.

Sen. Mark: Look, I have surrendered to you, Jennifer. [*Laughter*]

Madam Chairman: Sen. Mark.

Sen. Mark: Sorry, sorry, Ma'am.

Madam Chairman: How about you surrender to me and let us have the division. [*Laughter*]

Sen. Mark: I surrender to you, Madam Chair. Both of you, I surrender to, complete surrender.

The Committee divided: Ayes 5 Noes 21

AYES

Mark, W.

Ameen, Miss K.

Sturge, W.

Samuel, R.

Ramdeen, G.

NOES

Gopee-Scoon, Mrs. P.

Baptiste-Primus, Mrs. J.

Rambharat, C.

Sinanan, R.

Moses, D.

Hosein, K.

Henry, Dr. L.

Singh, A.

Coppin, W. M.

Cummings, F.

De Freitas, N.

Baksh, Miss A.

Dookie, D.

Stewart, Miss. N.

Romano, Miss A.

Roach, H.R.I.

Small, D.

Chote SC, Miss S.

Creese, S.

Richards, P.

Edwards, N.

The following Senators abstained: Dr. D. Mahabir, Mr. T. Shrikissoon and Miss M. Ramkissoon.

Question negatived.

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

9.30 p.m.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

Mr. Al-Rawi: Madam Chair, I propose that clause 6 be amended as follows:

6(h) Delete the word "Carelessly" wherever it occurs and substitute the word "negligently".

Insert a new paragraph 6(ja) In clause 6, insert after paragraph (j) the following new Paragraph:

"(ja) in section 24, by deleting the word "three" and substituting the word "five".

The purpose of the proposal for amendment of clause 6 is to again take account of Sen. Chote's observations as to the movement in the language from "carelessly" to "negligently", which we agree should be amended.

Question, on amendment [*Mr. F. Al-Rawi*] *put and agreed to.*

Madam Chairman: Sen. Mark, you also have an amendment to clause 6.

Sen. Mark: Yes. Madam Chair, I am proposing that regulations, again, made under subsection (1), the Attorney General is proposing again that it just be laid before the Parliament and I am suggesting delete the words "laid before" and insert "subject to an affirmative resolution." Again, you are formulating regulations for the Hindu community, in terms of the operationalization of these sections, as well as the Act itself that governs the Hindu Marriage Act and we feel that it should be subject to an affirmative resolution of the Parliament so that the Parliament can have an oversight role on those regulations.

Mr. Al-Rawi: Thank you, Madam Chairman. If I could just explain in briefer fashion than I did previously. The Hindu Marriage Act, specifically at clause 36, did not provide for the method by which the President would have dealt with regulations. What we did was to advance what we believe is an improvement and harmonize the manner in which regulations are treated under the Hindu Marriage Act, the Muslim Marriage and Divorce Act and the Orisha Act, specifically to allow for those to be laid, in this instance, for the first time, before the Parliament, and when we come to the Orisha, for the first time before the Parliament, because it was not done before.

So it is to keep with the philosophy adopted in respect of the Muslim Marriage and Divorce Act and specifically to allow for the improvement of regulations, if there is a breach of regulations, that it should be punishable by a fine not exceeding $3,000 and six months imprisonment, which is in keeping with the tenor with which one ought to treat these regulations specifically as a variation from the application of section 16, I believe it is, of the Interpretation Act, which would otherwise just have had a pecuniary sum of $500. Those are the explanations.

Madam Chairman: We will now take a vote on the proposal of Sen. Mark to clause 6.

Question, on amendment, [*Sen. W. Mark*] *put and negatived*.

Madam Chairman: The amendment as circulated by Sen. Mark does not pass.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7.

Question proposed: That clause 7 stand part of the Bill.

Mr. Al-Rawi: Madam Chairman, I beg to move that clause 7 be amended as follows:

7 *(i)*(i)	A. In subparagraph (A) delete the word "and".
	B. In subparagraph (B) by inserting the word "and" after the semicolon.
	C. Insert after subparagraph (B) the following new subparagraphs:
	"(C) the word "carelessly' wherever it occurs and substituting the word "negligently";".
7*(i)* (iii)	Delete the word "carelessly" wherever it occurs and substitute the word "negligently".
Insert a new paragraph 7*(la)*	In clause 7, insert after paragraph *(l)* the following new paragraph:
	"*(la)* in section 33, by deleting the word "three" and substituting the word "five".

7*(o)*(i)

A. In subparagraph (A) delete the word "and".

B. Insert after subparagraph (B) the following new subparagraphs:

"(C) by deleting the word "Condition" and substituting the words "Marital Status";

(D) by deleting the word "Calling" and substituting the words "Profession/ Occupation";

(E) by deleting the words "Dwelling place" and substituting the words "Home Address"; and

(F) by inserting after the word "Residence" the words "at this address" ;".

7*(o)*(ii)

A. In subparagraph (A) delete the word "and".

B. Insert after subparagraph (B) the following new subparagraphs:

" (C) by deleting the word "Condition" and substituting the words "Marital Status";

(D) by deleting the word "Calling" and substituting the words "Profession/ Occupation";

(E) by deleting the words "Dwelling place" and substituting the words "Home Address"; and

(F) by inserting after the word "Residence" the words "at this address";".

7*(o)*(iii)

Delete and substitute the following:

"(iii) in Form E –

(A) by deleting the column in the table with the heading "Consent, if any, by whom given";

(B) by deleting the word "Condition" and substituting the words "Marital Status";

(C) by deleting the word "Calling" and substituting the words "Profession/ Occupation";

(D) by deleting the words "Dwelling place" and

substituting the words "Home Address"; and

(E) by inserting after the word "Residence" the words "at this address"; and".

Madam Chairman, the rationale behind the proposed amendments to clause 7 include firstly, in keeping with the observation made by Sen. Chote again, and as we have attended to in amendments coming forward to clause 7, that we substitute the word "carelessly" wherever it occurs and replace it instead with "negligently" when we are describing the nature of offence to be committed.

Secondly, that we take account of the observations made by Sen. Ramkissoon, which met with observations which we had made ourselves, because we had omitted to amend the forms in the Orisha Act. Specifically, there was the improvement of the forms in removing the very archaic terminology "condition" and instead substituting with "marital status", by removing the word "calling" and instead substituting with "profession and occupation" and "dwelling place" with "home address". This is in keeping with observations made by both Independent Senators and they are humbly submitted for consideration by the Senate.

Sen. Ramkissoon: Madam Chair, thank you. Thank you, Attorney General for taking the consideration to be consistent with the forms. I do have a question, in relation to the forms in the Marriage Act, which is also inconsistent with the changes we are making here. I am looking through the Orisha Marriage Act and I am unable to find it. So I am just scanning it quickly. There was mention of "dwelling place" in the Marriage Act in section 8. Now, I do not know if it is also mentioned in the Orisha. So is it that we are going to be consistent in the parent Act, with the forms?

Mr. Al-Rawi: Very good observation. The legislation, a lot of the language, is archaic across the board and there are a lot of positions to be amended. What we did is we are specifically building out a whole populated list of amendments to be made across the board to modernize. Again, what we did, we focused squarely and solely upon contract and we amended forms, insofar as we had to because the original forms provided for consent to be provided. So whilst we were dealing with the consent side of it, we took the opportunity to take the language of the forms into account. But we have observed, as you have expressed, certain inconsistencies in the parent Act. The amendments which we propose to bring to Parliament will include amendments to the parent legislation and certain other forms, et cetera.

The Registrar General is not yet complete with the tour through the legislation for the final review. So we have not yet come to that but we expect to finish that exercise very shortly and then to bring it through Cabinet to the Parliament.

Madam Chairman: Attorney General, you have dealt with all the amendments to clause 7?

Mr. Al-Rawi: Yes, Madam Chairman.

Question, on amendment, [*Mr. F. Al-Rawi*] *put and agreed to.*

Madam Chairman: Sen. Mark, your amendment to clause 7.

Sen. Mark: Well, Madam Chair, consistent with the earlier amendments proposed, I am suggesting that the regulations be subject to an affirmative resolution of Parliament. Of course, the AG would say that he is improving on what exists in the Orisha Marriage Act. I am suggesting that we should go a step further than merely laying these regulations but be subject to an affirmative resolution, Madam Chair. That is my position.

Mr. Al-Rawi: Thank you, Sen. Mark, for summarizing the argument which I would make, which I adopt, and secondly, just to indicate that this legislation, the Orisha in particular, is in operation since 1999, has operated without incidents similar to the Hindu Marriage Act from 1945 and the Muslim from 1961. That being the position, our position is that we have advanced it somewhat. But I do hear the hon. Senator's submission and respectfully disagree with the position.

Question, on amendment, [*Sen. W. Mark*] *put and negatived.*

Madam Chairman: The amendment does not pass.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Madam Chairman: Hon. Senators, at this stage, I think we are going—we have an amendment to clause 8?

Clause 8 ordered to stand part of the Bill.

Mr. Al-Rawi: Madam Chair, could I just ask for your guidance? When is it that we would normally deal with the certificate deletion, consequent upon the elimination of section 3?

Madam Chairman: We do all of that last.

Mr. Al-Rawi: So the certificate would come last, together with the preamble, by way of a proposed amendment?

Madam Chairman: Hon. Senators, I ask for some patience here. We have several proposed new clauses. We have new clause 4A proposed by Sen. Mahabir, new clause 4A proposed by Sen. Mark and then we have new clause 4(sa) proposed by the Attorney General. So I am going to deal first with new clause 4A proposed by Sen. Mahabir.

New Clause 4A.

Sen. Dr. Mahabir: Thank you very much, Madam Chair. By way of background, and I assure you I shall not be long and elaborate. The question arose during the debate on why age 18. This was a question posed by Sen. Samuel. I thought I had addressed it with some reasonableness in my debate.

In my amendment I am proposing that with parental consent the age will be 16 years for male and female. And the question is: Why age 16? What is the justification and the rationale for it? The hon. Attorney General, in his wrapping up, indicated that while he admits that this is so in every state in the United States, that that jurisdiction is a bit different from our own. But, Madam Chairman, let me provide a rationale for why I am proposing to this honourable Senate that we should give consideration to minimum age of 16 with parental consent.

I refer to Act No. 3 of 2007. Again, I am grateful to Sen. Samuel for passing it on to me. This Act may be cited as the Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, 2007. The hon. Attorney General, of course, is quite aware of it. Under section 2 of this Act it says:

> Subject to this Act a person under the age of 16—this is where the 16 comes in, in our jurisdiction—shall not be admitted to employment.

So according to this Act, Madam President, in Trinidad and Tobago, according to Act No. 3 of 2007, someone who is 16 years old can legally work. He can find himself in employment. He can earn income. He can obtain an NIS number. Once you are employed, you have to pay your NIS and so on. So the issue is this, what I am addressing in the first part of the amendment is a potential mischief, and that is, suppose in Trinidad and Tobago, since another Act of Parliament gives 16-year-olds the option to work, I can envision a situation where two 16 year olds can decide that they are employed. They can run away. They can rent an apartment and they can live together. And in the public interest, I am simply asking the hon. Attorney General, with respect to the first part, what is his position on giving parents the option of having dialogue with their children to ensure that this living together arrangement of two income earners in Trinidad and Tobago can be formalized within marriage?

Madam President, the amendment continues. It is more policy than law. The amendment continues where I introduced the second issue, and that is this age can be lower in the case of pregnancy. I raise the issue of pregnancy given that in our laws, 11:08, 56 makes abortion illegal. So I am saying this age can be lower in the case of pregnancy and I am having in my mind a 15 year old who becomes pregnant.

Madam Chairman: Sen. Mahabir.

Sen. Dr. Mahabir: I understand but I want to read it. Once the male is under the age of 18 and there is additional consent from a judicial officer. So I have raised the position. Thank you kindly, Madam President. I await the hon. Attorney General's policy position on this matter.

New clause 4A read the first time.

Question proposed. That new clause 4A be read a second time.

Madam Chairman: Attorney General, before you respond, I would like the Clerk to read the clause because that was supposed to be done. Let us just have— So, hon. Attorney General, you can. Now, hon. Attorney General you can. Yes.

Mr. Al-Rawi: Thank you, Madam Chair. I thank the hon. Senator for the explanation, which is indeed filled with a lot of bona fide purpose. I would respectfully refer you to the submission volunteered in the course of the wrap up, that the Government's present position on policy is that we are to draw a line at age 18, because we do not find the local circumstance in equal position to allow this, and respectfully I would not be in support of the particular clause as drafted because we do not think that we are ready as a society just yet for that conversation.

Sen. Dr. Mahabir: I will only have one caveat here, hon. Attorney General. Then you envision a situation where two 16 year olds are employed, earning income, living together but the Government is not going to agree to them getting married although they are independent?

Mr. Al-Rawi: We respectfully believe that the concept of employment, which all children are exposed to, as I was from a very young age, and marriage are two entirely different things. In fact, under the Children's Act, No.12 of 2012, the person with responsibility for a child as defined, a person being under 18 years of age, that runs into issues of abandonment and neglect and other issues. So, I wish to caution parents who would have two children living together at age 16 who would not obviously be in the situation of orphans or emancipated children that

that is something which would be frowned upon by the law and that the enforcement of the law is really the next conversation in this country.

Sen. Dr. Mahabir: Madam Chair, the second part of the amendment, I would like to get Government's policy position on this. I have raised the troublesome and vexing issue of pregnancy of a 14 or 15 year old. My position that I am advancing to the honourable Senate and to the hon. Attorney General is that I would like to give families the choice that if, in their opinion, they would like the child, since abortion is illegal, to be born within the confines of marriage because we are looking at the welfare of the child as well, whether the position of the Government is that at this time they are prepared to indicate to the young woman, the families that sorry, tough luck this child would have to be born out of wedlock at age 15?

Mr. Al-Rawi: The shortest answer to that is yes, unfortunately. Because the focus is now, particularly with the Child Protection Unit of the police, the work by the local government reform exercise, the municipal police, et cetera. The position is to enforce the application of the law to make sure that children try not to find themselves in those circumstances. We do not, obviously, have the answer.

I would just end, trying to keep it short, by saying the difficulty in advancing the very noble intention behind the submission, hon. Senator, is that once that thread is started by way of pull, the other exceptions for equal circumstance treatment for people in similar circumstances to be treated similarly or people in dissimilar circumstances to be treated equally, if that is even possible, begins to unfold. And the problem, therefore, was that the line becomes so blurred that the exception becomes the norm. So it was for that purpose until we have built out the architecture around it that we must respectfully decline the invitation on this occasion; at this time.

Sen. Dr. Mahabir: Thank you very much, AG. Madam Chairman, given the position of the Government, 5A, 6A and 7A now become irrelevant because.

Madam Chairman: So you withdraw?

Sen. Dr. Mahabir: Well I will have to withdraw them because if I raise them I would simply be wasting Senate's time.

Amendments withdrawn.

Question put and agreed to.

Question proposed: That the new clause be added to the Bill.

Question put and negatived.

Madam Chairman: We are now going to deal with the new clause 4A as proposed by Sen. Mark.

New clause 4A.

Sen. Mark: Madam Chair, I am suggesting, on behalf of the Opposition that we insert after clause 4 the following:

"Where the parent of a child who has attained the age of 16, but who has not yet attained the age of 18 is desirous of having that child enter into a contract of marriage, he shall make an application to a Judge of the Family Court who shall take evidence from:

1) The child; and

2) The parent

And upon satisfaction that the child is of sufficient maturity, grant a certificate that it is in the best interest of the child to enter into such marriage contract."

New clause 4A read the first time.

Question proposed: That new clause 4A be read a second time.

Sen. Mark. Now, Madam Chairman, we live in the real world and it is impractical for us to legislate only standards and not take into account reality. Hence the reason we have suggested an exception, as it relates to circumstances that occur in our society and we are calling on the Attorney General to take the appropriate action to have this measure effected and accepted so that, for instance children between the ages of 16 and just under 18, with parental consent, judicial consent, the child or the children's consent would be able to engage in matrimony, into marriage, once that agreement is arrived at. And we think that is a very reasonable approach, given what exists in our country today. I understand what the Attorney General said a short while ago, that our country is not mature for this kind of development because the institutions are not yet ready. The reality is that, yes the institutions may not yet be ready but we have to take decisions in order—just as how we ratify, we sign when we go to the United Nations, we ratify and then we have to domesticate into law those instruments. We are asking the Attorney General to consider this particular new clause in light of prevailing realities, Madam Chair. Thank you very much.

Mr. Al-Rawi: Thank you, Madam Chair. I am a little alarmed at the language proposed by the hon. Senator. Perhaps, it is an error or if I am wrong I would like

the hon. Senator to assist me. The language which is before the Senate says:

"Where the parent of a child who has attained the age of 16, but who has not yet attained the age of 18 is desirous of having that child enter into a contract of marriage, he"—the parent—"shall make an application to a Judge of the Family Court who shall take evidence from:

1) The child; and

2) The parent

And upon satisfaction that the child is of sufficient maturity, grant a certificate that it is in the best interest of the child to enter into such marriage contract."

Now that amendment is the exact opposite of what the Government proposes because it suggests do not worry with the voice of child, let the parent roll up at court, knock on the door of the court, say to the court: I want my child to be married. Consider the child being married and the option of consent of the child is not even reflected in the amendment. So maybe it was not transcribed correctly. I presume that that is the case. But I am a little alarmed so, perhaps, I should ask the hon. Senator to clarify lest I am mistaken as to what it says and then I can give a response to the further points.

Sen. Mark: I would ask my colleague.

Sen. Sturge: Madam Chairman, through you, we did not want to specify the circumstances in which such an application ought to be made but we, in essence, were listening to the concerns of the people and civil society and what we are saying, in essence, in circumstances such as pregnancy, for instance, the child itself is not the person to make the application before the court. The parent of the child makes the application and the court hears from both the parent and the child. So the court hears both views. So the child can say I do not wish to.

The parent can advance his concerns, and so on, in support of his application and only if the court is satisfied that having regard to the circumstances of the application, that in the circumstances the child is of sufficient maturity and it would not be harmful to the child. In those circumstances, the court can, in essence, give consent for this child to be married. So there is judicial supervision and it is judicial supervision based on the person who makes the application, who is responsible for the child, which is the parent, and it is not simply the parent advancing his views to the exclusion of the child but the court also hears evidence from the child.

Mr. Al-Rawi: Madam Chair, I thank hon. Senator for the explanation. If I catch the gist of it, the intention is to provide judicial supervision for the marriage to take place. Regrettably, the language of the clause as drafted does not put that. It in fact puts forward something which we would like to criminalize. We would like to criminalize forced marriages or marriages where the voice of the child is not involved.

10.00 p.m.

Well, where the parent of a child is desirous of having that child enter into a contract, I mean, one of the basic concepts of the contract of a marriage is that there must be consent of the person to be married. So I think that I understand the intention that the hon. Senator intended. I do not think it is probably expressed in the correct manner, but I do not want to be pejorative and say that it has gone the wrong way. I catch the gist of what you are saying.

If I can answer what I believe is the argument, the Government's position as a policy in relation to the exception to marriage in the bracket 16 to 18 in whatever circumstance with (a) parental consent and (b) judicial consent, that is something which I think is a noble argument. I have acknowledged that it is something that is done elsewhere. The Government's position is that we are not in a position to agree with that as a matter of policy because of some of the arguments put forward in wrap-up, in particular, including the state of preparedness of where we are and how blurred the line of consent would be. So, from a matter of policy, regrettably I must decline the invitation to accept this particular amendment.

Question put and agreed to.

Question proposed: That the new clause be added to the Bill.

Question put and negatived.

New Clause 4(sa).

Mr. Al-Rawi: Madam Chairman, I propose a new clause 4(*sa*) which reads as follows:

In clause 4, insert after paragraph (s) the following new paragraph:

(*sa*) in section 44, by deleting the word "three" and substituting the word "five".

New clause 4(sa) read the first time.

Question proposed: That the new clause be read a second time.

Mr. Al-Rawi: Madam Chair, during the course of the debate, Sen. Ramkissoon, yes, quite properly noted that the prescriptive period set out in the respective Acts, all of them—the Marriage Act, the Muslim Marriage Act, the Orisha and the Hindu—had a period of limitation of three years. The new clause 4(*sa*) which is replicated in new clause 5(*ka*), even though we are not there yet, but I would flag it, and new clause 6(*ja*) deals with proposed amendments to section 44 of the Marriage Act what would be the replica of that in section 28 of the Muslim Marriage Act and the Muslim Marriage and Divorce Act and what would be the section 24 of the Hindu Marriage Act and the Orisha. Similarly, in the last clause which would be the new clause 7(*la*).

These combined proposed improvements, replicated in the three others which follow this particular consideration, are intended to take care of the prescriptive period moving from three years to five years. Now, obviously, the question on the table may be bifurcated. One, why three years in the first place? What is the rationale? And, two: why move to another period being five? If I could answer the first limb of that, I would say the marriage legislation, that is the four marriage Acts, had a prescriptive period, because the offence that one was seeking to prosecute three years ago was in relation to a marriage that would have been subsisting and, therefore, the chance that you are dealing with a husband and wife in a genuine relationship factored in the minds of the drafters in 1923, in 1945, in 1961 and in 1999 and, apparently, it did so equally.

So that whereas there is generally usually no prescriptive time for a crime to be committed, in some laws we do have prescriptive elements. For instance, the summary offences may be dealt with within a certain time. You could look to some of the civil quasi, civil touching on the nature of criminal if one could look at it that way as the Income Tax Act has prescriptive periods for six years, and some other laws albeit civil at four years. Prescriptive periods are dealt with differently.

The explanation provided to me is that the three years was to take care of the fact that the marriage may have been subsisting and one would be interrupting upon a union which was well on its way and ought not to be disturbed by a prosecution interrupting a bona fide marriage. What we have accepted, however, is that because the information has not been flowing forward fast enough to those who ought to manage the laws, and because there is a significant blockage in the criminal justice system, we thought it wise to balance the perspective between the aim of a three-year period, i.e. to recognize bona fide relationships and not to disturb them with moving to a five-year period. I hope that that satisfies Senators as an explanation.

Sen. Ramkissoon: Madam Chair, just to respond to the hon. Attorney General on the modification to the section, I would like to support him on the change from "three" to "five". That is something I did mean to change in my debate.

Question put and agreed to.

Question proposed: That the new clause be added to the Bill.

Question put and agreed to.

New clause 4(sa) added to the Bill.

New Clause 5A.

New clause 5A read the first time.

Question proposed: That the new clause be read a second time

Madam President: Sen. Mark.

Sen. Ameen: Madam President, having regard to the Attorney General's explanation earlier with regard to 4A where he indicated that he found objection to the parent making the application, and that the spirit of these amendments were really to prevent any sort of forced activities. I am wondering if the committee would instead perhaps consider in all the instances where the suggestions are made, for the child to be able to make the application. How permissible would that be in law, a child being a person under the age of 18 and not having responsibility for themselves? So, I am wondering if that would be more acceptable in this case.

Madam Chairman: Well, what we have before the committee at this stage is new clause 5A as proposed by Sen. Mark. If it is that you wish to amend new clause 5A that can be done, but what you are seeking now, that kind of deliberation, at this stage, we are dealing now with amendments as put forward and circulated.

Sen. Ameen: Well, before I make that suggestion, Madam President, I would want to know if that is something in terms of proposing that a child—because the Attorney General indicated earlier that he found objection to a parent applying, making this application on behalf of the child. I am asking, if that is an objection, are you then suggesting that we consider the child making the application?

Mr. Al-Rawi: Madam Chair, if I could be very tight in the response. I pointed out to the hon. Senators opposite that the draft before us ran afoul of the voice of the child and purported for the parent to make the application, and then went on to

answer what I thought it probably intended to say as opposed to what it said. In answering that, I gave the Government's position that we are not prepared at this point.

But I would just like to point out to Sen. Ameen, in all the laws which permit currently before amendment, the child marriages, it is always the child that makes the application as section 9 of the Muslim Marriage and Divorce Act, et cetera. So a child does have locus or capacity to go before the court in these particular instances. It is not unusual for that to happen. That notwithstanding, however, the Government's policy in relation to this is that we wish to keep it at 18 years old without exception for reasons previously articulated.

Sen. Ramdeen: Madam Chair, can I just indicate to the Attorney General a child cannot make an application to any court. That is not the procedure. A child is under a disability in law to make any application to any court of law. An application on behalf of a child has to be made by a next of kin or a next friend. That is fundamental civil procedure.

Mr. Al-Rawi: Madam Chair, I was hoping not to enter into legalese, and I would say this because one could add a guardian ad litem to that list just offered. So it is not one-upmanship in the law. I was proposing to be simple. If I read section 9 of the Muslim Marriage and Divorce Act, as it stands:

"In the case of any person whose consent to a marriage is required in accordance with section 8 is absent from Trinidad and Tobago…refuses to give the consent…"

—the person desirous of contracting the marriage, i.e. the child, can apply. So I was speaking to the context of the law as to how it ought to be drafted. I am not here to spar on the well-known principles of the law that a child—

Sen. Ameen: It is misleading.

Madam Chairman: Sen. Ameen.

Mr. Al-Rawi: This is not misleading. It is the purpose of the drafting of legislation. All lawyers understand the law of how one approaches the court on behalf of minors, and that is trite law. We did not need to go there.

Question put and agreed to.

Question proposed: That the new clause be added to the Bill.

Question put and negatived.

Sen. Mark: Madam Chair, may I suggest, with your leave, seeing that the

Attorney General is not in favour of making any amendments as it relates to exceptions, the two other clauses, which would be the new clause 6A and new clause 7A, it does not make sense, so I withdraw.

Amendments withdrawn.

Madam Chairman: And Sen. Mahabir had withdrawn previously as well. Okay. So, those clauses are withdrawn.

New clause 5(ka).

Mr. Al-Rawi: Madam Chairman, I propose a new clause 5*(ka)* which reads as follows:

In clause 5, insert after paragraph *(k)* the following new paragraph:

(ka) in section 28, by deleting the word "three" and substituting the word "five".

New Clause 5(ka) read the first time.

Question proposed: That the new clause be read a second time.

Mr. Al-Rawi: Madam Chair, the rationale for new clause 5*(ka)* is to move the position from three years to five years and it is similar to clause 4*(sa)*.

Madam Chairman: Sen. Mark, do you want to say something?

Sen. Mark: No, Madam Chair.

Question put and agreed to.

Question proposed: That the new clause be added to the Bill.

Question put and agreed to.

New clause 5(ka) added to the Bill.

New Clause 6*(ja)*.

Mr. Al-Rawi: Madam Chairman, I propose a new clause 6(*ja)* which reads as follows:

In clause 6, insert after paragraph (j) the following new paragraph:

(*ja*) in section 24, by deleting the word "three" and substituting the word "five".

New Clause 6(ja) read the first time.

Question proposed: That the new clause be read a second time.

Mr. Al-Rawi: Madam Chair, the rationale is as exactly for clause 4*(sa)* and clause 5*(ka)*, three to five years in the prescriptive period.

Question put and agreed to.

Question proposed: That the new clause be added to the Bill.

Question put and agreed to.

New clause 6(ja) added to the Bill.

New Clause 7(*la)*.

Mr. Al-Rawi: Madam Chairman, I propose a new clause 7(*la)* which reads as follows:

In clause 7, insert after paragraph *(l)* the following new paragraph:

(la) in section 33, by deleting the word "three" and substituting the word "five".

New Clause 7(la) read the first time.

Question proposed: That the new clause be read a second time.

Mr. Al-Rawi: Madam Chair, the rationale for new clause 7*(la)* is as for 6*(ja)*, 5*(ka)* and 4*(sa)* from three to five years for the prescriptive period.

Question put and agreed to.

Question proposed: That the new clause be added to the Bill.

Question put and agreed to.

New clause 7(la) added to the Bill.

Preamble.

Question proposed: That the preamble be approved.

Madam Chairman: Attorney General, there is an amendment?

Mr. Al-Rawi: Madam Chair, we propose that the preamble be deleted and that consequentially also the Certificate of the Clerk of the House and the Certificate of the Clerk of the Senate be also deleted.

Question put and agreed to.

Preamble deleted.

Sen. Ramdeen: Madam Chair, is it that the Bill, as it stands now, will have no preamble as passed by the committee?

Madam Chairman: Yes. So the preamble which dealt with the requirement of the special majority has been deleted.

Hon. Senators, may I just mention that the deletion of clause 3 of the Bill would result in consequential amendments and renumbering of the clauses 4 to 8 to be made. Okay? Yes, those are consequential as well.

Mr. Al-Rawi: Madam Chair, I was just noting for the record that with the deletion of the preamble, so too falls by way of consequential amendment the Certificate of the Clerk of the House and the Certificate of the Clerk of the Senate.

Madam Chairman: Yes, that is correct. **Mr. Al-Rawi:** Thank you.

Madam Chairman: The Certificate that dealt with the passing by the three-fifths will now fall by the wayside. It is no longer, it is a consequential amendment.

Sen. Mark: Madam Chair, may I ask, so are we saying that the Bill is now, with those deletions, a simple majority now is required, based on the deletions?

Madam Chairman: Correct.

Sen. Mark: And the Attorney General, as he said tactically, he has done that because he does not foresee support in the other place.

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

Senate resumed.

Bill reported, with amendment.

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

The Senate voted: Ayes 23

AYES

Gopee-Scoon, Hon. P.

Baptiste-Primus, Hon. J.

Rambharat, Hon. C.

Sinanan, Hon. R.

Moses, Hon. D.

Hosein, Hon. K.

Lester, Dr. H.

Singh, A.

Coppin, W. M.

Cummings, F.

De Freitas, N.

Baksh, Miss A.

Dookie, D.

Stewart, Miss N.

Romano, Miss A.

Roach, H.R.I.

Small, D.

Shrikissoon, T.

Ramkissoon, Miss M.

Chote SC, Miss S.

Creese, S.

Richards, P.

Edwards, N.

The following Senators abstained: W. Mark, Miss K. Ameen, W. Sturge, G. Ramdeen, Dr. D. Mahabir

Question agreed to.

Bill accordingly read the third time and passed.

10.30 p.m.

ADJOURNMENT

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Madam President, I beg to move that the Senate do now adjourn to Tuesday 24 January, 2017 at 1.30 p.m. when we will discuss the Finance (Variation of Appropriation 2016) Bill, 2017. Thank you.

Madam President: Hon. Senators, before I put the question for 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.

Hasely Crawford Stadium
(Repairs to)

Sen. H. R. I Roach: Madam President, thank you for allowing me to raise this matter on adjournment, that is, the need for the Government to inform the public of the status of repairs to the Hasely Crawford Stadium, and advise on whether such repairs include the provision of amenities for persons with disabilities. I raise this matter, not only because of what is said to me by members of the public familiar with the Hasely Crawford Stadium, and other persons who use the sporting facilities, but also because of my personal observation as recently as yesterday.

I happen to frequent the stadium as a parent to support the endeavours of my daughter and other young athletes who train there and also go though there to get some exercise. Even the roads and pathways of the stadium must be repaired as they are full of potholes and in need or urgent repaving.

Repairs I have noticed have been taking place in the outside field have been going on for months now, and I wonder what exactly is the scope of these repairs, and there is still not a 400-metres track being laid down or the evening out of the grass surface for the throwers to use. I am anxious for the welfare of our athletes who train there in such deplorable conditions, yet are expected to excel come competition time, which is soon approaching us within weeks and months. I lament the apparent lack of urgency in executing these repairs, the scope of which I hope the hon. Minister would be able to tell the public shortly in his response.

As a differently abled member of the public, I am yet to be advised or see what remedial initiatives or actions have been or are proposed to be done to alleviate the plight of persons similarly circumstanced like me, who are also entitled to adequate access of the Hasely Crawford Stadium, like any other able-bodied person like yourself or other Members of the Government and the Parliament. For three years now I have been raising this issue of the inadequate amenities and access for the differently abled members of our society, and yet nothing has changed since then. This Chamber of Parliament still remains unfriendly to any wheelchair-bound person. I am now a bit jaded from the talk and more talk and little or no action to address the very unacceptable situation in the country as a whole.

So, Madam President, through you of course, I would like the hon. Minister of Sport and Youth Affairs to clearly enlighten the Senate and the listening public on what is the state of repairs at the Hasely Crawford Stadium and the specific provisions being made there, if any, for persons with disabilities.

Madam President, I am heartened in seeing the presence of the hon. Sen. Kazim Hosein, who was recently elevated from the Mayor of the City of San Fernando to the position of Minister of Rural Development and Local Government. He had taken the initiative in making his mayoral office very user friendly towards disabled persons, and that was very moving and welcoming. The fact that he has been elevated now to a Minister with a greater and larger portfolio, that he could have a greater impact on the society, I am hoping that what he has done for San Fernando, that I hear so many people speak about so admirably, would be duplicated in Trinidad and certainly in Port of Spain.

The Hasely Crawford Stadium facility as a sport facility presents a good and significant opportunity for members in the community to participate and benefit from it in many ways. Our young people go down there, our young athletes and other persons use it, and sports have a very beneficial and positive effect on members of the community for where the stadium is located.

I am very jaded by the fact that as I said, since three years ago in the stadium the elevator was to be replaced or repaired, and that has not been done up to today. I have heard on numerous occasions, comments and undertaking that it is going to be done, it is being done. But, Madam President, three years? I have been to a facility where two elevators were repaired in the space of less than six months. This is the Government with resources, and one cannot consider all the time solely economic consideration in who should use the stadium, because there are much more non-economic benefits to the community at large, especially our young persons.

If there is a problem getting money for the Ministry of Sport to utilize to do and make the stadium much more user-friendly for the very athletes that we are expecting so much from, he could take that from the Ministry of National Security where a lot is being spent on national security, and we are not seeing the benefit from it. I am being facetious, and I am not being malicious about it, but I am very deeply concerned and very hopeful now that something would be done, that these repairs would be executed quickly, because 2017 is on us already. We are into 2017, and there are a number of international meets, as I said on the last occasion, which are to take place, one of which is going to be held in Trinidad. It is a regional, a very significant athletic meet that is supposed to take place.

The repairs are shameful. Anybody who goes down there—I will invite the press to go down to the stadium tomorrow morning and take pictures—they would see how deplorable the condition is. I was down there up to yesterday,

wheeling around doing exercise and I am telling you it is shameful. So I would like the Minister to tell us, tell the public, tell this Senate what is being done and how fast these repairs are expected to be completed. I thank you, Madam President.

The Minister of Sport and Youth Affairs (**Hon. Darryl Smith):** Thank you, Madam President. Sen. Roach is absolutely correct. I and the Government take heed of his call with regard to, not just the stadium, all facilities in Trinidad and Tobago are far behind with regard to having amenities for people with disabilities. I said from day one, it is a marathon and not a sprint. We have been there 15/16 months. We have been working with the Para-Olympic Committee with the opening of several facilities that have opened within the last year, to ensure that they, for the first time, have been part of our process with regard to ensuring that these situations are taken care of—the Hasely Crawford Stadium and all the other stadia which have been there for many years.

As you know, the Hasely Crawford Stadium is almost 40 years old and the maintenance again, not just of those facilities, but most government facilities have something that has been put on the back burner for many years, until this Government maybe put it on the front burner.

You have heard me say in several of my discourses, I am going through that. This Minister and this Ministry of Sport and Youth Affairs do not have to build anything new. We will be embarking on maintaining anything that we have. We just opened several new national facilities: the aquatic, the tennis and the cycling, state-of-the-art facilities.

Sen. Mark: All built by the UNC!

Hon. D. Smith: Yes all built by the UNC, not a problem. That is the level of maturity that we have on this side, that it does not matter who built it, the people of Trinidad and Tobago, just like the Brian Lara Stadium that was left there for so many years, we will also complete that as well, because at the end of the day, that is why they are on that side and we are on this side—

Sen. Mark: Temporarily!

Hon. D. Smith: Because we have a measure of maturity to understand that when governments change it is not a guillotine that just drops and we forget what is going on.

Nevertheless, I would not be distracted by the other side. Let me assure Sen. Roach. I have spoken to him on many occasions on this. We are working on that,

we are working with the Minister of Finance to get financing right now, to not just put these amenities in the Hasely Crawford and the Jean Pierre and get them repaired, but we have also, for the first time, embarked on several repairs to the facility, to the track, and he would be surprised to know that we have some serious plans for this year and next year.

As I said, it is a marathon not a sprint. We are here for five years, 2020—I keep it with regard to—I will not be facetious and say that. So I guarantee him that we are working on it, and we have plans that we are putting in place to get financing. As you know, we are haemorrhaged with some challenges and that we are working and looking at the overall plan to ensure that, not just the Hasely Crawford and Jean Pierre, but all the sporting facilities, and I am assuming that the Ministers that are here and in the other place, in the Lower House, are doing the same as well.

Thank you, Madam President.

Nuptial Congratulations

Madam President: Hon. Senators, before I move the adjournment, there was a statement made earlier in the debate that is on the record. It was made by Sen. Nadine Stewart, where she indicated that she has been recently married, and I think it is incumbent on all of us and on your behalf to wish Sen. Stewart all the very best. [*Desk thumping*] We have after all spent most of the afternoon discussing marriage. I am being prompted to also congratulate Sen. Singh. [*Desk thumping and crosstalk and laughter*]

Question put and agreed to.

Senate accordingly adjourned.

Adjourned at 10.38 p.m.