

*Leave of Absence*

*Friday, June 7, 1991*

**HOUSE OF REPRESENTATIVES**

*Friday, June 7, 1991.*

The House met at 1.35 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, the Member for Nariva (Dr. The Hon. Brinsley Samaroo) is excused from today's sitting.

**ASHFORD SINANAN, MR.  
(DEATH)**

**Mr. Speaker:** Hon. Members, as we are all aware, during the course of the week we sadly experienced the passing of one of our former Members and I ask the House to take note at this stage.

**The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie):** Mr. Speaker, we on this side of the House wish to take note of the passing of the late Ashford Sinanan who served as a Member of this House, and we express our condolences to his family and all those who remain behind to mourn his loss.

The record shows that he began his political life at the age of 27, when he was elected to Parliament, and that he served as a Minister of Government, as Deputy Speaker, and he was well known for his services to this country as a diplomat when he was made High Commissioner for India, and generally regarded as a Statesman. He comes from a well-known family, which has contributed considerably to the life and development of this country in several fields, and which is not only well known in the southern part of Trinidad, but also well-known throughout Trinidad and Tobago and the Caribbean.

We take this opportunity, therefore, to express regret and sorrow at his passing. More than that, we take this opportunity to offer condolences to his family.

Thank you very much.

*Ashfor Sinanan, Mr. (Death)*

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**Mr. Basdeo Panday** (*Couva North*): Mr. Speaker, as you will note, I am here today. I too wish to join with my colleagues in this Parliament in expressing our sympathy and condolences to the family of the late Mr. Ashford Sinanan.

I have had the pleasure of knowing Mr. Sinanan both at the political level and at the legal level. I do not think I have to say too much about our relationship at the political level, since it is so easy for those of us who come in later years to be critical of those who have gone before, and I have learnt in my years of politics that it is only those whose hands are in the fire are qualified to speak of its heat. Therefore, though one may be critical of those who have gone before, I do not wish to participate in that but to say that I have known him as a pleasant and an amiable person, very well learned in the law, a very affable, charming man, which won him many words of praise from those presiding at the courts.

I, therefore, on behalf of those on this side, wish to join with other Members of Parliament in expressing our condolences and sympathy for his bereaved family.

I also ask kindly, Mr. Speaker, that you will direct the Clerk not only to record this occasion but also to send to the family of the bereaved, the expression of condolences of this House.

**Mr. Patrick Manning** (*San Fernando East*): Mr. Speaker, I, too, on behalf of the PNM Members of the House, would like to join with my colleagues, the Leader of the Opposition and the Leader of Government Business, and indeed all Members of this honourable House, in expressing our condolences to the bereaved family of Mr. Ashford Sinanan.

I did not know him very well. In fact, I became a Member of Parliament after he had taken his leave of this august Chamber and, therefore, I am in no position to say that I worked closely with him or that I knew him very well. But colleagues of mine have indicated to me that he was indeed a stalwart of this Parliament, that he was a firm believer in parliamentary democracy, and that he conducted his political affairs in a manner not only designed to bring dignity and decorum to the Parliament but to keep the profession of politics in the highest esteem.

Mr. Speaker, as a fellow San Fernandian, I am very proud of his contribution—I am sad, of course, that he has passed away—to the national political life, and I wish, like my colleagues who have spoken before me, to express our condolences to his family on his sad passing.

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**Mr. Speaker:** I should like to endorse the kind sentiments expressed by hon. Members on behalf of all of us in this House. I just want to add that, speaking for myself, I feel a great sense of loss. He was a dear friend of mine. Just to complete what hon. Members have said, he was a passionate West Indian nationalist. He was, to me, an inspiration both in the field of law and in politics.

I will direct the Clerk of the House to send an appropriate letter on our behalf, and, if you will be kind enough, we shall stand and observe one minute's silence as a mark of respect.

*The House stood.*

**1.45 p.m.**

**JOINT SELECT COMMITTEE  
(APPOINTMENT)**

**Mr. Speaker:** On Friday, May 3, 1991, hon. Members agreed to the following resolution which was moved by the Leader of Government Business.

Be it resolved that this House considers that it is expedient that a committee of both Houses be appointed to consider:

- (a) report of the Constitution Commission 1987.
- (b) Requests by various organizations and individuals for public holidays in Trinidad and Tobago.

Be it further resolved that this House appoint and nominate a select committee to join with a select committee of an equal number appointed and nominated by the Senate to consider the matters referred to above and that the committee be authorized to submit interim reports.

The following Members will comprise this committee:

Mr. Selwyn Richardson

Dr. Emanuel Hosein

Mrs. Gloria Henry

Mr. Trevor Sudama; and

Mr. Basdeo Panday.

*Petition*

*Friday, June 7, 1991*

**PETITION**

**Seunarine Dharam Sabha**

**The Minister of Planning and Mobilization (Hon. Winston Dookeran):**  
Mr. Speaker, I have the honour to present a petition on behalf of the members of the Seunarine Dharam Sabha of Trinidad and Tobago who are desirous of introducing a private bill in this honourable House for the purpose of the incorporation of the organization.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

*Petition read.*

*Question put and agreed to, That the promoters be allowed to proceed.*

**PAPERS LAID**

1. Report of the Auditor General on the accounts of the Public Utilities Commission for the year ended December 31, 1989. [*The Minister of Finance (Hon. Selby Wilson)*]
2. Report of the Auditor General on the accounts of the Point Fortin Corporation for the year ended December 31, 1982. [*Hon. S. Wilson*]
3. Report of the Auditor General on the accounts of the Management Development Centre for the year ended December 31, 1989. [*Hon. S. Wilson*]
4. Report of the Auditor General on the accounts of the National Insurance Board for the year ended June 30, 1989. [*Hon. S. Wilson*]
5. Report of the Auditor General on the Accounts of the Trinidad and Tobago Tourist Board for the year ended December 31, 1980. [*Hon. S. Wilson*]
6. Report of the Auditor General on the accounts of the Trinidad and Tobago Tourist Board for the year ended December 31, 1981. [*Hon. S. Wilson*]

*Papers 1 to 6 to be referred to the Public Accounts Committee.*

7. Report of the Auditor General on the accounts of National Broadcasting Service of Trinidad and Tobago Limited for the year ended December 31, 1987. [*Hon. S. Wilson*]

*Papers Laid*

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8. Report of the Auditor General on the accounts of National Broadcasting Service of Trinidad and Tobago Limited for the year ended December 31, 1988. [*Hon. S. Wilson*]
9. Report of the Auditor General on the accounts of National Broadcasting Service of Trinidad and Tobago Limited for the year ended December 31, 1989. [*Hon. S. Wilson*]

*Papers 7 to 9 to be referred to the Public Accounts (Enterprises) Committee.*

10. Urban and Rural Development in Trinidad and Tobago—A Labour Intensive Approach [*The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles)*]

**JOINT SELECT COMMITTEE  
(APPOINTMENT)**

**Mr. Speaker:** Before we proceed with the first question on the Order Paper—whenever a committee is announced or selected, that committee must reflect the balance of the parties represented in the House. Due to an oversight by the office in Parliament, this is not so with respect to the committee I have just announced. I have apologized to the Member for San Fernando East and to Members.

In place of Mr. Panday, Mr. Kenneth Valley will serve on that committee.

**ORAL ANSWERS TO QUESTIONS**

**Police Commissioner's House**

*The following question stood on the Order Paper in the name of Mr. Patrick Manning (San Fernando East):*

- 29.** Would the Minister of Justice and National Security kindly state:
  - (a) How much money has been expended from 1987 on the Police Commissioner's house which was being prepared for the then Attorney General?
  - (b) What new facilities have been added to the above-mentioned house?

**The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie):** Mr. Speaker, I seek your indulgence to have this question deferred. The hon. Minister will be late to Parliament today.

**Mr. Manning:** Mr. Speaker, will the question therefore be answered before the sitting is over?

**Dr. Tewarie:** I am not in a position to say. I know he is heavily tied up with the Canadian court award matter.

**Mr. Manning:** Mr. Speaker, permit me to indicate that in circumstances where a Minister is unable to be present in the Parliament, it is not unusual for the Leader of Government Business to answer a question that has been posed to the particular Minister. I am beginning to take very strong objection to the number of occasions on which the Government is refusing to answer questions that have been legitimately put to it in the House. It is a strategy which we wish to condemn in the strongest possible terms. It disregards the dignity of this Parliament.

**1.55 p.m.**

**Dr. Tewarie:** Mr. Speaker, with all due respect, the statements by the honourable Member for San Fernando East is not true, nor is his conclusion. The records will show that it is quite clear that we have received, over the course of the time that we have been in this Parliament, year by year, as many questions as equivalent years and in the history of any parliamentary session over the life of this Parliament. More than that, it is likely to be more in each year as well and we have answered questions. If we ask for a deferral, it is simply to have time to present the answer.

*Question, by leave, deferred.*

**Mount Hope Medical Complex  
(Un-sponsored Students)**

*The following questions stood on the Order Paper in the name of Mr. Kenneth Valley (Diego Martin Central):*

**34.** Could the Minister of Education kindly state:

- (a) Whether arrangements have been finalized with the un-sponsored students at the Mount Hope Medical Complex for the payment of fees?

- (b) If the answer is in the affirmative, what is the nature of the arrangements?

**School Places  
(Diego Martin)**

- 35.** Would the Minister of Education kindly state:
- (a) Whether the Government is aware of the chronic shortage of primary school places in the northern part of Diego Martin?
- (b) If the answer is in the affirmative, then what action has the Government taken to alleviate this shortage?

**The Minister of Education (Hon. Gloria Henry):** Mr. Speaker, I ask that questions Nos. 34 and 35 be deferred for another week, please.

*Questions, by leave, deferred.*

**T&TEC Loan**

*The following question stood on the Order Paper in the name of Mr. Kenneth Valley (Diego Martin Central):*

- 36.** Would the Minister of Settlements and Public Utilities kindly state:
- (a) What is the size of the loan recently raised on the local market by the Trinidad and Tobago Electricity Commission (hereinafter referred to as T&TEC)?
- (b) What are the conditions of this loan in detail?
- (c) What are the anticipated and intended purposes of this loan?

**Mr. Kenneth Valley:** Mr. Speaker, before this session started, the hon. Minister of Settlements and Public Utilities asked for a deferralment of this question.

*Question, by leave, deferred.*

**Cruise Ship Complex  
(Rental)**

*The following questions stood on the Order Paper in the name of Mr. Patrick Manning (San Fernando East):*

- 39.** Could the Minister of Works, Infrastructure and Decentralization kindly quantify the rent earned from the rental of booths and stalls at the Cruise Ship Complex?

- (i) 1989?
- (ii) 1990?
- (iii) 1991 to date?

**Cruise Ship Complex  
(Construction Cost)**

**40.** Would the Minister of Works, Infrastructure and Decentralization kindly state the total cost incurred in the construction of the Cruise Ship Complex?

**The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles):** Mr. Speaker, unfortunately, I am not in a position to answer questions 39 nor 40 and I wish to have a deferral of one week to answer these questions.

*Questions, by leave, deferred.*

**Mr. Manning:** Mr. Speaker, I am taking a strong objection to it now. The Government has not answered one question that has been put to it this afternoon. In fact, it is not the first occasion in the Parliament, in which this has taken place and they have been doing precisely the same thing with "Private Members" day as we have been debating one motion since January because of the way they have been conducting their affairs.

**Central Bank**

*The following question stood on the Order Paper in the name of Mr. Trevor Sudama (Oropouche):*

**44.** Could the Minister of Finance specify the International Organizations to whom the Central Bank is liable and in what amounts as at the last date for which Weekly Statement of Account of the Central Bank has been prepared?

**The Minister of Finance (Hon. Selby Wilson):** Mr. Speaker, I would like to ask for a deferral of this question.

*Question, by leave, deferred.*

**Debe Market Complex  
(Post Office)**

**45. Mr. Trevor Sudama (Oropouche)** asked the Minister of Works, Infrastructure and Decentralization:

Could the Minister state whether provision is made for the establishment of a Post Office in the Debe Wholesale Market Complex currently under construction?



**The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles):** Mr. Speaker, the Debe Post Office would be constructed on the original site selected along Wellington Road and not within the Wholesale Market Complex. I wish to also indicate that mobilization works have commenced.

**ADJOURNMENT MOTION  
(LEAVE)**

**Mr. Raymond Palackdharrysingh (Naparima):** Mr. Speaker, I seek leave to raise a matter of definite urgent public importance at today's sitting. The matter is definite because it is about an explosion which took place on June 5, 1991 at Trintoc at the FCCUU Unit Point-a-Pierre where one man was killed and several others are lying in critical condition at the hospital.

The matter is urgent because there is need for assurance concerning the safety of thousands of employees and the residents of several residential communities. The blast was felt within a radius of approximately three miles when the panes of the administrative building and of the Republic Bank were shattered. People, that is workers, residents and the public, are fearful of further explosions of such type.

It is of public importance because such explosions impact upon the national psyche, the national environment and the national economy. To date, no official statement has been made by the Government to the population.

I trust that this matter would be treated with the serious consideration it deserves.

**Mr. Speaker:** Are you aware of any continuing or imminent similar danger?

**Mr. Palackdharrysingh:** Mr. Speaker, as I said, since no assurance has been given to the population—and this is not the first time we have had serious mishaps in the oil industry—I am sure that the people are beginning to be fearful because we are seeing this phenomenon not only happening here but it has happened in several other parts of the world.

**Mr. Speaker:** All I am asking is, does the Member have evidence of continuing or similar danger?

**Mr. Palackdharrysingh:** No, but there is a fear.

**Mr. Speaker:** I do not think that the matter qualifies under the Standing Order.

**MUNICIPAL CORPORATIONS (AMDT.) BILL**

Bill to provide for the continuation of the City and Borough Corporations for the erection of certain other Municipal Corporations and for the consolidation and reform of laws affecting Local Government, [*The Minister of Works, Infrastructure and Decentralization*]; read the first time.

**ORDER OF BUSINESS**

**The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie):** Mr. Speaker, I seek leave of the House to move on to the first item under Bills Second Reading, please.

*Question put and agreed to.*

**DOMESTIC VIOLENCE BILL**

[SECOND DAY]

*Order read for resuming adjourned debate on question* [Friday, May 10, 1991]:

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Basdeo Panday (Couva North):** Mr. Speaker, the issue of domestic violence is a matter that has been having worldwide attention in recent times. In the bill before us, domestic violence has been defined as:

"...an offence committed by a person against—

- (a) a spouse of the person;
- (b) a child or dependant of the person or of a spouse of the person; or
- (c) a parent.

No one can have any problem with respect to any effort whatever, to deal with this problem of domestic violence. I do not believe there is anyone in this House who will condone domestic violence. I believe we all recognize it as a very serious problem since it is—as has been described—a crime in the closet. That is to say, it is an offence that is committed generally in the absence of witnesses.

**2.05 p.m.**

However, we would like to make the point that we do not believe that legislation by itself can deal with this problem. In fact, I would have thought that

the Government would have carried out extensive studies in this matter to determine the extent of violence, and studies not only relating to what is displayed on the records of the courts, because I do not believe that the records of the courts truly reflect the extent of violence that takes place in the home. In order to have data from which rational decisions can be made I would have thought that the Government would have done extensive research and investigation into the matter as it pertains to Trinidad and Tobago. Much work has been done in other countries and, in fact, I think there is an Act in Australia equivalent to this bill and they did an enormous amount of work before they passed their legislation.

It would appear to me that what the Government has sought to do—I do not know if it is purely for political purposes or coming to the end of the term they want it to be said that they have done something and, therefore, they have introduced this bill—they have copied largely from the Australian Act and they have not really done much work.

However, from the research we have done, the collected scholarship that seeks to explain domestic violence seems to indicate that it is a very complex and certainly a multifaceted phenomenon. Some of the reasons given as being the cause of domestic violence have been alcohol and drug abuse. Early research indicated that alcohol and drug abuse were causative agents in domestic violence.

I believe there have been newer studies and that the older studies have been falsified and this is a theory that postulates the view that people use drugs and alcohol in order to develop the courage to perpetrate violence. It may be important for us but we should examine this to see whether that is indeed one of the causes of abuse or whether drunkenness and drug abuse are not the cause of domestic violence but really peripheral to it.

There is also a theory of the cycle of violence that takes place in the home. When people are brought up in homes in which there has been violence inflicted on spouse and children, that they in turn have a tendency to inflict violence upon their own spouses and children when they grow up. Again, I thought that the Government would have addressed its mind to this kind of data which would allow us to deal with the problem in a rational way, instead of merely copying the Australian Act almost lock, stock and barrel.

There is a further theory, the studies seem to reveal, that some of the domestic violence is precipitated by the victim himself or herself. I have seen no studies done by the Government, or heard of no argument in the press or in the other

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place where this matter has been addressed. Studies also seem to indicate that there is much violence in the home as a result of mental illness. If that is the case and we want to deal with domestic violence in the home, then surely the law by itself will not have much effect upon the kind of violence that results from mental illnesses.

There is also the theory that domestic violence is as a result of stress and frustration in the home. It has also been mooted that under-development is also a cause of domestic violence and is closely related to the incidence of domestic violence in the society. It is suggested that in situations of underdevelopment violence becomes inherent in the system and that where there is economic deprivation and oppression of the individual, where there is social injustice, such depression tends to find expression in domestic violence.

This view of an economic relationship to domestic violence postulates the belief that inadequate economic opportunities, unemployment, the inaccessibility to basic human resources: food, clothing, shelter, tend to precipitate domestic violence. If that is the case, then the Government has—

**Dr. Hosein:** Could I just ask the honourable Member to quote the particular study and the author of the theory that underdevelopment is a cause of domestic violence? It is one which I have not heard before. I have researched the matter and I really have not come across this.

**Mr. Panday:** There are many things you have not heard before. In due time, my dear boy. I want a deferral on that question.

There is also the theory that structural inequality also has an influence on domestic violence. The point I was making—and I think that is why the Member stood up—if economic deprivation is one of the causes of domestic violence, then a large amount of the domestic violence must be placed squarely at the doors of the present Government which has been instrumental in inflicting economic deprivation, oppression, poverty, and destitution upon the society in the four years that it has had the misfortune of being in office.

There is the theory that structural inequality where women are regarded as inferior in the society which is closely linked to the cultural influences upon domestic violence, has also been a cause of domestic violence. In fact, I came across a very interesting document from the Medical Association. The Journal of the Canadian Medical Association, volume 130 which was published on March 15, 1984 and it is from an article by Richard Douglas Swanson. It indicates the

influence of the point I have been making about structural inequality and the cultural influence on domestic violence. I was quite amused when I came across this article entitled: "The Battered Wife Syndrome". It says:

"The battered wife syndrome is a symptomatic complex of physical and psychological abuse of a woman by her husband. Although it may occur in up to 10 per cent of Canadian women, it largely goes unrecognized. Such women often present with vague somatic complaints, such as headache, insomnia and abdominal pain. Thus, the diagnosis can usually only be made by asking non-threatening open-ended questions. Most women remain with their husbands because they are afraid of them."

**2.15 p.m.**

I mention this because the law is certainly not going to have any influence on this aspect of domestic violence. The article goes on to say:

"Hence, successful treatment usually depends on the woman's leaving her husband and obtaining help in the development of a new self-concept."

Fair enough.

When they came to deal with the history of wife-battering, the article says:

"Wife beating has been sanctioned legally and socially throughout history. The word 'family' is derived from the Latin 'familia', which in Roman culture connoted the group of slaves belonging to an individual. As early as 753 BC married women were defined as necessary and inseparable possessions of their husbands. The husband's authority to chastise his wife was explicitly written into English common law.

Blackstone, in 1763, explained:

'For, as he is to answer for her misbehaviours, the law thought it reasonable to entrust him with the power of restraining her by domestic chastisement.'

The husband's right to hit his wife was legalized in the United States in 1824, with the restriction that 'he may use a switch no bigger than his thumb.' This law was overturned in 1874, when the North Carolina courts ruled that 'the husband has no right to chastise his wife under any circumstances.' Unfortunately, the courts qualified this statement by saying: 'If no permanent

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injury has been inflicted, nor malice, cruelty, nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze, and leave the parties to forget and forgive."

So that it is part of the culture of this and other countries to inflict violence upon women. It may be necessary, therefore, to tackle the problem from that viewpoint.

"In 1969, 20 per cent of Americans approved of slapping one's wife. Surprisingly, this figure increased with their income and education. (e.g., 25 per cent among the college-educated)."

So it seems as the more educated we become, the more prone we are to beat our wives. We should look at that. For example, 25 per cent among the college educated agree that you should be allowed to slap your wife.

So that the point I am really making is that you cannot deal with the problem of domestic violence in this slipshod, ad hoc, opportunistic manner in which the Government has sought to deal with it. It is not merely a question of legislation; it has to do with much more than that.

I submit that any explanation which seeks to analyze and explain domestic violence has got to be seen against the background of gender and inequality and in those cases, of course, the victims are more often than not women. It is because of the failure to understand the various aspects of domestic violence that there has emerged two views with respect to dealing and managing domestic violence, and they contain underlying and divergent differences in their philosophical viewpoints.

The first is a view that postulates that in the management of wife/child abuse, the criminal law is a blunt instrument, and this view advocates mediation or conciliation, and that view and the methods of dealing with violence associated with that view, therefore, are characterized by a model that is therapeutic or welfare oriented. That view is often referred to as the social approach to dealing with the problem of domestic violence.

In this view, the criminal law, as we are trying to deal with it here, is regarded as punitive rather than rehabilitative. It looks to past conduct and is rarely concerned with future behaviour. As such, it is rare for the criminal justice system to provide treatment programmes that really could and should train men to control their aggression and to control their balance.

It should be noted that the criminal law depends for its success upon the various actors involved in that system: the police, the prosecutors, magistrates, the judges, and so on. They are the ones who are going to ensure the effectiveness of a legal system that seeks to deal with domestic violence. However, Mr. Speaker, it is submitted that the actors of whom I speak—judges, magistrates, police, and so forth—fail to see the issue as a criminal matter but really as a domestic matter. I have known for example, of several cases—and I am sure you as a lawyer and other lawyers have the same experience of people who have been battered: wives, children, spouses coming and reporting to us in our capacity as advocates, that they have been the victims of violence and our informing them that they ought to go to the police. The result is, more often than not, they have gone to the police and the police have said, "This is a husband and wife business and we are not going to interfere." How are we going to get the police to interfere without a whole programme of training the actors who are involved in ensuring the success of the legal provisions we seek to deal with? I would like to hear from the hon. Minister whether there is, in fact, such a programme anticipated to deal with this problem.

In the legal approach, inevitably the sanction is punishment. There is a fine, and if there is a fine, it is generally paid out of the family income anyway and that depletes the family income and puts them into further difficulties. So that the violence feeds upon itself. If the perpetrator of domestic violence is the breadwinner of the home, he may be sentenced to a term of imprisonment and, in that case, the hardship that may visit such a home may be worse than the domestic violence that had been inflicted upon them in the first place.

I want to make it clear that this is not to say that the law does not have a place in dealing with the issue of domestic violence. My point is that there is a danger, when introducing legislation, to focus on the legal aspects of domestic violence and to forget the social and rehabilitative aspects.

The second view, Mr. Speaker, is the view that holds that we ought to prevent domestic violence before it happens and, if therefore, we are to prevent domestic violence before it occurs, then the Government should accompany this law with a training programme similar to what has taken place in the Australian example. I want to advise the hon. Minister that he may do well to read the report of the Australian Law Commission which investigated this matter before the Australian legislation was passed. He will see that what we are doing here is really merely scratching the surface of domestic violence and, really, one is tempted to believe

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that it is a mere ploy and an attempt to give the impression that the Government is doing something when we all know it is doing nothing, and we all know it is incapable of doing anything.

Before this debate is concluded, I am hoping that the hon. Minister will do several things: one is, he will tell us what investigations have been made as, in fact, the Australians did when they introduced their legislation. They had a commission and they had extensive investigation into the causes of domestic violence, and it is upon the findings of that commission that they went ahead and introduced the legislation. So that the result is that the legislation is directly relevant to what is taking place in the Australian society. When you go and you take the Australian law lock, stock and barrel out of the Australian context and dump it into yours, without yourself having had a commission or some kind of inquiry, you are seeking to transplant apples from Canada into the cane fields of Caroni. I understand that the result is that they do not grow. [*Interruption*] That may be part of the diversification programme.

Mr. Speaker, therefore I would like the hon. Minister who is the Minister in charge of women's affairs—is there any such minister—anyway, the Minister responsible for this bill to state what empirical data support this bill, not its introduction but its provisions? Where is the empirical data? Where are the facts, the findings? Where is the investigation upon which the Minister has based this legislation? I would also expect the Minister to state to what extent he believes that the introduction of legislation will result in the abatement of the incidence of domestic violence in the society.

**2.30 p.m.**

Having regard to the fact that there have been studies which indicate that in the legal approach to dealing with domestic violence, the actors who are responsible for its implementation are themselves alienated from the view that one who perpetrates domestic violence is a criminal, how does he intend to ensure that the Act is enforced? I ask this because this has been a very annoying pattern of both the previous regime and this regime. I refer to a simple piece of legislation called "The Litter Act". There is all this talk by the Minister of the Environment—where is he? Is it not a coincidence that he is absent? Do you not think that there is a great coincidence that he is absent? There is always a coincidence when we are absent from here. There is a coincidence that two Members are absent.



I am sorry that the Member for St. Ann's is not here because he is never tired of speaking of the environment. Yet, the PNM introduced a piece of legislation to deal with the environment and they have completely ignored it. Once they pass the legislation and they make a little political mileage and so on, they completely ignore it. They have appointed wardens in return for party support. Therefore, there is no Litter Warden, that I know of, who is operating. They have been appointed but they are not operating. The present Government that says that it is concerned with environmental issues but has failed to enact this legislation, and it has been in power for almost five years.

I raise that, the relevance of it being, that the passing of legislation is but a small step in dealing with the widespread and pervasive mischief known as domestic violence. I have pointed out also that with the legal approach to domestic violence which has as its instrument of enforcement, sanctions, that the sanctions usually militate against the very family that has been abused, in that—if you impose a fine you reduce the amount of food in the house, and if you impose a prison sentence, you deprive the family of its breadwinner. What programmes, and what arrangements, have been made, or are contemplated, to deal with the suffering that results from the implementation of the bill? Where are the back-up services? What resources have been allocated, and what programmes have been identified to deal in a serious way with this issue of domestic violence?

I also want to make the point that domestic violence perceived as a crime, is really an aspect of the whole criminal scenario in the country. If you cannot deal with the rising incidence of crime in the country, how are you going to implement this piece of legislation? This legislation creates criminal offences and, therefore, it puts it into the ambit and the milieu of the whole situation of violent crimes in this country.

If it is one thing this Government has to be condemned for, it is the incapacity to deal with the issue of crime in any serious way and its inability to provide innocent citizens with protection. Safety and security of the person must be among the highest priorities in the land. They have made it the lowest. They have appointed incompetents to the office of the Ministry of National Security. They did so in the past, and continue to do so in the present. They do not have a clue what to do with crime in the society. In fact, they hide behind the statistics produced by the authorities, and we all know that the statistics relating to crime really are evidence of but a small proportion of the crimes that are being committed in the society.

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I would have thought that one of the first objectives, and one of the first duties and responsibilities, of any civilized government would be to ensure the security of its citizens, to ensure that they can walk the streets.

There has been much talk, condemnation and criticisms about refugees, and there is much talk also that the refugees are there because they lack economic opportunities and they have gone there to better themselves. Has this Government carried out a survey to find out how many people who had permanent, well-paid jobs, who had houses, burglar-proofed, pack it all up and went as refugees to Canada and other parts of the world?

**Mr. Fox:** Do not use that word.

**Mr. Panday:** Do not use that word? You created them. They have left houses and jobs and went because this Government has failed to provide them with that basic requirement, that is security of their person. They have gone for one reason—they are afraid to live in this society; they do not know when they are going to be killed, when they are going to be shot, when they are going to be maimed, raped or abused.

**Dr. Tewarie:** Thank you for giving way, hon. Leader of the Opposition. I take it from the statements made by the hon. Leader of the Opposition that he will support any programme to deal with what he perceives as the serious crime situation. I wonder also if in taking measures to deal with crime in this country, the hon. Member would find it opportune, at any time in the future, to scream about human rights.

**2.40 p.m.**

**Mr. Panday:** I am so happy that statement has been made. It displays a total lack of understanding of crime, criminal law and human rights. Would you believe that a senior Member of this Government has dared to ask in this House, would I support any measure taken to deal with the issue of crime and can I give him my undertaking that I will not scream “human rights”? You did not want undertaking. What did you say about human rights? Get up and say it. What did you say about human rights?

**Mr. Speaker:** Order, please!

**Mr. Panday:** What did you say about human rights? So you see, Mr. Speaker, he cannot perceive of dealing with the issue of crime and criminals

without invading people's human rights. That is exactly the point. He cannot perceive that.

**Dr. Tewarie:** The conclusion that the Member is drawing is wrong, in addition to which, he is misinterpreting what I said. I am talking about the tendency of the Leader of the Opposition to say one thing today on one matter, and another thing on another day on the same matter. It is his inconsistency I am—

**Mr. Humphrey:** My God! You are out of place!

**Mr. Panday:** This is worse than “pot saying kettle's bottom black”. The Minister is known for his ambivalence. He is incapable of speaking the truth. The only time he speaks the truth is when his tongue slips. He does not know truth from falsity. How dare he accuse me of ambivalence? He is like his leader. I dare you to do that again. The impertinence of this Member of the House!

**Mr. Speaker:** Let us get on.

**Mr. Panday:** I do not speak with forked tongue my friend. You do. I do not say one thing in private and another in public. I do not write letters behind people's backs and send them to the Prime Minister.

**Mr. Sudama:** Is it Guptar?

**Mr. Panday:** I did not take Guptar and make him write letters. I do not do that.

**Dr. Tewarie:** You are grasping at straws.

**Mr. Panday:** You do not even have straws to grasp at. The point I was making, and I must make it again because I want it on the records of the *Hansard*, is that, the Minister has indicated that he cannot deal with crime in this country unless he infringes human rights.

**Mr. Manning:** That is right. That is what he said.

**Dr. Tewarie:** Mr. Speaker, on a point of order. I wish to indicate very, very clearly and the evidence will be there, if it is recorded, that I said no such thing.

**Mr. Humphrey:** The perception is true.

**Mr. Panday:** He reminded me of a former Prime Minister in this House. That former Prime Minister in the House—every time I get up and said, “Well,

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you made so and so statement", he would say, "I did not say that, you are misquoting me. I did not say that." I would say, "Would you be so kind to tell me what you said?" "I am not telling you what I said, but I did not say that." That is exactly what we are having here—a repetition of that. I did not say that, but he would not say what he said. In fact, I heard him quite clearly. What he said was, "Will we not shout human rights?" I want to say that any government worth its salt, can deal with crimes and criminals and not affect people's legitimate human rights. People have human rights and those rights are their inalienable rights. Why do you want to infringe them in order—

**Dr. Tewarie:** Mr. Speaker, nobody can accuse this Government of infringing anybody's human rights. The hon. Member is misleading the House. He is seeking to mislead the House and to misrepresent what I said. I ask that he desist from that line.

**Mr. Panday:** He still has not said what he said. This is consistent with the present Government because the last time I heard the Member for Chaguanas open his mouth, he said one of the problems in this country is that people have too much freedom.

**Mr. Manning:** Who said that?

**Mr. Panday:** I will give way to you any time you wish. You see, I know what is getting the Member railed up. I was in Campu last night speaking to some 3,000 people and that will get any Member railed up.

**Mr. Manning:** Where is Campu, Caroni East?

**Mr. Panday:** Campu is in Caroni East. Let me ignore this Member. He is not worth replying to. I was on a serious note. I want to draw the Minister's attention to the fact that there was a regional conference [*Crosstalk*] I am enjoying this. I think I had better go back to Campu. It looks and feels good. I am referring to a Caribbean Regional Conference on child abuse and neglect which was held in Port-of-Spain in October, 1989. Since October 1989, several recommendations had been made, and I have noted that the Government has really taken no steps to implement several of the recommendations which are contained in this document. I will be looking for the evidence upon which this legislation is based. I will be looking for evidence or indication of the support services without which this Act would be meaningless. If the Minister can persuade us in that way, we shall certainly support this bill.

**Mr. Trevor Sudama (Oropouche):** Mr. Speaker, I want to be very brief and this is why I stood up at this point in time, because I have to leave the Chamber in a short while, for another appointment. I trust that my absence in the Chamber will not be interpreted in any sinister way. I want to be, as I said, very brief.

First of all, I want to indicate my own position. I have been warned that I have no *locus standi* in this debate, but I want to tell those who are of that view that I have several reports of what goes on in the homes of my constituents and, therefore, I am in a position, in a representative capacity, to make a contribution to this debate.

I, too, Mr. Speaker, want to refer to the question of the very high incidence of escalating violence in the society. The question is, can you really consider domestic violence in a vacuum? Is it possible to do so without looking at the syndrome of escalating violence in this country? Because, when you look at some of the heroes on the cinema and television screens which are propagandized, they are people who inflict violence. So the violence is coming into our homes in a very, very sinister way through the television screen and through other media.

I want to know what this Government is doing about dealing with the incidence of violence on impressionable minds in the home, and whether these actors, who our culture makes heroes, and the system of *[Interruption]* Mr. Speaker, it seems to me that the election is somewhere around the corner, and since I am not making an election speech here, I seem to be disturbed.

What the Government has to look at is the macho image that is created, of a man who can be violent, a man who can be a rambo. There is one running freely in Oropouche right now but I will deal with that on another occasion. They come here and pretend that these things are not happening and are dealing with domestic violence in the enclosed environment of the home. The home does not exist exclusive of a society in which there are certain influences which affect behaviour in the home.

### **2.50 p.m.**

The question is whether the general syndrome of violence spills over into the home or whether it is the violence in the home that has an effect on the general violence in the society. You might call it the chicken and egg situation. But I have not heard the Government, either in this House or in the other place, at least,

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address itself to that question. But ostrich-like, they come here to talk about violence in a very legalistic way.

The other issue seems to be that this bill seeks to distinguish types of violence and we wonder on what basis that distinction was made. If a man beats his wife in the streets, is that domestic violence? Does that come under the purview of this bill? Apparently, it comes only under the purview of the bill if he beats his wife or child in the home. *[Interruption]* I will come to that issue in a while. I want to discuss all aspects of this question of domestic violence.

Who has given the police the authority to make that distinction? When somebody comes and complains about violence in the home—the husband has mauled his wife and the person makes a report in the police station—the general response of the police is, "We cannot take any action on that, as that is a domestic matter", I want to know whether there is a legal basis for that kind of decision of the police or whether the police act in their own discretion in coming to such a conclusion. Very often, the behaviour of the police is, "Well, has someone been seriously injured? Has someone died?" It is only in the case of serious injury or death that you can actually get a policeman to get out of the station to go and investigate violence in the home.

This situation was bad under the previous regime and it has become worse under the present regime, in terms of the attitude of policemen to the incidence of violence in the home. I have had several reports on that kind of attitude. If this proposed Act is to have any effect at all, the police ought to be educated in that direction of how to take pre-emptive measures to reduce such violence and not wait until it has occurred before they take punitive steps to deal with the problem.

There is another problem to which, as representatives of the people, we have to be sensitive and determine the balance that the Government is seeking to realize by passing this bill, and that is the distinction between violence and discipline in the home. Now, the enforcement of discipline in a physical way may be interpreted as violence. I think the Government ought to be sensitive to this fact. We know what has happened in our own and other societies, and we know that there has been a view that we have to be more civilized and humane and, therefore, more permissive. Therefore, the rule, "spare the rod and spoil the child" is thrown aside and children themselves have human rights and they ought not to be subjected to corporal punishment.

If that is the attitude of society, and if that is the way we ought to approach matters, fine. But, if there is an agreement, some level of what you might term “physical violence” has to be enforced in terms of maintaining discipline, I wonder how the Government would deal with such a problem and whether this bill will make that distinction in terms of balance. Then we have the question of the abridgement of constitutional rights.

I am happy that the Government is concerned about the abridgement of people’s constitutional rights where on the basis of a report—if I understand the Minister correctly—the police can go and make some investigation and arrest a person or issue a protection order [*Interruption*] Does the police not have some authority under this bill? But we have the question of the abridgement of constitutional rights about which he spoke in the bill and, therefore, because that is involved in this bill, we ought to have the required majority.

I am happy that they are concerned about the abridgement of constitutional and democratic rights and so forth, but it is the same Government that is undermining constitutional representative democracy in this country, where, for example, as a Member of Parliament in a representative capacity, I have a constitutional position here, the Minister goes to my constituency to undermine me; to undermine the representative nature of my function. These are the same people who are so sensitive and concerned about constitutional propriety and democratic rights and so on.

I mean, we understand that all parties attempt to take advantage of the benefits of incumbency and, therefore, at election time, you have that handout syndrome; you have people attempting to be bought out and so on; it happened under the previous regime—but the outright obscenity, without precedence which exists today, in the handout syndrome in attempting to buy people out and to force patronage upon them. It is amazing. I think they have introduced a new element into the political culture.

In the constituency of Oropouche, they have one of the goodly standard bearers, who is going there and using religion and caste, and the handout syndrome; rum and roti in the constituency of Oropouche. They have brought the politics back full circle to the 1950s. These people who talk about changing the political culture have brought the politics of this country back to the 1950s. In the constituency of Oropouche it is going on every night: religion and caste and rum and roti. But I am certain that the people of this country have matured. If some of

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the politicians have not matured, the people of this country have matured and time will tell.

**3.00 p.m.**

I made that point merely to show the hollowness of their concern for constitutional rights and democratic processes and principles. In this context, I want to give some credit to the Member for Tobago West who has, in some degree, not engaged in these kinds of practices, at least not in the constituency of Oropouche, but I cannot say the same thing for her colleague from Port of Spain East. Now, I understand that such activities are going on now in Port of Spain East.

The other issue which I want to briefly touch on is the whole question of the breakdown of the rehabilitative functions. The Member for San Fernando East is supposed to be an exemplar in this House but I see he is engaging in the same kind of politics. If this bill is to be effective to provide protection for the people to whom it is directed—and I understand that the people who the bill seeks primarily to protect are spouses, wives, children, people in common law relationships and primarily females—then the whole question of the rehabilitative mechanism in the social system both public and private must be addressed.

If I am not mistaken, I think the Minister admitted in presenting this bill to Parliament, that there has been a break down of the rehabilitative functions in our society.

**Dr. Hosein:** Sorry, Mr. Speaker, I did not want to make this a point of order. I do not recall saying that. In fact, I am sure I did not. I have the *Hansard*.

**Mr. Sudama:** Let me say that it was inferred from what he said. In any case, that is factual, that is happening today. If you look at the various services which are supposed to deal with problems in the home, probation services, the counselling services, social services, the financial support services, public assistance and other kinds of assistance, there is less and less to go around in material terms and you have a larger and larger problem on your hands. The Government seems to give these matters very low priority.

These days money is being found to do all sorts of things in the constituencies in order to buy votes. Money cannot be found to buttress the social support services to assist the problems in domestic life in this society. I do not know if this bill seeks to address this problem, but of course it is a problem. I thought that I ought to make mention of it because I understand from reports which I receive



that there is also the problem of psychological violence in the home. While the Government may not have a plan or a programme to deal with psychological violence it is a very real factor which then leads to physical domestic violence.

In this respect, some of the complaints I get is the psychological violence of the wife on the husband and the pressures being placed on the husband. Therefore, we want to be fair to both sexes in the implementation of this bill in the acknowledgement of rights and problems. I am told that when such a situation arises it is known as “petticoat government” that kind of psychological violence which is imposed on the man.

**Mrs. Donawa-McDavidson:** Could the hon. Member for Oropouche describe to me what he meant when he said “petticoat government”?

**Mr. Sudama:** It is a statement that I have heard. It has been reported to me. I am merely reporting a statement. Where there is an undue psychological pressure being applied by the wife on the husband to do certain things, that, I am told, is called “petticoat government”.

As I said, I do not have personal experience in these matters, but nevertheless, I think it is a reality in certain cases. I hope that the Government is fully aware of the existence of this state of affairs.

**Mrs. Johnson:** Would the hon. Member give way? May I ask, how would he term it if a husband seeks to exercise undue influence over a woman in authority? What would he call that?

**Mr. Sudama:** I am not sure if the Minister is seeking personal advice. In this case I would have to say that I do not want to interfere in man and wife affair.

**Mrs. Johnson:** Would the hon. Member give way again? I am just asking a simple question. If the hon. Member cannot answer the question, say so. It is a straightforward question.

**Mr. Sudama:** If I may make a general rule that whichever party seeks to exercise undue psychological influence which may be tantamount to violence in some cases on the other party, whichever party is the victim, in my view, it should be interpreted in the same way. We have had the situation of nagging. We have had the report—

**3.10 p.m.**

**Mrs. Donawa-McDavidson:** In view of the difficulty that the hon. Member has in describing the term, could I ask that that term be taken off the record? From where I sit, it does not come over as it ought to. So probably he could find another definition for what he wants to describe.

**Mr. Sudama:** Mr. Speaker, I am making general statements. I am making statements on the basis of information which has come to me, reports which have come to me, and I cannot see why the Member for Laventille is so very sensitive in these matters.

**Mrs. Donawa-McDavidson:** I will tell you why. Mr. Speaker, I am very sensitive to any possible assertion against the women of Trinidad and Tobago. The same way he makes reference to "petticoat", he can make reference to "pants". Since he has difficulty, then let him withdraw it from the records.

**Mr. Sudama:** Mr. Speaker, let me make it absolutely clear here today—and I thought I was dealing with this matter in a certain way—that I in no way intended to be offensive to the women of this country. They have their rights as well as the menfolk in Trinidad and Tobago have their rights. We are talking about certain relationships that exist in the home, and because of certain problems, that kind of relationship which is initially psychological may lead to physical violence. That is the simple point I was trying to make.

There was one fellow who thought that he had to assert himself in the home in his domestic life, so he went around and he decided to make rules. Finally, he made his last rule, and he put a notice by his front door which read: "I am the boss in this house and I have my wife's permission to say so."

I just want to indicate to you, Mr. Speaker, that this is not a simple matter that we are dealing with, the question of domestic violence in the context in which we are dealing with it and the relationships which exist, particularly between members of the male and the female sexes in the home.

Now, Mr. Speaker, I just want to comment on a few things which the Minister himself said in introducing this bill. He said, for example, that the bill seeks to break the cycle of violence in domestic life. He has made many large claims for this bill, and I think this is one of them. The bill seeks to break the cycle of violence in domestic relationships. How is it going to do that? By putting a legalistic sanction on incidents of domestic violence?

I am saying that even if that is a kind of pre-emptive measure, it is not going to break the cycle of violence in domestic life because the cycle of violence has to do with so many different influences coming into the home. The Member for Couva North has mentioned a number of these influences: the question of unemployment, the question of deprivation, denial of opportunity, increasing poverty, the influence of the media, the influence of violence in the society, in the home; the syndrome of increasing drug abuse in Trinidad and Tobago.

If you analyze the situation carefully, Mr. Speaker, much of the domestic violence is committed as a result of substance abuse in the home. Are you telling me that you will break the cycle of violence in domestic life merely by introducing a bill without dealing with all these questions which bear on domestic life? I think this bill is just an election gimmick.

**Dr. Hosein:** Mr. Speaker, I thank the Member for giving way. I just want to draw his attention to clause 20(1)(d) which makes reference to the question of the influence of alcohol and drugs. I really do not know if the Member read the whole bill.

**Mr. Sudama:** What is the Minister going to do about it? What is he going to do about the influence of drugs, if it has a serious influence on domestic life and on the incidence of domestic violence? What is his Government doing about it except, by its measures of pauperizing Trinidad and Tobago, thereby increasing the incidence of drug abuse in Trinidad and Tobago and intensifying the problem in the home? That is what they are doing. They come here with some electioneering gimmick trying to pass a bill on the eve of elections in order to try to appeal, primarily, to the womenfolk in the society and say that you are doing something to protect them.

Then he goes on to say that it is Government's policy to preserve family life in Trinidad and Tobago. How do you preserve family life in Trinidad and Tobago? By undermining the authority in the home; by having a lapse of discipline in the schools; by not teaching people a sense of their own self-worth, particularly, the younger people in the society; by reducing the incomes of the households; by undermining the sense of security, physical and otherwise? Is this the way his Government is preserving family life in Trinidad and Tobago?

As I said, the claims being made for this bill, that it is going to break the cycle of violence, it is going to do no such thing. It may minimize the incidence of violence in the home by the knowledge that people will have that sanctions can be applied. It may do so. It may make one or two families more conscious of the

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proper relationships which ought to exist between man, wife and children, and so forth, but it is by no means in a general way going to preserve family life in Trinidad and Tobago.

Then he went on to quote from the manifesto, and they quote so selectively from the manifesto of the party, very selectively, as to the question of human dignity in this society and how this bill is intended to preserve human dignity. Well, you can preserve human dignity without “mamaguying” people, without attempting a “mamaguy” on people, you can preserve that human dignity.

May I say that we on this side are not against giving the maximum protection to wives and children in this society. That is something which every Member of this House would commend. What we really object to is the manner in which this bill is being introduced, the lack of background to the particular problem in Trinidad and Tobago, the lack of analysis of the particular problem as it affects Trinidad and Tobago, the seemingly inability to comprehend the culture within which we operate and within which domestic life exists.

He goes on to say that the objective is to eliminate discriminatory bias against women. That would be a laudable objective if it could be implemented effectively, a laudable objective to eliminate discriminatory bias against women. I submit again that this is a very large and illusory claim. They are not going to eliminate discriminatory bias. This is what he actually said, and I have it here. This is what he actually said, that the objective is to eliminate discriminatory bias against women. Discriminatory bias has to do with many things, and not only with husband and wife relationship; it has to do with relationships outside the home.

**Dr. Hosein:** If I may, at no time did I make that claim for this bill, but in a number of measures including the Sex Discrimination Bill which will follow at a later date and in which I responded to a question from a Member of the official Opposition in another place on that matter. So I want to make that clear. That claim was not made for this bill or this bill alone, but it is certainly an integral aspect of dealing with that problem because you cannot deal with that problem without dealing with the fact that women are subject to violence. That is what I said.

**Mr. Sudama:** The discriminatory violence against women, as I said, Mr. Speaker, is a fact of life and has been a fact of life not only in this society but in other societies as well. Therefore, it requires a very comprehensive programme of education and, of course, sanctions because education by itself may not do the

work, but education and sanctions. It has to do with sensitizing the population to the issue of equality; equality in all spheres of life, not only equality between the sexes; equality between the races, equality between the regions, equality between people who are physically able and disabled, equality between people of different colour and origin. Yet, when we come to these issues, we find that no such attempt is made to eliminate discriminatory bias in general terms.

So they cannot tackle the problem in its generality, but come here to talk about eliminating discriminatory bias against women, merely in an attempt to get the votes of women. That seems to me to be the primary objective of this bill, as a sop to the sentiments of some women. I think this is trying to abuse the democratic rights of women in an attempt to deal with this matter in this way.

Then there is another very important practical problem that the policemen and probably other functionaries of the state have a critical role to play in the effective implementation of this bill. Now, as you are aware, Mr. Speaker, most of the police officers are men. I am not saying that the policemen take a particular position with respect to the relationship between the sexes, but they come from the culture, and there may be inherent biases in their attempts to deal with problems where women, in particular, come and make complaints against menfolk on the question of violence in the home.

Now, except the policemen are made to have the right perspective to deal with these problems, with the right frame of mind and with the right approach, again that is a restriction in terms of how effectively and well this bill can be implemented.

Then we are told that the provisions of the bill will apply to common-law relationships and extended family relationships. Yes, I agree that in this society where you have many common-law relationships, and extended family relationships, you may have violence perpetrated which may not be between people who have a legal relationship. However, there might be a tendency, Mr. Speaker, given the amplitude of the persons to be covered by this bill, for abuse in the implementation or the recourse to the provisions of this bill and, therefore, the need to be very discriminating in its implementation, arises.

Now, he did mention that only one new offence has been created and that is by clause 18. That offence has to do with the breach of a protection order where a person could be sentenced or fined as a result. That sentence, or fine, only comes about as a result of an order made by a magistrate and, therefore, that is due process of law. I cannot see how that would come under the umbrella of any

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kind of contravention or infringement on a person's human and constitutional rights.

The only other thing I could think about where such a breach might be committed is where the policeman can act on the basis of a report. Is there or is there not a provision in the bill where a policeman can take pre-emptive action and put someone in custody? Therefore, if that is not the case, then this bill does not require a special majority. If that is not the case, I want the Minister to explain why this bill requires a special majority for its passage in the House.

Then there is one explanation I want him to make to me. When he was introducing this bill, he said that the sentence for a breach of a protection order is not to exceed 12 months. That is what I have in my notes here, that it is not to exceed a 12-month sentence. I was not able to get a copy of the *Hansard*. However, when I look at the bill, it says under clause 18 that if the respondent fails to observe a probation order, he is guilty of an offence punishable on summary conviction by a fine not exceeding \$5,000 or imprisonment for a period not exceeding six months or both.

**3.25 p.m.**

I raise this question of the duration of sentence, because I want to know whether the Government has had a change of heart in terms of the severity of the penalty that it was seeking to impose by reducing the maximum period of sentence from 12 to six months. I raise it as a matter of clarification and also to find out whether the Government, in the interim, has had a change of heart and thought that the sanctions imposed under this bill were too harsh.

Mr. Speaker, I find it rather hilarious of another claim that the Minister has made in presenting the bill: that it is a complete statement of substance and procedure on domestic violence. The very brief introduction to the bill, as well as the measures proposed here, in his mind, represent a complete statement of substance and procedure on domestic violence. You understand the scope of his understanding and thinking on these matters, and the scope of his successes. It is no wonder he was removed from the Ministry of Health.

**Dr. Hosein:** Repeat that. I missed that point.

**Mr. Sudama:** To come here and say that whatever you said in this bill is a complete statement of substance and procedure on domestic violence is making an unfounded assertion, an unfounded claim, as to what this bill is supposed to do.

**Dr. Hosein:** Mr. Panday did not say anything about that and he is a lawyer.

**Mr. Sudama:** That is what you said. So after this bill there is nothing else to say about domestic violence.

**Dr. Hosein:** Anything to do with marriage or law, you should stay away from, Trevor.

**Mr. Sudama:** I think you should stay away from medicine. You should have nothing to do with medicine because your intervention in that profession is rather disastrous

**Dr. Hosein:** Mr. Speaker, may I ask whether that applies to my role on July 27, 1990 and for five days after, when he was begging me to attend to him?

**Mr. Speaker:** Order please!

**Dr. Hosein:** There were injured people all over, and the Member was begging me to leave injured people to come and attend to him.

**Mr. Speaker:** Order please!

**Dr. Hosein:** Are you saying that about the 27th?

**Mr. Speaker:** Order please! The hon. Member's speaking time has expired.

*Motion made, That the hon. Member's speaking time be extended by 30 minutes. [Mr. R. Palackdharrysingh]*

*Question put and agreed to.*

**Dr. Hosein:** Will the Member give way so I can ask him a question?

**Mr. Sudama:** I know I have to be charitable to him because he would not be in this House for very much longer. The Prime Minister has made various statements about ministrations for his wounds and he has never mentioned the Minister's name once.

**Mr. Speaker:** Order please! Order please!

**Mr. Sudama:** Finally, Mr. Speaker—

**Mr. Speaker:** Order please! Order please!

**Mr. Humphrey:** He could mean that you are a good doctor but you are a bad Minister of Health—

**Mr. Panday:** Is Horace Broomes a doctor?

**Mr. Manning:** He is going to sweep clean.

**Mr. Sudama:** Mr. Speaker, I have another appointment so I just want to end here. I want to make the point that it is an election year; it is an electioneering period and we will hear all kinds of boasts coming from the other side, about how this bill is a complete statement of substance and procedure, and that the objective of this bill—it is a very illusory claim—is to maintain the balance in preserving domestic relationships and preventing violence. *[Interruption]* I do not know if the Member for Tunapuna wants some more time to continue his dialogue with the Member for San Fernando East. I am prepared to be charitable because he will not be in this House very much longer.

**Dr. Hosein:** I was very charitable to you on the 27th, Trevor.

**Mr. Sudama:** I have to allow you your fullest time to speak, whether you are on your feet or not. *[Interruption]* All he was doing was administering antibiotic tablets.

**Mr. Speaker:** I am indicating to the Member that he is being irrelevant. Proceed with the debate, please.

**Mr. Sudama:** The Member for Tunapuna is interrupting me at every turn.

**Mr. Speaker:** You may proceed, please. I will see that he does not interrupt you further.

**Mr. Sudama:** The point I wish to make is that the timing of this bill is relevant to its discussion here. They had four and a half years in office, they did not want to bring a bill on domestic violence, and could not even claim to say that they were studying the problem, because nowhere in his presentation has he indicated that they have studied the nature of domestic violence in this country before bringing this bill. Why are they bringing this bill now at the eleventh hour, when the Government is on the verge of expiry? In the winter of their parliamentary term, why are they bringing this bill before Parliament?

### 3.35 p.m.

The only conclusion I can come to, Mr. Speaker, is that this bill is being brought to the House at this time with an eye to the elections. It is not so much to protect women or children against violence in the home; it is brought here in order to gain the sympathy of people who are the objects of violence in the home, thinking that the Government is very sensitive to their plight, and that it is introducing a bill to try to deal with their problems, little knowing that the



Government is only introducing this bill for electioneering purposes and for no other reason.

Thank you very much.

**The Attorney General (Sen. The Hon. Amrika Tiwary):** Mr. Speaker, I must say that it has been an education for me. For the first time during which I have been a Member of the other place, I have had the privilege to sit here and now, by your kind indulgence and the generosity of Members, I am permitted to make a small intervention.

I wonder though, whether in all the crosstalk that went on hon. Members appreciated the triviality that was spoken, the apparent lacking in understanding of the problems of domestic violence in this country and, in particular, trivializing the role of women and children in our society; and whether they recognized that the women and children of this country are our mothers, sisters, daughters and children.

I thought, Mr. Speaker, if you will permit me, I would try to bring the House's attention back to the bill which is being debated here. I therefore remind Members that I rise to support this bill because I know you agree with me that brutality in the home is just as much a crime as any other sort of violence. There is no excuse for it and the community will not, and ought not to condone it. Victims of this hidden crime must be helped and offenders must be punished. Trivializing domestic violence, even in the heat of political electioneering, is really in very poor taste. I agree with the hon. Leader of the Opposition that violence in a domestic setting is a hidden crime. So that by presenting this bill before the House today, the Government is saying, "Let us bring that crime out of the closet and deal with offenders and victims as they ought to be dealt with."

The only new offence which this bill creates is the offence of breaching a protection order. The bill sets out the procedure whereby a victim of domestic violence—bear in mind, I have not said a woman; it provides protection for all citizens of this country—man, woman and child; parents, grandparents, lawful wives and not so lawful spouses; any person who alleges that violence has been perpetrated upon him or her in a domestic setting, is entitled to come to the Magistrates' Court for a protection order, saying, "Save me from further violence." If it means excluding the owner of the home from his own home if that owner is the perpetrator of that violence, then we are here to say, "We will give our support to that measure."

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Much ado was made about whether Government had done any research. I know that in the hon. Minister's winding up, he would say what kind of research has gone on. Does any Member here have any doubt that violence in the home is a real fact of life, whether we come from Australia, United Kingdom, United States or the Caribbean? There is no difference in that culture of violence. Perhaps, there may only be a difference in the methods by which that violence may be inflicted.

I wish to remind hon. Members that while I myself have not had the benefit of the research that was done, I do have some newspaper reports. The newspaper reports refer to views expressed on the question of violence in the home over the past year or so. I refer to the *Sunday Express* of March 18, 1990 which carried the headline: "Thirty-three per cent of our women are abused." In case Members were not satisfied that abuse is carried out, I think we have that article here, but I would not detain Members with the details of that.

In the Death Penalty Report, that is the Prescott Report, which was published in September 1990, and I believe laid in this House, page 17 refers to close friends and relatives being the major target of victims of murder. A percentage of 42 was given. Do we really want to know where violence is perpetrated, or whether there is violence perpetrated in the domestic environment? Chart (g) of that report says that 27.7 per cent of victims fell in the category of wife, girlfriend, common-law spouse, close relative and family members.

So that if hon. Members needed any assurance that domestic violence is a real issue in this country, I say one only has to read the newspapers, the reports that appear, the letters to the editor, the various editorials and just speak to the man-in-the-street. If hon. Members feel that we should sit back and do nothing, carry out an exercise or several exercises over a number of years and, thereafter, wait to come up with solutions, I am respectfully suggesting that domestic violence is a reality; it is here with us. We may not have all the answers, but certainly, the proposals in this bill will go a long way towards doing two things: alleviating the suffering of victims, and also sending a clear message to the community that this Government considers any type of violence as criminal, and violence which is perpetrated in the home is as much a criminal offence for which the offender must be punished, as well as any other type of violence.

Mr. Speaker, I want to point out that the Summary Offences Act makes it a criminal offence—sections 4 to 6—for simple assault for which somebody is

fined \$400.00 or sent to prison for three to six months. But the kinds of offences which this bill is going to deal with, are spelt out on page 8 of the bill, and they are what we call, prescribed offences. What are the prescribed offences? Prescribed offences in the definition refer to murder or attempted murder; manslaughter or attempted manslaughter and offences under sections 12 to almost 26 of the Offences Against the Person Act. We are not talking about minor chastisement or disciplining of a school child.

It also refers to offences under the Sexual Offences Act and the Children Act. So all of these offences are the offences which this bill is intended to encompass. We do not deal with any kind of minor, trivializing, of disciplining in the home, at all. The Offences Against The Person Act, section 12 says:

"The offence of shooting or wounding with intent to do grievous bodily harm for which, if it happens outside the home, the perpetrator can be imprisoned for fifteen years."

Section 14: Inflicting injury with or without a weapon, the penalty is five years. Section 15: Attempting to choke, the penalty is imprisonment for fifteen years. Section 16: Using drugs with intent to commit an offence, the penalty is fifteen years. Section 22: Causing bodily injury by explosive substance, imprisonment for life or any term of years.

Really, Mr. Speaker, the offences that this bill takes account of are very serious offences against a person—murder and manslaughter, these are very grievous offences against a person; cause grievous bodily harm. Then there are offences under the Sexual Offences Act. Section 4 deals with rape for which the penalty is imprisonment for life. Section 5: Sexual assault by a husband, the penalty is fifteen years. Section 6: Sexual intercourse with female under fourteen, imprisonment for life, and that type of offence.

### **3.45 p.m.**

Then we also have offences against children under the Children's Act, which deals with persons who are cruel to children section 3 to 6, punishment for cruelty to children and young persons, conviction \$4,000 or imprisonment for two years.

So that one is really not talking about some kind of minor chastisement either of wife, spouse, child as the case may be. We are talking about putting in place a

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suitable measure to really bring a semblance of sanity and bring the society back to where it ought to be.

One Member, I believe it was the Leader of the Opposition—I do not know whether it was done in jest—talked about the history of the law of dealing with wives. But I ask the questions: Who made those laws? How long did they last? Why are they changing them now? Do hon. Members think that if the laws were made by people of both sexes they would have been so sexist? But the time has come when we women can make a contribution to improve the status of life of all of us including men and we are here to make that contribution.

While much ado has been made about it being a political ploy, an electioneering gimmick to appeal to women at this time, I ask the questions: Are not women members of families? Do they not come from homes? If it is intended to appeal only to women, are you going to lose the votes of the men in that or are we not seeing that as well? I really feel that we are being less than serious when we seek to compartmentalize a very important social issue which we have here.

It really is not intended to benefit man, woman or child. It is intended to benefit our society. One must not trivialize the effect of violence in a domestic setting. If a child sees violence being perpetrated that is what he learns and that is what he will practise afterwards. But if right thinking citizens say that we do not condone violence; it is a crime; it is a criminal offence and we are going to deal with it and treat it with the seriousness that it deserves, I believe that hon. Members will agree with me that it will certainly make for a better and an improved society.

The only new offence which is created under this bill is the breach of protection order. I know the Member for Oropouche dwelt at length, as to what is necessary for the constitutional majority. The protection order really, is a measure whereby a victim of domestic violence—provided the alleged offence falls within the category of one of the prescribed offences and/or commits conduct which is spelt out in clause 4—can go before the magistrate and ask for a protection order. That may be done upon a report to a police officer or otherwise. It is a very simple measure whereby the victim can go before the magistrate and say either “I

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have been a victim of violence” or “I am threatened with violence and please protect me”.

The magistrate may hear evidence in the absence of the alleged offender as a matter of urgency and if he or she thinks that the facts warrant it or the evidence which is led, warrants it, the magistrate can issue a protection order either debarring the offender, giving protection to the person who alleges he or she is being victimized or violence is perpetrated upon. Even in cases where the alleged abuser is sharing the same home with the victim, the magistrate, in the first instance, can issue a protection order for a certain number of days *ex parte*, that is in the absence of the other side, and during, I believe it is 14 days, the person against whom that order is made will have an opportunity to come back before the court and give his or her version and the magistrate may continue the order or he may discharge the order.

A protection order cannot last for more than 14 days in the first instance. That is where the other side is not heard; he cannot be ordered to leave his home; or a protection order be made against him for more than 14 days in the first instance. After he or she has had an opportunity to be heard, that order may be extended for a period not exceeding 12 months. A person who knows such an order has been made against him/her or receives notice of that order and breaches that order, that person can be sentenced to prison for up to six months. So, that is the distinction between the six months and the 12 months.

I repeat, this is the only new offence that this bill has created. In the first place it provides a mechanism which is a kind of civil remedy akin to an injunction which can be obtained in the High Court and which you obtain now without breaching anybody's fundamental rights. Since the expense and time spent in going to the High Court for an injunction may be out of the reach of the average person, this measure is being introduced in order to minimize the inconvenience potential victims suffer when they seek to get redress in the High Court.

This remedy is being provided in the Magistrates' Courts because these courts are spread throughout the country and wherever the victim lives, she or he will be able to approach a magistrate in any district for such an order. That really is the most important clause in this piece of legislation. The bill recognizes that there is violence and has created a new category of persons who are *de facto* spouses and it provides protection for all persons who come within the ambit of a family as we know it in this country.

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Now, much ado was made about whether it was an Australian model or whichever model but I do not feel that law-makers must close their eyes to the reality. Domestic violence is a universal crime. Many societies are aware of it and some have legislated for it in one fashion or another. Some have done research and some have done more research and others—if they have any sense—should try to see what has been practised in other countries and analyze the current local situation and come up with an appropriate answer.

In our case, I do not believe that the bill which is before us is the Australian Act. The Australian Act was certainly considered—and I believe it was not the Australian but the Canberra model—and in dealing with a universally recognized behavioural and social problem, it is expected that one would examine the solution of other countries. In the course of the preparation of this bill, recourse was had to legislation of Barbados, United Kingdom, New Zealand and Bahamas as well as the Australian or the Canberra model, but the final result was a product which was home-grown. It is legislation which is fit for our society, having regard to all the considerations and concerns which were expressed in the various workshops, which the appropriate ministry held in both islands, where numerous proposals were advanced to improve the Bill.

So, I am saying that this Bill which we have here came after consideration of models of various countries which have a jurisprudence similar to that of Trinidad and Tobago. It is significant, in that it extends not only to the nuclear family but it takes account of our Caribbean culture where we have now coined the term and put it in the statute books, the “*de facto* spouse”, and we have extended it to all persons who are living in a family as we know it in the Trinidad and Tobago context.

This bill was recently examined in a workshop conducted by the Caricom Secretariat and much interest was expressed by representatives from Jamaica, St. Vincent and St. Lucia, and many of the speakers at that workshop expressed the view that because it recognized and catered for many of the problems that were common to Caribbean families as a whole they felt that it addressed solutions to many of the problems which were so familiar.

**3.55 p.m.**

I hope that the hon. Member appreciates that the Australian model was not imported wholesale for use here, but it was one of the documents which were considered. I hope that all Members would recognize the value of studying, appreciating and considering reports and the value of the research that was done in the larger countries which have far more resources than we have at the present time.

It should be added that if one were to compare the Trinidad and Tobago bill with the United Kingdom Act, it will be recognized that in the United Kingdom, there are many more support services. Emphasis was placed on certain aspects of the Canberra model because it reflected a smaller society that had less social support services and was more reflective of our kind of society.

All this bill says is that violence is a crime; violence perpetrated in the home environment is no less a crime and that we will also have the additional tool of a protection order. In addition to the protection order, we also have the only new offence which is created, that of breaching the protection order to which reference was already made and that is in clause 18 which provides:

“Where—

- (a) a protection order or an interim protection order is made and—
  - (i) the respondent was present at the time the protection order or interim protection order was made; or
  - (ii) where the respondent was not present at the time the protection order or interim protection order was made but the order has been served personally on the respondent; and
- (b) the respondent contravenes the order in any respect,

the respondent is guilty of an offence punishable on summary conviction, by a fine not exceeding \$5,000 or imprisonment for a period not exceeding six months or both.”

It is also significant that when the court is granting a protection order the court has the right and the power to impose certain restrictions on the person against whom the order is made. Clause 5 provides:

“(a) prohibit the respondent from being on premises in which a prescribed person resides or works;”

We are familiar in this country, when there is violence in the home environment where one party will pursue the other party to their place of work or elsewhere

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and carry out or continue a certain kind of harassing or offensive behaviour. This bill seeks to enable the magistrate to grant an order which will prohibit the alleged offender from going where a person works, and secondly from being on premises specified in the order being premises frequented by a prescribed person.

So even if he does not own that place but he or she frequents that place, the court has that power to prohibit the respondent from going there or prohibit the respondent from being in a locality specified in the order, or from engaging in conduct of an offensive or harassing nature towards the prescribed person. The court can also prohibit the respondent from speaking or sending messages to a prescribed person. The court really has wide powers to do so.

I do not believe that hon. Members have any objection to the provisions of the bill because I have heard no objection raised to any particular clause of the bill. I take it therefore, that most Members, if not all, are in agreement with all of the provisions.

I think it is also significant to point out that the bill extends protection to persons who are incapacitated in some form and we described them here as dependants. In the interpretation it says:

“ ‘dependant’ in relation to a person means—

- (a) a person over the age of eighteen years;
- (b) who normally resides with the first mentioned person; and
- (c) who by reason of physical or mental disability is reliant on that first mentioned person for his welfare;”

It not only extends protection to restrict husband and wife or the husband and wife in the common-law sense, but the parents or grandparents of children who are in that household, as well as persons who are disabled.

The circumstances in which a protection order can be made are spelt out in clause 4 of the bill which particularly says:

“4. Where...

- (a) the respondent has engaged in conduct that constitutes a domestic violence offence and unless the respondent is restrained, the respondent is likely to engage in further conduct that would constitute that or another domestic violence offence;



- (b) the respondent has threatened to engage in conduct that would constitute a domestic violence offence...”

The domestic violence offences are those which I have already spelt out. The only really new provision in this bill for a circumstance in which a protection order will be granted is that under clause 4(1)(c) which says: where someone applies to the court and complains that the respondent has engaged in conduct of an offensive or harassing nature, in respect of a spouse *et cetera*, he can apply for a protection order.

Apart from all the offences which are spelt out, it is the first time we are referring to conduct which is offensive or harassing, but when one looks at this particular model and having regard to what obtains in our part of the world, conduct of an offensive or harassing nature is conduct that is well known to the society for which legislation has not yet found its way on the statute books. Those are the circumstances in which a protection order will be granted. What must be pointed out is that at present, people, whether they are in a proper legal marriage or are in a common-law relationship, are entitled to come to the High Court for the same kind of protection order which the magistrate is being empowered to give under this bill, but that has normally involved some expense and some loss of time, so that here the intention is that the protection order will be a cheaper tool, and a measure of protection for persons in a domestic environment who may not be able to seek redress in the High Court.

With regard to the question of the constitutional majority, since the magistrate has the power to exclude a perpetrator even from his own home, in some quarters that has been interpreted as a breach of his right to the enjoyment of his property, since section 4 of the Constitution provides that a citizen is entitled to the enjoyment of life *et cetera*, as well as to the enjoyment of property. My answer to that is, just as a citizen is entitled to the enjoyment of property, I would say his or her rights to the enjoyment of life is a far stronger and greater right that ought also to be protected by the society, and even if it means that one has to have a temporary deprivation of his right to the enjoyment of property, it should take second place to the right of a person not to be inflicted with violence of whatever nature.

Prior to the introduction of this kind of legislation and for those of us who work in any kind of organization where one deals with the problems of families, invariably, when a victim of domestic violence finds himself or herself in that position, in the majority of cases the victims are women, who, in many cases,

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have been forced to flee their homes without food, without clothing, without their children and, eventually are left to roam the streets. So I think the society has arrived at a place where we feel that the victim of domestic violence and the person who has been abused ought not now also to become a vagrant; that person should not be dispossessed or put out of her home, and not have her children looked after. This is why the provision here seeks to give the magistrate the power to exclude an alleged perpetrator of violence from his own home if that is necessary for the protection of the person or the victim from further violence. So that really is the only matter where consideration has to be given to the constitutional majority.

**4.05 p.m.**

There has been much talk that the bill will achieve nothing and it will not break the cycle, *et cetera*. I urge hon. Members that the measures in this bill are very wide and far-reaching because all of us are aware, even if we have not ourselves been victims of violence in one form or another, and we all know persons who have been subjected to violence in their homes. Even if they are afraid to come out and say so, I believe that a bill of this nature is sending a salutary lesson to the rest of the society. The law-makers and the Government propose to take a very serious view of violence, especially violence perpetrated in the home and, if nothing else, it sends a message that violence against somebody who lives with you or in your home is just as much a crime as violence perpetrated against John Public. Thus, I think we would have done very much to improve the quality of life in this country.

I trust, therefore, that at the end of the day when hon. Members have to vote on this particular piece of legislation, they will have in the forefront of their minds, the purpose for the Bill and not throw up their hands in despair and say, because we do not have money for the support services, we cannot put all the measures in place, therefore, let us just do nothing. Or, do we get on with the job and not pay lip-service to the charade that passes for concern about violence? Well, if we are so concerned about violence, I trust that hon. Members will know what to do. I thank you, Mr. Speaker.

**The Minister of Education (Hon. Gloria Henry):** Mr. Speaker, I think that while the legally inclined have wrung out the legal clauses in this bill, the average person would like to know what we have in place to support the bill. I think many

people know that we came prepared with this bill. At least we took the time to prepare this bill over a period of two years. It did not come for the elections. The public consultations on the first draft of this bill were as early as 1989.

At the time, the Government consulted with women's groups throughout Trinidad and Tobago and many of the legal adjustments made were as a result of those consultations that took place among the public. More than that, when we looked at the provisions of the bill and we felt that there were certain threats that had to be avoided, we set about looking at the agencies of government that were going to be most affected by the bill. One of the things that we found out very early is that most people who are victims of domestic violence encounter, as the first Government agent, the police, and therefore, we made haste to deal with a group of police officers as early as March 1990. That is to say, the Ministry of Social Development and Family Services in collaboration with the Ministry of Justice and National Security assembled a group of police officers from various divisions around the country and they were given instructions on dealing with domestic violence, counselling techniques, and other ways of dealing with people who were victims of domestic violence. In fact, they were given the opportunity to comment on the first draft of the Domestic Violence Bill as well.

We have come to this point today after a long series of consultations, after a great deal of preparation. What we have found out, in fact, is that the group of police officers who were trained have gotten into the act. They have started to work with groups. They have managed, very effectively, cases of domestic violence that have been brought to the attention of the police and of various Members of Parliament who could refer them to the branch of the police service, who were located in the police headquarters at one time, and are now located on St. Vincent Street in that special unit. They are also present in all the divisions of the police service, and have been able to deal effectively with instances of domestic violence by way of counselling.

More than that, since the first training programme, they have had updates, they have had renewals, they network. Since the bill was passed in the other place, they have met and looked at the revisions of the bill and the implications they would have for their own work, and they are therefore present as ready support for this bill when we have passed it in this House.

In addition, the Government has put in place support for those non-governmental organizations which are there to support persons who are victims of domestic violence. Before 1989, the Halfway House and the Samaan House

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Group which deal with victims of domestic violence had been asking the Government for a subvention. The subvention never came until 1989, and it was increased in 1990. So that while the Government does not have organizations to actively support women who were victims of violence who had to leave their homes, the non-governmental organizations filled the breach and the Government of Trinidad and Tobago which came into office in 1986 actively supported them by way of financial contribution. That was not so before.

One has to be very clear on where the support of this Government is. We are not today trying to get women's vote by way of this bill. What the Government has done is put in place a system of support for individuals who are at risk. We have put support in place for the halfway houses. We have also put support in place for children at risk. I think one of the previous speakers had expressed a concern for the fact that we may not have done any research. As early as 1987, the then Attorney General had appointed a committee to look at the integrated delivery of family services, because what we found was a set of government services that did not have a collaborative mechanism, that did not necessarily serve people in the best possible way because they did not collaborate. That committee was appointed in 1987.

**Mr. Manning:** I wonder if the Minister is aware of the existence of the report of 1985 that did exactly the same thing under Mrs. Gordon? Are you aware?

**Mrs. Henry:** I am aware that such a committee met. I am also aware that the report was left to gather dust. What this 1987 committee did was report to the Cabinet and its recommendations that were implementable, almost immediately, were put into effect. That is why in some counties we have already started county co-ordinating committees which assist victims of social problems so that the police will talk to the probation officer and the district nurse and the school guidance officer, and so forth. What has happened is that a mechanism has been set up for collaboration between these various government agencies so that people do not suffer from institutional abuse because of the non-collaboration of various government departments. We have, in fact, ensured that the taxpayers' dollar serves the taxpayer.

Another step which we have taken with respect to defending the individual and dealing with the individual who is at risk is to include in this bill, the older person, because that older person in the home is also at risk. In our concern for senior citizens, we have protected them by this legislation, and we have permitted

non-governmental organizations that assist senior citizens to continue to have government subvention, and in one case we have given a capital grant which had been applied for long before we became the Government, but which the previous Government did not take the opportunity to contribute towards to assist with the well-being of our citizens. This Government in 1990 made a capital grant to the Finbar Ryan Geriatric Home, which grant they had applied for since 1984. We gave this grant so that the organization could put more support in place for senior citizens.

In addition, the senior citizen section of the St. James Infirmary which had been in a most dilapidated condition which was set up to be repaired and on which much state funds were wasted before 1990, had been put in order by this Government and re-opened to house a greater number of senior citizens. Since 1986, funds have been spent to repair that place, and it was completed by this Government in 1990.

This Government, in looking at the interests of the citizens, especially the weaker ones who are at risk, has looked at the senior citizens and made provisions for them, and not only the senior citizens in homes, but all the senior citizens who required pensions, because pensions were increased. In spite of the fact that the Government revenues were not as high as we would have liked them to be, we managed to make provision for an increased old age pension in 1990 and 1991; two consecutive increases in old age pension.

#### **4.20 p.m.**

We have shown our caring for senior citizens in tangible ways through the increase in pension for all citizens who required it, and providing for those who were in institutions by way of a capital grant to one institution and the completion of significant renovations in another one. We also continue to give subventions to senior citizens' homes.

In terms of women at risk, we have put in place legislation to protect women. We have strengthened the institutions which provide for those women at risk.

In terms of children at risk, we have put in place proper co-ordinating mechanisms within state institutions for those people who needed the services of the Government. We still have to put in place, as one of the recommendations of the committee which reported on the "Integration of Family Services", the Family Court. The family court is an idea which has been around for a very long time, and this Government has set in place the mechanism to bring the Family Court Bill to the Parliament. We have done a considerable amount of work on the

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provisions for that legislation and it is with the Law Commission to be brought to the Parliament at the earliest opportunity. We have had the opportunity within the last four and a half years to do a significant amount of work which should have been done since 1981. Committees had reported and made recommendations, but no work had been done. We have done additional work and we have taken the practical recommendations and put them in place. So that this Government has done preparatory work and has also done implementation of recommendations made by significant committees. We are proactive.

In addition, within the school system, there has, for the longest while, been family life education, and we are now in the process of ensuring that part of the curriculum is strengthened. Some of the root causes of domestic violence had to be dealt with at all levels. We deal with them within the school system, as a kind of preventative effort. It is an awareness of family life. It is a need that we have identified and which we feel that we can satisfy by improving the programmes within the school.

More than that, a whole ministry has been established which is dealing with social development and family services, which ministry collaborates with other ministries such as the Ministry of Education, the Ministry of Settlements and Public Utilities, the Ministry of Works, Infrastructure and Decentralization and the Ministry of Food Production and Marine Exploitation. There is active collaboration among those ministries to ensure that citizens of this country are well served by the Ministry of Social Development and Family Services *[Interruption]* If the Member for Diego Martin Central would only listen he will understand. This ministry, in collaboration with the Ministry of Education and the Ministry of Food Production, has managed to ensure that some of the people who are at risk are well served. There is collaboration with the Ministry of Justice and National Security so that those who must deal with persons who are victims of domestic violence are well aware of their responsibilities.

Those persons who are victims of domestic violence need not fear that the trend that exists among some people to decriminalize domestic violence, is likely to dominate. In fact, this thinking among a certain group of people to argue that domestic violence is not a crime like any other crime of violence against the person, is one which we have resisted very carefully, and by putting this piece of legislation on the books we will signify our intention to leave it as a criminal act and we will deal with the punishment because that goes with the offence. There is the offence, there is punishment, but there is also support for the victims of the

offence. The victims of the offence can be assured that they will not be abused by the institutions of the state because of the past approach of not collaborating between government institutions. In fact, we have established a collaborative mechanism between institutions so that those who are victims will have the opportunity to be served by the best possible agents of government for their own particular case and they will not be moved from institution to institution and not be served.

We also feel that the organization of the state in setting up collaborative mechanisms between ministries will best serve all the agents of government who have to deal with citizens who are at risk. So, the agents of government themselves get more satisfaction out of doing a job in which they have support from other agencies of government. So that the police officer in a county is actively supported by the district health nurse, is actively supported by the probation officer, is actively supported by the guidance officer in the school, and the community development officer, as well as county health visitors, and so forth.

We feel that we have put in place a mechanism and a law which is supported by institutions of the state and which, in the long run, will work in the best interest of our citizens. Such a task is being done in a relatively short space of time when you consider the amount of work that has to be done to bring us to this point. It is because the Government has actively engaged in the kind of action that will ensure that we move from the legal draft to the point where the Act is implemented and the systems of the state are also in place to support this Act.

Mr. Speaker, I think that the legal minds have dealt very effectively with the provisions of the bill, but I think it is important that I indicate that not only have we looked at the strictly legal measures but we have dealt with the human side of the law and we have already put into effect those provisions that will be supportive of the law. It is not that we met something that was in place. We met some things in place, we improved them and we put into place another set of mechanisms to ensure that when this law is passed, our citizens will be well protected by it and they will understand very clearly that this Government has worked assiduously to bring us to this point, and it is not an election gimmick. It is part of our portfolio of presenting what is best for the citizens of Trinidad and Tobago at every age and at every level of the society.

I thank you, Mr. Speaker.

**Mr. Speaker:** The sitting is suspended for half of an hour.

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

**5.09 p.m.:** *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

**Mr. Raymond Palackdharrysingh** (*Naparima*): Mr. Deputy Speaker, no one on this side of the House has taken a position against the bill. And to say that we are merely trivializing some of the issues raised, is to be insensitive to the wider concerns and demands of the society.

**Mr. Wilson:** You sound good.

**Mr. Palackdharrysingh:** Hon. Minister, I do not need you to tell me that. Mr. Deputy Speaker, do I have injury time? Because I notice that you are not interested in protecting me this afternoon.

I do not think that we believe that nothing is being done. What is very clear is that I do not think we have conceptualized the problems of the society in its totality. The intent of the bill before us is to provide legal protection for the victims of domestic violence. It empowers the Magistrates' Court to grant protection orders irrespective of whether other relief is sought; and provides the police with powers to arrest and to lay charges where there is a breach of the court's order or where a domestic violence offence is committed. It is pointed out that the bill seeks to strike a right balance between the need to preserve an existing marital or other spousal or parental relationship, while attempting to protect these persons from violence. The provisions of the bill are both punitive and protective.

I now quote the third paragraph of the Explanatory Note of the Domestic Violence Bill.

"The legislation is no doubt novel in many ways in that while it coins a new offence—that of domestic violence—it has in fact created nothing new but has allowed the term "domestic violence" to be merely descriptive of the many criminal acts of violence which may occur between spouses. Thus, it is a prescribed offence. Moreover, it allows for such matters to be heard in a magisterial setting, thus widening the jurisdiction of the Magistrates' Court pertaining to family matters. Of utmost importance is the fact that the provisions of the Bill seek not so much to punish the offender but to prevent



the occurrence of the offence in the first place. It does so by introducing the concept of the personal protection order."

Mr. Deputy Speaker, do you believe that a bill such as this would really prevent the occurrence of domestic violence in the first place? To believe that is to over-simplify the behavioural pattern of an extremely complex creature—the human being. I have no doubt that the bill supported by many groups, will offer some form of hope for spouses and children at risk in the domestic situation, but it fails to encapsulate the many dynamics that inter-play in the genesis of domestic violence.

I would agree that domestic violence is a serious matter with implications for development, peace and equality, and anything that is done to minimize it must be supported. Yet, this approach taken by the Government is piecemeal and like the proverbial ostrich, the Government buries its head in the sands of this bill on domestic violence and leaves its whole body exposed.

Apart from the theory stated in the British *Journal of Law and Society No. 7* of 1980, are there no other theories worth examining? I think that it is important for the Minister and the Government to be familiar with two other theoretical frameworks which are important for sensitizing us. They are taken from the United Nations publication entitled: "Violence Against Women, the Family in 1989—What caused violence against women in the home." I quote:

"The first and earliest sees the origin of domestic violence in some form of eradicable cause. It focuses attention on the characteristics of the wife, husband and family, and finds the cause of violence in the personal inadequacy of husband or wife or in external stresses that affect the family. Thus theorists argue that men are violent towards the women with whom they live because of some internal aberration, abnormality or defective characteristics. These vary, but include alcoholism, a violent upbringing, mental illness and poor self-control. Others suggest that wives provoke their husbands to beat them or are pre-disposed to violence, being attracted to violent men and addicted to abuse. Further variations on this analysis, based on external causes, find the etiology of wife abuse in stress, frustration in blocked goals often resulting from unemployment or poverty, while in turn can depend on ethnicity and social class or on the physiological effects of violent practices or deprived culture."

Mr. Deputy Speaker, there are many of us who would go beyond the social and psychological causes. The widespread acceptability of violence against

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women in the home and its root causes in the structure of the society itself, is reflected in the broad structures of social and economic inequality in this society. It suggests that violence by husbands against wives is not a breakdown of the social order at all, but an affirmation of a particular social order arising out of the socio-cultural belief that women are less important and less valuable than men, and are not entitled to equal respect.

**5.20 p.m.**

Again, I want to quote from that *United Nations Publication*—

“Domestic violence therefore is seen as a part of a total social context that tolerates subordination of women in the use of violence against them as a solution to frustration and conflict. In this analysis wife abuse is seen as the product of an inter-related and complex set of values wherein women are regarded as inferior to men; suffering discrimination, unemployment and education and being grossly under-represented in all areas of social and political life.

This inferiority is confirmed particularly within intimate relationships wherein men are assumed to be dominant and women legally and financially dependant. The analysis further suggests that the subordination of women within relationships and therefore domestic violence, is condoned by cultural values that emphasize the privacy and autonomy of the family rendering outside agencies loath to interfere, or if they do, to stress reconciliation.”

When we examine the above postulates, we know that equality of treatment has a long and bitter struggle ahead. I am not very optimistic that the bill before us would even be a deterrent to domestic violence. We cannot win against history and entrenched cultures in one swoop or with inadequate legislation. We must start boldly. The current IMF policies of the Government would render the rhetoric of social justice useless if the weak is not afforded the protection against the strong.

The Minister made an attempt to give us statistics on domestic violence. Because the data were so disparate, it was easy to recognize that there were no systematic machinery set up to determine the extent of domestic violence and, at best, we are guided by generalizations. He indicated that statistics compiled by the Probation Division of his ministry revealed that in January, 1984 there were 58 instances of reported domestic violence and in January, 1987 there were 88. *[Interruption]* In particular countries, granted that. That makes the point even

more revealing. Why do you debate a national bill on the basis of figures in countries and not on the nation?

He said that these statistics were high when viewed in the context of the norm. Can I enquire, what is the norm when there are no previous figures, and data missing for the other counties? He also indicated that statistics from the Halfway House in south Trinidad during the period May, 1986 to December, 1987 show that 250 persons were housed, of which 55 per cent were seriously battered women; 60 per cent of these women left home with their children and the remaining 40 per cent "made arrangements at a later date." Information from the Rape Crisis Centre in Port-of-Spain show that in 1990, 131 new cases were counselled and that the geographic distribution was as follows: Port-of-Spain and the environs, 60; East Port-of-Spain, 53; Central, 10; South, 2; Anonymous, 6.

We must applaud the efforts of the Rape Crisis Centre but for a government to come with these random figures is an insult to our intelligence. We see no system in place and the figures cannot be relied on for any meaningful action. He indicated that the Government appointed a committee on April 22, 1987 to examine the family services delivery system in Trinidad and Tobago. The committee's mandate was the provision of a system of delivery of family services which will effectively address all conditions of families in need of such services or any particular aspect thereof, with particular reference to abused children, battered wives and mothers, and for the utilization of services of persons and voluntary organizations in an integrated and co-ordinated manner at community level.

Why has this report not been circulated and why are the findings of this report merely given out in little sections? Domestic violence, as treated by the bill, is an offence committed by a person against the spouse of the person, a child or dependant of the person, of the spouse of the person or a parent. In order to prevent and protect our citizens, our children and our loved ones from domestic violence, what is most important is the comprehensive framework containing both legislation and the support systems which will permit the law to operate smoothly and efficiently. From what I have heard this afternoon, I think it was a rather weak attempt to put it in this perspective.

I wonder if our concern for domestic violence could be addressed merely in this bill that enables the victim to seek a protection order not exceeding 12 months, so that the perpetrator of the offence is restrained from continuing the behaviour complained of. Will the victim, whether it is a child, spouse or

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dependant, normally resident with the perpetrator, be able to feel safe by going to the Magistrates' Court to apply for a protection order? Should the protection order be ignored by the respondent or perpetrator of domestic violence, the police may then charge and the person will be subject to the full weight of criminal law. Will this approach alone ensure that domestic violence is contained?

**5.30 p.m.**

Capital punishment for heinous crimes has been around for a long time and certainly it has not prevented such crimes and it is indecisive as to whether or not it has acted as a deterrent. Clause 5(1) of the bill says:

“Subject to this Act, a position order may—

- (a) prohibit the respondent from being on premises in which a prescribed person resides or works;
- (b) prohibit the respondent from being on premises specified in the order, being premises frequented by a prescribed person;
- (c) prohibit the respondent from being in a locality specified in the order;
- (d) prohibit the respondent from engaging in conduct of an offensive or harassing nature towards a prescribed person;
- (e) prohibit the respondent from speaking or sending messages to a prescribed person;
- (f) where the order contains a prohibition of the kind referred to in paragraph (d) relating to conduct of an offensive or harassing nature that amounts to wilful or reckless neglect of a child or dependant person—the Court may direct the respondent, to ensure that reasonable care is provided in respect of that child or dependant person;
- (g) prohibit the respondent from taking possession of specified personal property, being property that is reasonably used by a prescribed person specified in the application;
- (h) direct the respondent to return specified personal property that is in his possession or under his control which belongs to the applicant or a prescribed person;

- (i) prohibit the respondent from causing another person to engage in the conduct referred to in paragraph (d), (e) or (g);
  - (j) specify conditions subject to which the respondent may be on premises or in a locality specified in the order;
- (2) The Court may make an order that includes a prohibition of the kind referred to in paragraph (1)(a) or (g) notwithstanding any legal or equitable interests the respondent might have in the property comprising the premises or in the property to which the prohibition of the kind referred to in paragraph (1)(g) relates.

The intent of all these provisions seem to indicate action but it is in taking action that we see no goals could be achieved. Domestic violence would not end with the provisions of clause 5. Would the state be able to step in and adequately provide for the needs of the prescribed person? Whether there is a manifestation of violence the legal approach is not sufficient.

Relationships would suggest that there are factors important for sustaining relationships until the breakdown. Among these factors would be spiritual strength, moral obligations, financial and emotional support, social cohesion and socialization. It is not difficult to see that the attempt to resolve one problem, that of domestic violence, could result in the creation of several other problems.

Have you not heard that many a wife who sought refuge from her violent husband decided to return to her violent husband when she realized that the support mechanisms were not there or were there only for a limited time? Some who had the determination to stay away do so at great grief, but they will keep thinking about their children and their obligations. Their bodies might be safe but their mental and emotional states are greatly disturbed.

Maureen Cain, a University Professor of Sociology pointed out at a conference on Thursday, January 29, 1991, that the prevalence of domestic violence was normal and horrifying. From the most recent findings coming from a 1988 Guyanese study of 200 East Indian and African women, 46.9 per cent were beaten at least once while one-half were still beaten after 20 years of marriage. One-third of the women felt that the men were right to strike them, which was indeed very scary. If violence against women was normal and culturally embedded, how does the law make a difference? The court was structured to deal with the exceptional, and domestic violence is considered

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normal. Cain said that if the law were to deal with all the causes of wife battering, the system would grind to a halt.

It is unfortunate that we have not done a similar broad-based study in Trinidad and Tobago, which would have been of tremendous assistance to us. However, clause 6 of the bill becomes nervous and circumspect in determining whether to impose one or more of the prohibitions or conditions specified under clause 5(1). It states:

“...the Court shall have regard to the following—

- (a) the need to ensure that a prescribed person is protected from violence or harassment;
- (b) the welfare of a child or dependant of the spouse or of the respondent;
- (c) the accommodation needs of a prescribed person;
- (d) any hardship that may be caused to the respondent or to any other person as a result of the making of the order;
- (e) the income, assets and financial obligations of the respondent and of the spouse of the respondent, a parent or dependant person;
- (f) any other matter that, in the circumstances of the case, the Court considers relevant.”

Clause 6 begins to look at the needs, resources and practical restraints involved in determining the strength of clause 5. At this point I became extremely worried because I feared that the Domestic Violence Bill would hardly be of any value by itself unless it is supported by other institutional arrangements.

The report of the committee to examine The Entire Family Services Delivery System In Trinidad and Tobago, Child Abuse Part I dated August 12, 1987 and the Appendices and Comprehensive Proposals, Part II dated September 22, 1988 is quite revealing. For simple reference, I call it the Joan Bishop Report. It is a pity that the Minister made only passing reference to such an important document. According to the Joan Bishop Committee Report, the terms of reference was to examine the family services delivery system and to make recommendations:

- (1) whereby specified persons may be empowered to remove for a specific period, children who are subject to child abuse, to places of care of protection pending the order of the magistrate in that behalf or otherwise;

**5.40 p.m.**

- (2) defining the scope and content of child abuse;
- (3) for financial and other forms of assistance to and support for families in special need arising out of circumstances of child abuse, beating of mothers, or other related conditions that may exist in the family; and
- (4) the provision of a system of delivery of family services which will effectively address all the conditions of families in need of such services or any particular aspect thereof, with particular reference to abused children and battered wives and mothers and for the utilization of the services of persons and voluntary organizations in an integrated and co-ordinated manner at the community level.

The Joan Bishop Report, Mr. Deputy Speaker, recommended for immediate attention the following: community action, empowerment, training for empowerment, development of family support service, restructuring of the juvenile bureau of the police, development of a system to detect and manage child abuse in schools, financial assistance for families in need. For the short- and medium-term periods, the establishment of a family court, development of a therapeutic programme for the rehabilitation of prisoners, and governmental inter-agency collaboration.

I am in total agreement with the committee for reaffirming that the family is the basic unit in our society and that children find shelter, nourishment and a sense of identity and belonging through their families, and so it is important that family life be strengthened and protected. I concur with its view that children are thrown into vulnerable conditions of not being able to depend on adequate family protection. Some have no family at all or are completely separated from it. Others are members of dysfunctional families where their basic needs are not met. Still others are in neglected or abusive families that have become threats to their welfare rather than offer protection. All of these children require particular assistance and protection for they are all at risk.

It is against this background, Mr. Deputy Speaker, that the Domestic Violence Bill becomes insignificant in minimizing domestic violence unless a holistic view of the problem is taken seriously. If domestic violence is to be contained, stresses of social and economic change must be reduced and its adverse social consequences must be forestalled.

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In dealing with crises in the family, several measures are inescapable. We cannot adequately confront domestic violence unless we have a multipronged approach. I want to indicate—and again, there are ideas emerging out of the Joan Bishop Report, some of them I have known for a long time in my special field of endeavour—that there must be levels of action in the remedial sphere, the preventative sphere, the developmental sphere and the supportive sphere. In the remedial sphere, the state must be able to supplement existing systems of support or create needed systems, like the provision of care for mother and children during crisis.

In the preventive sphere, services intended to analyze social problems, predict their emergence and take measures to reduce their occurrence.

In the developmental sphere, the deep socio-cultural and economic processes aimed at the human development requiring institutional support and resources for healthy and worthwhile living, such as employment, adult education and training, recreational, cultural programmes, housing improvement initiatives, supportive concrete support, the provision of needed supplies, such as goods, money, living space, day care, accessing services which a family cannot afford.

In the emotional sphere, it involves time, energy, and personal concern for another human being, and such services include marital, family, and sex counselling, foster care, adoption and guardianship.

Where there is domestic violence, particularly with respect to child abuse, are we satisfied that the places of safety or places of custodial care for such children in homes are equipped for the task of child rehabilitation or restoration of the family? The answer is no, Mr. Deputy Speaker. If we look into the report I have mentioned, the Joan Bishop Report, we would see some of the comments concerning the homes for children, the homes for battered women, and so forth, and you would see that they have indicated very directly that it is in a state of crisis.

We should be aware, according to the report, that a place of safety means any police station or any hospital or surgery, or any other place approved by the Minister by notice. Hence, it is drawn to our attention that hospitals are being used as a place of safety for a number of children from dysfunctional families, including the mentally retarded and abused. Some of these children remain in hospitals for as long as one year while they await placement with families.



The absence of adequate support facilities is widespread, moreso in Tobago where the lack of nurseries and foster services retard the delivery of social services to children. We are told that in the case of Tobago, there is no convalescent home, and that children who need such services are kept in the hospital since sending them home could result in medical complications.

We note that the extended family is on the decline, resulting in the abandonment of senior citizens in medical wards at hospitals, and teenage mothers are unable to participate in social and economic activities as they are unable to secure traditional child-care services for their children. Dysfunctional families are unclear as to where to go for help, and there is no real community development programmes responsive to identified needs of families in the community.

Mr. Deputy Speaker, again permit me to refer to a study conducted by the South Social Workers' Task Force, Pilot: Foster Care Project as reproduced by the Joan Bishop Committee. Reasons for omission in foster care of 24 children were as follows: victim of physical abuse, 6; victim of sexual abuse, 1; mothers, psychiatric patients, 6; mother, homeless reflected by family and unemployed, included one teenager, 4; infant abandoned in bushes, 1; mother deserted, children at risk of abuse and neglect, 4; mother victim of domestic violence, epileptic, 2.

The outcome of these were: returned to mother, 11; adopted 2; fit persons order, 4; admitted to children's home, 3; poor prospects of adoption due to retardation, 4.

It is felt, Mr. Deputy Speaker, that a formalized system of foster care with trained staff to undertake intensive family case work and with physical and financial resources would be better able to address the complex issue of care and protection of children who are the victims of abuse and neglect and other victims of domestic violence.

At the present time, homes as they exist in Trinidad are run by religious and voluntary organizations which admittedly receive subventions from Government. But these voluntary efforts, although commendable, have not been able to maintain adequate standards to provide for the increased demands of these services.

A determination based on clause 6 of the bill would be based on the conditions such as these and action in clause 5 of the bill would be based on the

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perceptions of clause 6 of the bill. It is clear that there would be no adequate support systems to enforce the legal requirements dependent on the many facets of the delivery service.

The Halfway Home for battered women and children has the advantage of taking mothers and children who are the victims of abuse. Again, it is pointed out that the survival of this service is threatened by the need for funding. It also requires an increment of professionally trained social work staff. This is so for other such homes, such as the Salvation Army which cannot cope because of the demand for assistance.

If child abuse is defined as an injury or a pattern of injuries to a child that is non-accidental, that includes physical injury, sexual molestation, neglect and emotional abuse, then it is clear that it involves a pattern of behaviour that is cumulative. It means that the longer the abuse continues, the more serious it becomes and the more damaging it becomes to the child. Treatment would require the services of a series of professionals in various disciplines. It would therefore be seen that this Domestic Violence Bill is an isolated attempt to stem a most undesirable practice that would have very little impact upon the inherently flawed behavioural patterns of many of our citizens.

**5.55 p.m.**

Mr. Deputy Speaker, the Joan Bishop Report is serious and professional work that we must benefit from. What has the Government done with respect to the comprehensive approach advanced? Very little.

"The provision of a system of family service which will effectively address all the conditions of family in need, such as services of any particular part thereof with particular reference to abused children and battered wives and mothers and for the utilization of the services of persons and voluntary organizations in an integrated and co-ordinated manner at community level."

**Mr. Richardson:** He could put anybody to sleep. He is like a rocking chair.

**Mr. Palackdharrysingh:** Whatever the Members on the other side say, they will not deter me.

Mr. Deputy Speaker, out of a total estimated national budget of \$7.6 billion approximately, \$325,696,708. is allocated to the Ministry of Social Development and Family Services. So, approximately 4.28 per cent of the national budget is allocated to the Ministry of Social Development and Family Services. The 1991

estimate in the said ministry, for development programme, social infrastructure is \$560,700 and this reflects approximately 0.2 per cent of the 4.28 per cent of the national budget.

Let us look at the breakdown of the projection for the development programme as given in the estimates for development for the year 1991:

Community Development—\$310,700 for:

continuation of construction of incomplete centres;

improvement works to community centres;

construction of community centres;

furniture and equipment for new community centres;

improvement security at community centres;

payment of stipend to caretakers of community centres.

**Mr. Deputy Speaker:** The speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Mr. T. Sudama*]

*Question put and agreed to.*

#### ADJOURNMENT

**The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie):** Mr. Deputy Speaker, if the hon. Member would not mind, I would seek the adjournment of the House at this time, and he can continue at the next sitting.

*Assent indicated.*

*Motion made and question proposed,* That the House do now adjourn to Friday, June 14, 1991 at 1.30 p.m.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.58 p.m.*