

*Leave of Absence*

*Friday, July 12, 1991*

**HOUSE OF REPRESENTATIVES**

*Friday, July 12, 1991*

The House met at 1.41 p.m.

[MR. SPEAKER *in the Chair*]

**PRAYERS**

**LEAVE OF ABSENCE**

**Mr. Speaker:** The hon. Member for San Fernando East (Mr. Patrick Manning) has been excused from today's sitting.

**HANSEN'S DISEASE RELIEF ASSOCIATION (INC'N) BILL**

Bill to make provision for the Trinidad and Tobago Hansen's Relief Association; brought from the Senate, [*The Minister of the Environment and National Service*]; read the first time.

*Motion made,* That the next stage be taken at a later stage of the proceedings.  
[*Hon. L. Myers*]

*Question put and agreed to.*

**FIELD NATURALISTS' CLUB (INC'N) BILL**

Bill to make provision for the Trinidad and Tobago Field Naturalists' Club, brought from the Senate, [*The Minister of Health*]; read the first time.

*Motion made,* That the next stage be taken at a later stage of the proceedings.  
[*Hon. S. Richardson*]

*Question put and agreed to.*

**PETITION**

**Secondary Schools Sanskritik Sangam**

**The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie):** Mr. Speaker, I beg to present this humble petition on behalf of the Secondary Schools Sanskritik Sangam of Trinidad and Tobago.

The aims and objects of this organization are to co-ordinate the efforts of Indian cultural groups in secondary schools in Trinidad and Tobago, and to create inter-school projects for participation by certain groups.

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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.*

#### **PAPER LAID**

The National Insurance (Contribution) (Amendment) Regulations, 1991 [*The Minister of Finance (Hon. Selby Wilson)*]

#### **SELECT COMMITTEE REPORTS**

##### **Presentation**

**Dr. Anselm St. George** (*San Fernando West*): Mr. Speaker, I beg to present the following reports:

##### **Edinburgh Dharmic Sabha (Inc'n) Bill**

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a private bill for the incorporation of the Edinburgh Dharmic Sabha and matters incidental thereto.

##### **Orisha Religion (Shango) (Inc'n) Bill**

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a private bill for the incorporation of the Orisha Religion (Shango).

##### **General Service Board of Alcoholics Anonymous (Inc'n) Bill**

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a private bill for the incorporation of the General Services Board of Alcoholics Anonymous.

##### **Global Encounter Ministries (Inc'n) Bill**

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a private bill for the incorporation of the Global Encounter Ministries.

##### **School of Philosophy (Inc'n) Bill**

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a private bill for the incorporation of the School of Philosophy of Trinidad and Tobago and for matters incidental thereto.

## ORAL ANSWERS TO QUESTIONS

**Personal Letter**

**49. Mr. Morris Marshall** (*Port-of-Spain East*) on behalf of the hon. Member for San Fernando East (Mr. Patrick Manning) asked the Prime Minister and Minister of the Economy.

Would the Prime Minister and Minister of the Economy kindly state:

- (a) Whether the secret and personal letter read into the parliamentary records on Friday, June 16, 1989, that was subsequently described as lost has been located to date?
- (b) If that answer is in the negative, have any attempts been made to obtain a copy of the said letter from its authors?
- (c) If not, then why?

**The Prime Minister and Minister of the Economy (Hon. A. N. R. Robinson):** Mr. Speaker, I do not consider it proper that the Prime Minister should be asked to answer questions from a Member asking them *in absentia*.

**Jamadar Lands**

**50. Mr. Trevor Sudama** (*Oropouche*) asked the Minister of Food Production and Marine Exploitation:

- (a) Could the Minister provide the names of the farmers who occupied the Jamadar lands in the Oropouche Lagoon now under state ownership and to whom leases have been granted in the last four years?
- (b) Could the Minister state the date/dates when these leases were handed over?
- (c) Could the Minister indicate the terms and conditions of these leases?(d)Could the Minister state whether the terms and conditions applicable to leases handed over previously have been monitored?

**1.50 p.m.**

**The Minister of Food Production and Marine Exploitation (Dr. The Hon. Brinsley Samaroo):** Mr. Speaker, no leases have been granted to farmers who occupy the Jamadar Lands in the Oropouche Lagoon now under state ownership.

The Ministry of Food Production is currently engaged in regularizing some 442 tenancies in the 1,950 acres which comprised the Jamadar lands.

Cemetery Trace	-	construction of 1.0 km of 15 ft. wide gravelled roadway;
Teemul Channel;	-	construction of one bridge and 200m of 15 ft. wide gravelled roadway;
Puzzle Island Extension Road	-	Construction of 0.8 km of 15 ft. wide gravelled roads;
Rahamut Trace	-	1.2 km of 15 ft. wide gravelled roads.

These works were intended to improve the lot of the farmers in the area.

The ministry also has plans to up-grade the agricultural access roads in the Oropouche Lagoon which connects Puzzle Island with Rahamut Trace off the La Fortune/Pluck Road. Such work is scheduled to commence in the first quarter of 1992.

**Mr. Sudama:** Did I hear the Minister correctly? He said that such works are scheduled to commence in the first quarter of 1992?

**Dr. Samaroo:** Yes.

**Mr. Sudama:** He will not be here in 1992. May I ask a supplementary question of the Minister? Representations had been made for the paving of this roadway, which is one of the major agricultural access roadways in the Oropouche Lagoon area—and when work was commenced on the construction of this roadway back in 1982, I had made representations to the Ministry of Agriculture then that this roadway be paved, which would minimize the repair/maintenance cost involved. To date, no such action has been taken in paving this roadway but a lot of money has been spent in an attempt to repair this roadway which has gone into a very sad state of disrepair and, therefore, not useable by farmers. Would the Minister indicate, whether his ministry has any plans to pave this roadway?

**Dr. Samaroo:** Mr. Speaker, the answer is in the affirmative.

**Recreation Ground  
(Doorbassa Trace)**

**52. Mr. Trevor Sudama** asked the Minister of Works, Infrastructure and Decentralization:

Could the Minister state the reason for the delay by his ministry in releasing funds for the commencement of work on the Doorbassa Trace recreation ground in San Francique?

**The Minister of Works, Infrastructure and Decentralization (Dr. The Hon. Carson Charles):** Mr. Speaker, on February 6, 1991, the St. Patrick County Council requested a release of \$782,903 to implement development works on certain recreation grounds of which \$95,000 was earmarked for Doorbassa Trace Recreation Ground.

On March 25, 1991 and April 25, 1991, the Ministry of Finance made block releases of \$120,000 and \$80,000 respectively, for development works on recreation grounds in St. Patrick. The \$120,000 and \$80,000 were made available to St. Patrick County Council on April 30, 1991 and May 9, 1991, respectively.

Of the block amounts totalling \$200,000 released to the St. Patrick County Council for development works on recreation grounds, no funds were allocated by the council to Doorbassa Trace Recreation Ground.

However, on June 24, 1991, the Ministry of Finance released \$50,000 for Doorbassa Trace Recreation Ground. This amount was made available to the St. Patrick County Council on July 1, 1991.

**Mr. Sudama:** A supplementary question to the Minister. Since under the new procedures, the responsibility for paying for lands acquired for recreational purposes now falls with the relevant county council. Of course if that matter is to be dealt with, then the ministry must release the funds for the purchase of the lands in question. Could the Minister indicate whether his ministry intends to release funds for the acquisition of the lands in question to the St. Patrick County Council.

**Dr. Charles:** I cannot say exactly. What I can say is that the council is expected to budget for acquisition and all other works it requires to have undertaken, and our responsibility is to release the funds as they have been budgeted and approved. If they have made provisions for acquisition in their budget and that was approved, then that would be released. If not, they would have to make provisions in the succeeding year for acquisition.

**Mr. Sudama:** A supplementary question. My understanding is that request has been made to the Ministry of Decentralization for the release of funds to settle the question of acquisition as well as for the construction of that recreation ground. My question to the Minister is: Why is an adequate sum not released? Because this request for Doorbassa Trace has been a very long-standing request, in light of the fact that today a lot of sporting facilities are being created as NAR projects in Trinidad and Tobago. Yet you have something which falls under the local government for which you are saying, that you are only using \$50,000 when this project may cost a few hundred thousand dollars to be completed. Why is it that funds are being allocated for other recreation facilities but not for those which are currently being carried out by the local government authority.

**Dr. Charles:** Mr. Speaker, if the St. Patrick County Council wishes to use all its funds under its allocation for Doorbassa Trace Recreation Ground, it can do that. I would not object. But it has budgeted and a certain amount has been approved and our responsibility is to release that. If it wishes to spend a different portion for Doorbassa Trace, I have no problem with that. But the overall amount would be fixed

#### BUSINESS OF THE HOUSE

**The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie):** Mr. Speaker, I seek the leave of this honourable House to proceed with Government business in the following order; the Land Acquisition motion—that is motion No. 2; the Senate amendments to the National Agricultural Marketing and Development Corporation Bill, 1991 and finally, under 'Bills Second Reading', an Act to amend the Children Act, Chap. 46:01.

#### LAND ACQUISITION

**The Minister of Planning, Mobilization and Decentralization (Hon. Winston Dookeran):** Mr. Speaker, I beg to move that this House approve the decision of the President to acquire the lands described in the appendix for the public purposes specified. The lands involved are located in the Parish of St. David in the island ward of Tobago which is for the purpose of lengthening the Coffee River Road for the accommodation of vehicular traffic.

Proceedings for the acquisition of this land commenced on November 21, 1974 when the notice of intended acquisition under section 3 of the Land Acquisition Act was published in the Trinidad and Tobago *Gazette*. It has taken us a very long

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time in order to bring this motion here, to complete the process. As I have indicated on previous occasions, we have been attempting to handle this backlog expeditiously.

**2.00 p.m.**

It is a very simple motion and I am to advise the honourable House that the land which is being acquired is to be used for the said purpose.

*Question put and agreed to.*

APPENDIX

Description of Land	Public purposes for which to be acquired
<p>The following parcels of land containing together 2847.3m<sup>2</sup>, more or less, situate at Runnemedé, in the ward of Tobago, in the parish of St. David, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated February 23, 1988 executed under Survey Order No. 83/86 and filed in his office.</p> <p>THE SCHEDULE</p> <p>Two parcels of land comprising together 2847.3m<sup>2</sup> commencing on the south bank of the Great Courland River at a point west of its confluence with the Prairie/Cuffie River and traversing a southeasterly course of approximately 180 metres south of the said Prairie/Cuffie River, situate at Runnemedé in the Parish of St. David</p>	<p>Road Improvement</p>

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Description of Land	Public purposes for which to be acquired
<p>in ward of Tobago and said to belong now or formerly to Ebenezar Tom/Lue Grant (2341.1m<sup>2</sup>) and Reginald Demas (506.2m<sup>2</sup>)</p> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed as AN 92 in the ault of the Lands and Surveys Department, Red House, Port of Spain.</p>	

**NATIONAL AGRICULTURAL MARKETING AND  
DEVELOPMENT CORPORATION BILL**

**Senate Amendments**

**The Minister of Food Production and Marine Exploitation (Dr. The Hon. Brinsley Samaroo):** Mr. Speaker, I beg to move,

That the Senate amendments to the National Agricultural Marketing and Development Corporation Bill listed in the appendix be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 4(1).*

*Senate amendment read as follows:*

Delete and substitute as follows:

"(1) The Corporation shall consist of nine members appointed by the President as follows:

- (a) six members, each of whom shall respectively have special qualifications or experience in matters relating to-
  - (i) business management;
  - (ii) finance and management accounting;
  - (iii) produce marketing and trade;



- (iv) food technology or agro-industry;
- (v) information technology;
- (vi) agricultural production
- (b) a representative of-
  - (i) the Ministry responsible for agriculture;
  - (ii) the Tobago House of Assembly; and
- (c) the Chief Executive Officer who shall *ex officio* be a member of the Corporation".

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

Clause 4(3).

*Senate amendment read as follows:*

Insert after the words "subsection (1) (a)" the words "or (b)".

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

Clauses 5 and 6.

*Senate amendment read as follows:*

Delete the word "Secretary" wherever occurring, and substitute the words "Corporate Manager".

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

Clause 9(2)(a).

*Senate amendment read as follows:*

Delete the words "The Corporation" and substitute the words "Without prejudice to the generality of subsection (1), the Corporation".

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 9(2)(b):*

*Senate amendment read as follows:*

Delete paragraph (a) and substitute as follows:

"(a) facilitate and promote the effective and efficient marketing of agricultural produce and food products and advise on the importation of and the mechanisms available to enlarge the local and international market for such produce and products;"

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 9(2)(c).*

*Senate amendment read as follows:*

Re-number paragraph (i) as paragraph (j) and insert immediately after paragraph (h) the following new paragraph:

"(i) advise on price support measures and implement such price support measures as the Minister may approve;"

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 10(2).*

*Senate amendment read as follows:*

Insert after the words "shall not vote", the words "or participate in discussion".

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 13.*

*Senate amendment read as follows:*

Delete the words " a Secretary,".

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 14(2).*

*Senate amendment read as follows:*

Delete from the words "paid such compensation" to the end and substitute the words "granted a temporary pension in accordance with section 15 (4) of the Pensions Act".

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 14(3)(b).*

*Senate amendment read as follows:*

Delete the words "with the approval of the Public Service Commission" and substitute " or the service of any statutory board or statutory authority with the approval at the appropriate Service Commission".

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

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*Question proposed.*

*Question put and agreed to.*

*Clause 14(3)(c).*

*Senate amendment read as follows:*

Delete from the words "as are agreed" to the end and substitute "as prescribed in the Second Schedule to the Voluntary Termination of Employment Act, 1989"

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 15(1).*

*Senate amendment read as follows:*

Add immediately after the words "preserved to them" the words "and shall continue to accrue until the establishment of a pension scheme under subsection (2)".

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

*Clause 15.*

*Senate amendment read as follows:*

Insert after subclause (2), the following new subclauses:

- "(3) Where an employee of the Corporation dies or retires on or after the date of the coming into force of this Act and before the establishment at the pension scheme, the Corporation shall be responsible for payment of superannuation or death benefits accruing to that employee.
- (4) The basis for the accrual and payment of superannuation or death benefits shall be the same as that which was applicable to the employee while he was in the employment of the Agency".

**Dr. Samaroo:** Mr. Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

**2.10 p.m.**

#### **CHILDREN (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Social Development and Family Services (Dr. The Hon. Emanuel Hosein):** Mr. Speaker, the bill before us is an amendment to the Children Act, Chap. 46:01. If I could briefly summarize the intent of the bill, it purports to provide a legal framework for the ready dealing of children at risk in circumstances not presently catered for in the Act by, *inter alia*, providing the court with the power to make a new Order known as a Care Order. Over the past two decades or so, there has been no shortage of lobbies on behalf of children at risk, nor for that matter, of studies and recommendations on their behalf. In 1987, the Cabinet appointed a committee to examine the entire delivery of family services in Trinidad and Tobago and to make recommendations for the integrated delivery of services in the most cost-effective manner, paying special attention to women and children, who are the victims of domestic violence and, of course, including child abuse and neglect.

The Cabinet of Trinidad and Tobago has so far had the benefit of two comprehensive reports on this subject, that is, the Child Abuse Report of 1987/88 and the Report on the Delivery of Family Services in Trinidad and Tobago, of 1987. More recently, a Cabinet-appointed committee has recently examined in further depth, issues relating to the care of children in special need and publication of their recommendations is imminent. Indeed the report is now before Cabinet and receiving its attention. The Children (Amdt.) Bill before us, reflects Government's commitment to bringing its laws and administrative procedures in line with its policy to give the highest priority to safeguarding the rights of children. This, of course, is in harmony with the United Nation's Convention on the Rights of the Child to which Trinidad and Tobago became a signatory in 1990.

In March of 1990, Cabinet created the National Family Services Co-ordinating Council consisting of a multi-disciplinary, inter-ministerial and non-governmental

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organization committee with, *inter alia*, the following terms of reference. I want to emphasize them at this point in time, Mr. Speaker—

"(a) to identify the gaps in existing legislation in order to adequately provide for the care, protection and welfare of children;

(b) to particularly address the needs of abused, neglected and abandoned children and battered persons;

(c) to establish, in conjunction with governmental and voluntary organizations, mechanisms for co-ordinating, integrating and developing at national and community levels, the provision of services responsive to the needs of abused children and battered persons; and

(d) to develop an ongoing national and community programme of public education in parenting skills and child-care.

The statement of philosophy of the Council recognizes that responsibility for the prevention and management of child abuse in the wide meaning of that phrase, is a national one and commitment to the sharing of this responsibility must be evident at all levels: political, professional, voluntary, community and, indeed, individual levels.

The bill before us, Mr. Speaker, is further evidence of Government's increasing role in the co-ordination of social services, in particular, with respect to children, for it will provide a more focussed legal approach, not only for Government, but for non-governmental organizations, when faced with the reality of a child at risk needing their help.

The bill purports to do two things. Firstly, to extend the operation of the Act to children at risk in circumstances which, at present, fall outside the Act, and secondly, to clarify procedures in relation to getting a clear order for children.

The Children Act is an inheritance of the United Kingdom and has hardly been altered since 1925. I emphasize that at this stage because there are some who are saying that their party, which was in power for thirty years, was a caring party and had been a caring government, and they talk so much about children. But this Act that we are amending today, in 1991, has not really been altered since 1925, but it purports to deal with children once they or their guardians—and I use the term "guardian" a little loosely, Mr. Speaker—attract the attention of the state. This Act is not invoked unless a child's situation has deteriorated to the point that it attracts

the attention of the State. It is imperative to place this amendment in the context of the Act in order to appreciate how the amendment is intended to work.

Part I of the Children Act identifies certain behaviour that the state finds unacceptable in relation to children. Thus it says it is a crime to wilfully assault, ill-treat, neglect, *etc.*, a child, in a manner likely to cause unnecessary suffering to this child or to his health, both physical and mental. In Part I of the Act where an offence so described has been, or there is reason to believe, has been committed, against a child or young person, a constable or any person authorized by a magistrate may take that child to a place of safety. This is provided for in section 11, and means any police station, hospital, surgery or any other suitable place, the occupier of which is willing, temporarily, to receive a child or young person. This includes, for example, Mr. Speaker, if I could mention two NGOs at this stage, the Halfway House or the Emmanuel Cradle, just to mention a few. The child remains at that place of safety or can be the subject of an order relating to the care and detention of that child, until a charge against the person committing the offence has been determined, or a reasonable time has elapsed for a charge to be made. Once the offender has been convicted, committed or bound over, the court may then and only then, order that the child may be removed from that person's custody and committed to the care of a relative or some other fit person named by the Court. This is provided for in section 12, Mr. Speaker. These orders have become known colloquially as "Fit Person Orders".

A limitation to this Order is that it cannot be made if the child or young person has a parent or guardian who has not been convicted or tried for the offence, even if that parent or guardian is clearly incompetent or unfit to be a parent. At present, a "fit person" is defined to include, and I quote: "any society or body-corporate established for the reception or protection of poor children or the prevention of cruelty to children". Members will note that clause 7 of the bill before us, amends the original Act to remove any possible legal doubt that NGOs who in fact are receiving children as "fit persons" may do so, notwithstanding that they were originally not established for the reception or protection of poor children or the prevention of cruelty to children. Once this bill is passed, the only criterion for bodies such as NGOs to be acknowledged as a "fit person" is that the Minister would need to recognize such an institution established for the reception of children and young persons, to whom the Act applies.

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**2.20 p.m.**

The Children Act also at present, in section 15, authorizes the magistrate to issue to a constable, a search or removal warrant to take that child to a place of safety until he can be brought before a magistrate. And the magistrate may then commit the child to the care of a fit person. This section provides for the making of an order made under section 11 or 12, in that it is not dependent on action being taken against the offender nor is it by nature a temporary order. Mr. Speaker, I want to repeat that at this stage. That is, the amendment will provide for the making of an order which is different from the orders that are now provided for in the existing legislation in that, it is not dependent on action being taken against the offender nor is it by nature a temporary order. It is, however, clearly an order made as a consequence of a warrant to search for a child or to remove a child to a place of safety.

Mr. Speaker, the amendment purports to introduce in proposed section 12 (a) in Part I of the Act, a new order to be known as “Care Order”, a clear order which can do all those things already done by sections 11, 12, and 15, and more. A Care Order may be made as an ancillary to any proceedings before the High Court or Magistrates’ Courts. Thus, if it transpires that during the course of a matrimonial matter, for example, that a child has suffered harm, is suffering harm, or, is likely to suffer such harm, the issue can be dealt with immediately by the court in ancillary proceedings rather than delay the matter by having it heard independently, especially, when the circumstances are such that it is clear that the issue of the child's welfare warrants urgent attention. The provision before us, therefore, in proposed clause 12(a) is worded somewhat differently from other sections, in Part I, relating to such orders, for example, existing sections 11, 12 and 15. This is intentionally so, Mr. Speaker. The making of the Care Order is not dependent on an offence under the Act having been committed. It teases out therefore, the notion already present in sections 3 and 15, that present or future harm is sufficient to attract the courts' attention. It also identifies that proceedings for a Care Order can be brought on a complaint on oath, not only by a person who the magistrate opines is acting in the interest of a child—and this is catered for in section 15—but, also a public officer so authorised by the Minister in writing. Such an officer must be an experienced or qualified person in social welfare. This, therefore, would allow the Minister to authorize social workers or other suitably qualified officers to so be able to apply before the court.



The proposed Care Order will operate as follows: A child could be placed in a place of safety and the magistrate, rather than waiting for charges to be laid against a parent, could make a Care Order, placing the child immediately in the custody of the parent, subject to supervision or a relative or other fit person. Mr. Speaker—and I wish to draw this to the attention of hon. Members—this should relieve the pressure on institutions which are already overcrowded or are indeed unsuitable for the holding of children who are not emergency cases. Also, if for example, a child has been taken to a non-governmental organization, that body could immediately contact the social worker who could get a Care Order for the child to stay with that NGO. If the NGO finds alternative accommodation with a family, the order can be readily varied so that the person or organization could, through the person authorized by the Minister, get the child placed with that family by a simple variation of the order.

When making a Care Order, the court must follow the test of the child's welfare being the paramount consideration, Mr. Speaker, This aspect of it is an innovation in terminology in the context of the Children Act. Welfare, you will note, is not defined in the amendment. However, there is jurisprudence on the meaning of that word, and the House may be interested to note that the welfare test is similar to that found in the Children Act, 1989 in the UK. This provision, Mr. Speaker, is unequivocal in specifying that the responsibility of the court is to the child and the fundamental question to be asked before a Care Order can be made, is what such an Order will do to improve the child's overall welfare. Proposed section 12(a) specifies the criteria the court is to take into account when making a Care Order. These are, that a child or young person (a) has suffered, or is suffering harm, so as to cause serious concern for the welfare of that child or young person, or (b) is likely to suffer such harm. The harm, however, has to be such as to cause the court to have serious concern for the welfare of the child. The House will note that "harm" has been defined to include impairment of physical or mental health, or development. This concept is not an innovation, but merely reinforces that care is not only confined to physical needs, but also to mental needs, as indeed section 3 of the Children Act already adverts.

Members' attention is also drawn to the proposed section 12(1)(a) where the court may order that the child may remain in the custody of the parents subject to supervision by a named person or authority. In this regard, although the amendment widens the circumstances in which the state can intervene, it also reflects an assumption that bringing up children is the responsibility of their parents, and that the state's principal role is to help rather than to interfere. This

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philosophy is not apparent in the existing orders under the existing Act that we are now amending.

The provision also entrenches into the Care Order, provision for a monitoring, which is not specified in other orders in the Act. In this regard, it reflects an underlying holistic approach, rather than a strictly legal approach, to the care of children at risk. The Care Order will also apply to young persons up to the age of 18 years. This, of course, is in conformity with the UN. Convention on the Rights of the Child. Other existing sections of the Act do make reference to 16 years. There is sufficient evidence of the horrors which attend children in difficult circumstances in Trinidad and Tobago.

I think it would be useful to remind hon. Members of instances that take place right here in this county which, had this amendment been in place at the time these incidents took place, would have permitted for a rectification of the situation before they became the tragedies that they eventually became.

Mr. Speaker, in 1987 the lobby by social workers and medical and legal personnel which I had referred to, was motivated by the dramatic suicide of a schoolgirl who was the victim of incest, and whose elder sister had already had two children by their father. I am reliably informed that the victim was reluctant to leave home as she feared that her younger sister would in turn be victimised in similar fashion. One social worker in my ministry, in analysing her case-load, which comprised 53 individuals between the ages of one to 18 years—and this being for a period of January to June, 1991—concludes as follows, and I wish to bring these facts to the attention of the House:

- (1) That abuse of more than one child occurred in most of the families reviewed;
- (2) That most survivors claimed that the abuse started at about six years of age;
- (3) That although all cases were reported to the police, only four of them reached the court;

This is of 53 individuals.

- (4) In those cases where an adolescent male was found to be an abuser in the home, he had patterned his behaviour after his father, hence there were instances where both father and brother were sexually abusing young girls.

- (5) In some cases, both male and female members of the household had been sexually abused;
- (6) Generational abuse was evident and some survivors could therefore not be rescued by grandparents who have themselves been part of a pattern of abuse.

**2.30 p.m.**

This amendment is an attempt to avoid such situations from coming into being and to avert some of the horrors to which children of this nation are subject. *[Interruption]* I will deal with the Member for Couva South on the question of social workers if he cares to make the point during his contribution.

The point I am trying to make at this stage—if I may be protected from the Member for Couva South; he is my good friend—is that the existing law and the existing provisions, did not provide for intervention. An example, is the case of the young girl who committed suicide because the court would have been unable to intervene to protect her younger sister, whom she was concerned about, and she did not remove herself from her risk of abuse because of her concern for her younger sister.

Under this amendment, if accepted by the House, it would allow a social worker to intervene on behalf of, not only that young lady who became the victim of the circumstance I am referring to, but indeed the younger sister.

**Mr. Ramnath:** Would the Minister indicate to this House how many social workers there are in the country and the number of persons per social worker?

**Dr. Hosein:** Mr. Speaker, I will get the full figures for the hon. Member. I do not have it off the top of my head. I do not want to go into responding to an interruption to tell the House what this Government has done to increase the number of social workers, including giving 12 scholarships per year when the former Government gave, to the best of my knowledge, none, zero. Trinidadians who wanted to do social work had to go to Jamaica. It is this Government that not only ensured that there was a course established here at St. Augustine, but provided 12 scholarships per year, including giving an opportunity for NGOs to nominate persons for scholarships. That former caring Government did none of those things and if, today, we do not have social workers—and I am sure the Member for Couva South will join with me in saying this—it is the fault of our

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former regime. But I could respond in detail with figures in my winding up. I will get it in the interim.

The point I was making when I was interrupted by the Member for Couva South is, that the instances I have referred to, the cases I have adverted to, are instances which required early intervention which is not provided for in the existing law, and which will now be provided for if the House accepts these amendments.

Hon. Members will note as well in clause 3 of the bill, that section 2 of the Act is to be amended so as to prescribe that reference to the Minister in the Act means the Minister for Social Development and Family Services. The responsibility, therefore, for industrial schools and orphanages will now lie with the Minister of Social Development and Family Services. Members are assured that the bill before us has not been conceived in a vacuum. Cabinet has already approved the administrative support structure which is a necessary adjunct to this bill. I have already made mention of the National Family Services Co-ordinating Council with its specific terms of reference and its co-ordinating role.

In March, 1990, a new division, National Family Services, was created in my ministry and a director and a secretary were appointed. Cabinet has agreed to the creation of 27 posts in this division and the provision of \$1 million in the budget to support the hiring of staff to man this division. Only this week, Cabinet approved administrative arrangements to urgently and immediately acquire the necessary qualified staff.

Members should note that the practical aspect of the provision of social services to the community in Trinidad and Tobago is largely borne by the NGOs. The state, in recognition of the valuable community service provided by these bodies, provides funds as far as it can, with the competing priorities of Government. In addition, Government has assumed a more dynamic role by putting in place mechanisms for co-ordinating these bodies and facilitating communication between them. Members are further advised that this bill is indeed a precursor and part of a comprehensive package of legislation to do with all issues relating to the welfare of children.

I now wish to commend this bill to the House and seek the support of all hon. Members.

*Question proposed.*

**Mr. Basdeo Panday** (*Couva North*): Mr. Speaker, Dr. Margaret Lynch, speaking to the Caribbean regional conference on Child Abuse and Neglect in 1989 said:

"Maltreatment within the family is difficult to discover. It takes place in the secrecy of the home. We will never know the true incidence and I will beg you not to be caught up in the numbers game.

We know that a lot of children are being abused and neglected. That is enough to start our social treatment, programmes and to look for ways of intervention."

The intervention being sought by the Government in this Act is to introduce a piece of legislation which permits officers to take a child who is being abused, even though the parents have not being convicted and so forth, to a place of safety.

I think we must be careful that in introducing this piece of legislation and allowing that kind of activity to take place, that we do not aggravate the incidence of abuse and that we do not move the child from the frying pan into the fire. I say this because this piece of legislation is being introduced against a background that has totally ignored the objective situation in the country. It totally ignores the Government's lack of attention that has been paid to places of safety for the children. The key words in this piece of legislation are "places of safety." When a child is being abused, the child may be taken by some officer to a place of safety. I ask the hon. Minister: Could he define such a place for me in Trinidad and Tobago today? What has the Government done to provide places of safety for children? Because the Act provides that the social welfare officers, persons approved by the Minister of Social Development—I think that is the Minister now; he has found his rightful place; he was certainly a poor Minister of Health—and persons who are deemed by the magistrate to have an interest in the child, can remove the child from the environment of abuse to a place of safety.

I believe that later on in the legislation it says that "the relevant officers may detain the child in that place of safety until the child can be brought before the magistrate." It is worthy of note in this Act that the period of detention of the child or young person in that place of safety is not defined or predetermined or fixed. The point I making is that they may remove the child from what is an environment of abuse and take the child to what is undefined as a place of safety and keep the child there from a few days to a few months, because the period is not defined. I think that is the first thing about this legislation that we should look at.

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Now "a place of safety" is defined as a police station. I do not know if anyone in their right minds in this country would regard our police stations as they are in their present condition, to be a place of safety even for the policeman, far less the child. The police station is not even a place of safety for the policeman. One has only to look at the Freeport Police Station, Couva Police Station and every other police station in the country where police officers are made to live and work under the most atrocious conditions.

**2.40 p.m.**

They play around, you know. They play football with the protective services in this country. Everything now is political. Nobody will face the facts and tell the country as it is, with regards to the service, allowing rumours to spread like wildfire. The Prime Minister is playing politics with the protective services. They have to face the facts of the protective services fair and square, and let the country know that they are treating the officers who are supposed to keep law and order in this country worse than pigs, that they must work under the most terrible conditions. Maybe they can take that; maybe those officers can stand that. What I object to is that they are now exposing the children to it, because they are defining a place of safety. The Member did not define a place of safety in the bill, so that Act remains. You have not re-defined that section, that is the point I am making. It is an Act of 1928. He is amending a law here and he says, what am I telling him about, this was there since 1928. I know that, but is he not amending the Act? Why does he not define a place of safety? Why leave it in the legislation as a police station? That is my point—a police station or any hospital. It is said in Trinidad and Tobago that if you want to die, you go to one of the general hospitals, whether it is San Fernando or Port-of-Spain.

I had the misfortune of visiting a friend at the San Fernando Hospital about a week ago, and I saw people lying down in the corridor of that hospital. If adults are lying down in the corridors of the San Fernando General Hospital, you are saying that that is still defined as a place of safety for children? That was since 1928? You see, this exposes the hypocrisy of this Government with respect to social legislation. It really is reacting only to the other party that has been in power—they are talking about a people's government. They are falling for that crap.

The former Government, having been in power for 30 years, did nothing to look after children. They are now jumping up and beating their chests, "we were a caring government". This Government reacts to that by producing legislation

without looking at any of the objective situations with respect to children. That is the reaction. This reaction on legislation, comes on paper, in which you continue to define a police station and the hospital. Which one? Is it the Couva hospital? Has he ever seen that one? Has the Minister of Health ever visited the Couva hospital.

**Dr. Tewarie:** Yes, he did.

**Mr. Panday:** If the Minister had gone there, is he not totally ashamed of the performance of this Government with respect to the hospitals in Trinidad and Tobago? It seems to me that if we continue to speak about a place of safety, a place of safety has to have a better definition than what it has had in the past. A place of safety, as I say, Mr. Speaker, they define as a hospital, surgery or any other suitable place, the occupier of which is willing temporarily to receive an infant, a child, or young person. That is the place where that child may be kept without any legal limit—as least as far as the Act is concerned.

Mr. Speaker, I believe that unless this Government can truthfully provide “places of safety” and say what they mean by “places of safety” now that they are introducing legislation, and they have but a few months to live—politically that is—what do they expect to become of this Act? As far as we know all the places defined as places of safety are unsuitable, overcrowded and unresponsive to the needs of children. Even the homes—the Minister had the audacity to speak of the NGOs to which this Government gives very little support. I thought he spoke about two other homes—half-way house.

We must congratulate these social organizations that are indeed struggling, with the best will in the world, to provide social services for this country, while we have a cost-overrun on a Tobago deep-water harbour of 100 per cent. We have a cost-overrun of \$50 million. They must tell us how much they provide to the NGOs to help them to deal with people who need the services of half-way houses, children and adults alike.

How much have you spent on electioneering in LIPD? When junior and senior Ministers are running around handing out money, I want to know where they are getting this money from, under what law. I tell you, some of these Ministers are going to land up in jail after this election, because they are going to have to account for how they spend money. If they spend it unlawfully, they may land up in jail. What is the authority for a Minister to be running around, handing out money now that it is an election year? We are talking about children, you know;

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this is the year of children. We are talking about half-way houses, abuse of children and so forth.

**Dr. Hosein:** Can I ask the—

**Mr. Panday:** No, you cannot.

**Dr. Hosein:**—whether—

**Mr. Panday:** Are you on a point of order?

**Dr. Hosein:** On a point of order, Mr. Speaker. I object to the broad statement that there are Ministers who are doing things that are illegal. At least, let the Member identify if there are any such Ministers in the House, so that you can rule on the matter. I want to say that I am not one, and I do not know any who are. If the Member knows, and they are Members of this House, please let him say. He cannot say that against every Minister who is in this House.

**Mr. Panday:** Mr. Speaker, the point I am making is, because of the government's neglect—the past government has neglected our children and it has paid a tremendous political price. That political price is, the country has voted it out of office. I am sure that they have not served their period in purgatory long enough. They are not going to be returned. The population knows that they must be punished a little more. We are not going to deal with them today. The population has dealt with them, and they will stay in purgatory for some time until they purge themselves of their sins. *[Interruption]* Let us leave them alone and deal with this Government. They have been there for five years, the Member brings a piece of legislation at the end of it, and cannot define and cannot point out to me of a single place that can be defined as a place of safety, but he brings a piece of legislation. Would it not have been nicer if he had defined one place of safety where children can really be safe?

By his failure to provide these places of safety, by his failure to assist genuinely in the social organizations: the Half-way House and the Emmanuel Cradle, and the other funeral home and so on—if he had provided moneys, assistance for them, those homes may have become places of safety. But he has not done that. Therefore, the social services in this area that have developed over the years, have developed on voluntary services. It is a known fact that they have been quite inadequate, not because of the fault of the operators, but because they lack the necessary support from the state. They have been quite unresponsive to the needs



that have been identified; as children who have come out of quite dysfunctional families.

Mr. Speaker, as a matter of fact, in 1982, there was a report on the status of children's homes in Trinidad and Tobago. I wonder if the Minister has ever seen or heard of that report. I do not think he has, because the fact that he can come to this Parliament and tell the Parliament that he does not even know the statistics of how many social officers they have [*Interruption*] I thought that is what the hon. Member for Couva South had asked you and you said that you would have to find out.

**2.50 p.m.**

The Minister comes to the House and does not know how many social officers there are for the one million population of Trinidad and Tobago. He has come here without those statistics? Obviously he does not know them. To come here without them indicates his contempt for people, and it shows his hypocrisy when he comes to deal with legislation pertaining to children, otherwise he would have had all this at his hand. He would have known how many officers there are; how many officers per thousand of the population. He should have had all of this in the palm of his hand, after all, he was the Minister of Health. He was demoted to the present ministry and it seems as though he is doing an equally bad job there.

Let me bring to your attention what was said in 1982 on a report on the Status of Children in Trinidad and Tobago:

"...generally the problems identified at these homes can be listed as follows:..."

May I ask the hon Minister: Have you seen that report? Has the hon. Minister seen that report? Obviously, he has not seen that report. That is the point I am making. He cannot say he did, because he knows I would ask him what was in that report.

So, he comes here to deal with children and talk about places of safety, and that some of the places of safety are going to be these children's homes. In fact, most of these are going to be the children's homes. It is not going to be the police station. Policemen are more intelligent than that. If they carry children to the police station, it is only to protect them for a very, very short period indeed, and try to find the parents or something. They are not going to land up in hospitals. The place they are only going to land up is, in children's homes. The hon. Minister has not even read the report on the status of children's homes that was done since 1982. That is terrible!

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Have you read it? I asked you the question. Have you read it?

**Dr. Hosein:** Mr. Speaker, please, I am objecting

**Mr. Panday:** He is objecting? Is it on a point of order? He is objecting but it is not a point of order. Mr. Speaker, if I were in his position I would object to my saying so too. He would prefer that I do not. [*Crosstalk*]

He is quite right to object. If I were in his position, I would do the same thing, I would object to myself speaking at all. But that is not the point.

Let me tell you what this report said:

"It has been found that the majority of children in the institutions are not orphans. They are the victims of broken down family systems due to mental illness; deserting parents; poverty and abuses."

I think that is extremely significant. No wonder the Minister is avoiding reading this report. Because you see, he and his Government have inflicted a kind of poverty on this society that it has never seen for a very long time. The reports that are coming out from various organizations are that destitution envelops some 18 per cent of the population. That is the result of that caring Government on that side.

It started with the caring government on this side and ended up—  
[*Interruption*]

Oh yes, now they are saying that they were not a caring government. I am very happy to hear that. Open confession is good for the soul, I am told.

[*Laughter*]

Now they are confessing that they never said that they were caring. I am happy to hear that.

I am talking about the report of Dr. Henry. I am talking about the updated report, where you have inflicted poverty upon this society to the extent where some 18 per cent of the population is living below the poverty line.

The first thing that is said here, that children who come out of broken homes, one of the causes would be poverty. Do you not think we should take a little preventive measure and instead of waiting until they are abused and so on, and looking for places for them, that we ought to try to make their homes such that they are not broken up because of poverty and you do not have to rely on

legislation like this to the extent that we seem to rely upon it, but rather that we deal with the causes: broken family homes, mental illnesses, deserting parents, poverty and abuses. Secondly, this report says:

"There seems to be a tendency for the graduates of the children homes to produce children who in the absence of family support often need to be taken into care, thus repeating the vicious cycle of the deprived children growing up in institutions."

The Minister referred to that, that some child of the home who was abusing other children, had taken the pattern from an adult in that home, who was engaging in similar abuse.

Can you not see what happens when you feel that you are going to rely on legislation in order to cure the problems, when even the homes that you have, the places of safety—because these can only be the places of safety that we are referring to in this legislation—are the breeding grounds for potential child abusers? It seems to go around in a vicious circle. How many children's homes has this Government built, attempted to build, or thought of building in the five years that it has been there? As far as I am aware, none.

I want to tell you, the poverty that now engulfs people—I agree that the present Government did not start it, it was the last government, those who sit behind me, who developed what is called the “dependency syndrome”, Special Works; who handed out to people and did not give them an opportunity to be self-respecting and self-sustaining so that when the bottom drops out of the oil boom and there is no money—

There are people in Laventille today—I want to tell you that—who do not have milk to give their children when morning comes.

**Hon. Member:** How do you know that?

**Mr. Panday:** Because I was there two nights ago, in John John—two nights ago—speaking to the people. They think Laventille is theirs. Little do they know. I was in John John two nights ago speaking to the people. I want to know if my friend behind me is saying that the people of John John and the people of Laventille, as other people in the country, do not have food to give their children when morning time comes. Let them say that. *[Interruption]*

She said, it is bad as in Couva North. Well at least she says it is bad. That is exactly what I am saying. That government created that dependency syndrome and

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they have people—I have always said the PNM have re-enslaved people in this country. The chains were taken off them physically but they re-enslaved them by creating a psychology of dependency exactly as slavery did. The PNM Government created the psychological change.

**Mr. Ramnath:** Valley, you are going to lose the next election, boy.

**Mr. Panday:** I can only tell you, my friend, the election before in 1981, the election poll said a certain party was way ahead. After the elections, they got no seat. In the last election, there was a certain party that got 180,000 votes; they got only three seats. So you worry with polls. You keep worrying about polls.

**3.00 p.m.**

This report which the Minister refuses to read or has failed and or neglected to read, says that “the atmosphere which exists in some of the homes is insensitive to the special needs of these children. This in turn negatively affects the emotional, intellectual and social development of the children placed in care.” So that when children are taken under this Act—I am going to support the legislation. I am not against legislation or anything that seeks to improve the welfare of children. They need support, but they must point out the shortcomings and not allow the population to be lulled into any false sense of security that something significant is being done for their welfare. That is the object of my contribution today. Let them know when there is electioneering. Let them know the truth.

The places of safety have been defined and described as places that negatively impact upon children. That is the thrust of my argument that you are taking children out of an atmosphere of abuse and you are going to take them to "what is a place of safety" you might be taking them from the frying pan and throwing them into the fire. You must be careful.

This report also went on to say “there is evidence of learning disabilities and some retardation of language skills among those children at the children's home.” I want to re-emphasize that the findings indicated these were not basically children who were orphans or their parents had died. These were children of broken homes. If you take these children and put them into an atmosphere where there is already learning disability, you might not be doing them a favour at all.

The report went on to say further that “there exists a high level of behaviour disorders which result in children going from one institution to another throughout their young lives. There is the absence of an ongoing relationship between

parents and guardians and children in their care. Further staff to bridge this gap is either inadequate or non-existent.” Where is the Minister? Where is the Minister? Oh, he is there! Oh yes, he is consulting. I will give him a little chance to consult. He is consulting with his superior. This is the point we are making. You do not have the statistics. I am giving you the statistics. They are non-existent or inadequate.

There is need for greater involvement and participation of institutional children in the activities of the wider community.” This is a point I want to stress. There is a lack of rehabilitative programmes for preparing these children with the life skills necessary for re-entry to the community. Having regard to the homes which exist at the moment for children, I want to ask the Minister if he is satisfied with the rehabilitative programmes which are there for preparing these children with the life skills necessary for re-entry to the community. Are they adequate? Will he not agree with me that they are sorely inadequate and sometimes indeed non-existent? It is for that reason that there is the cycle that when you carry these children to “places of safety” as you call them, you carry them from one home to the next, and when they become adults, they repeat what they have learnt in their homes.

It further states that “the environment in the institutions often lack opportunities for stimulating the normal experience of family life”. The majority of staff is ill-equipped, in terms of attitude and training to deal with the special needs of the deprived children in care. That is the question that the hon. Member for Couva South was asking. This is the report and these are the children we are talking about. We want to save them. We want to take them from their mother's homes and put them into other homes and this is what exists in other homes. The hon. Member was certainly correct in asking him what is his information about the equipment of this staff in training to deal with the special cases.

The report, went on to say that, “especially at St. Michael's School for Boys, there exists a hostile attitude between staff and inmates and between staff and management. Such a situation is counter-productive.” I want to ask the former government what they have done from 1982—in case they get up and cry some crocodile tears and wet me on my back—and I want to ask this government what they have done from 1986. That is the home to which magistrates send children.

**Mr. Valley:** The Member will never know what he would have done. He got a chance to see what he could have done, but he came out.

**Mr. Panday:** Thank you, God. God knows what will happen. The “Lord” in the back has said that I shall never know. Thank you “Lord”. He knows the future. He reads it.

I thought this country's finance decayed to an irreparable situation while he was a member in the Ministry of Finance advising the Government.

**Mr. Valley:** Excellent period of service.

**Mr. Panday:** He is proud of it. Sixty billion dollars after which 1.2 million people could not be provided with so basic a necessity as a regular supply of drinking water. He is proud. If he is proud of that, I can see why he is proud of the PNM.

**Mr. Ramnath:** It is \$134 billion and not \$60 billion.

**Mr. Panday:** I stand corrected by my colleague. He is proud. If he is proud he has given me good ammunition when I go back to Laventille to tell them that he is proud of what he has done to them.

The point I am making is, I think the lawyers in this House will know when children commit offences, if they are under the age of 16 years, this is the place to which they are sent. They are sent to the St. Michael's School for Boys, and since 1982 the previous government and this Government since 1986 have known that at the St. Michael's School for Boys there exists a hostile attitude between staff and inmates, and between staff and management, and that such a situation has been counter-productive. As far as I am aware, not a single thing has been done to alleviate the problems there.

This report to which I refer further goes on to say that the institutions are unable to draw effectively on the existing support resources because they are too widely diffused among the various ministries of Government.

### **3.10 p.m.**

“Since 1982, the people who are really concerned and the people who care, have been complaining that the organization to deal with the problems of introducing effective institutions are still widely diffused in the ministries; that they are ineffective.”

As far as I am aware, Mr. Speaker, all we have done is set up a name: a ministry that talks about social services. All they did was change names. What matters to them is form, never substance. It says in this report further, “that the

daily programmes in some of the institutions are unstructured and unrelated to the needs of children.” That is a damning statement to be made in 1982. These are places of safety. I am only on one point in this Act so far where it says that they are going to take children to places of safety. I shall deal with the others a little later.

I am submitting that these can not be any kind of places of safety for any lasting period, not the police stations or the hospitals—not these institutions. The programmes of these institutions are unstructured and unrelated to the needs of children. I want to ask this hon. Minister, whose area of responsibility it is, what he has done to structure the programmes of these institutions to make them more relevant to the needs of the very suffering children over whose emaciated bodies he is now crying crocodile tears. The suffering of these children and their tears will fall upon the hon. Minister. He must know that. Retribution will come. He must not deceive them in this manner. He must not give them some hope that, because what was necessary was there had to be an order against the parent before they could remove the child; he is removing that disability and the problems will come to an end. Nothing could be further from the truth.

It says in this report that “The Trade School at St. Michael's is grossly undersubscribed, that is, for example, three boys attached to one instructor for one year.” Three boys attached to one instructor for one year in an unstructured and unrelated programme, since 1982. The hon. Minister was in charge of that ministry at one time. The Member for Laventille was in charge of that institution at one time. In her long and undistinguished career, she had presided over that ministry, among others, and look what she has left us—a legacy. History will write this about her. That is the new PNM, I understand. God help the old one.

**Mrs. Donawa-McDavidson:** Mr. Speaker, on a point of order. I would love to educate the Member for Couva North, poor fellow. At least, he should get his facts straight if he is going to make reference. I shall deal with him when I am speaking.

**Mr. Panday:** I am so grateful to the dear lady. I really thought that at one time she was in charge of community development, social welfare. If I am wrong, I ask her forgiveness. If she was in charge of those areas, then she is guilty for having left our children a legacy that history will condemn her for. I wonder whether that legacy belongs to the old PNM or the new PNM. That was the point I was making. What is this? Is the new PNM any different from the old one? Does this Member belong to the old PNM or the new one? I do not know. All I

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can say is—*[Interruption]* Mr. Valley is the new PNM? No, no, no. He is the old PNM. He was in the ministry. He is a member of the new PNM who served in the old PNM. I beg your pardon. *[Interruption]* Does the Member wish to get up and make a point. That is the only Member of this House I am prepared to give way to make a point and I do that because I am positive that if he gets up he will put his foot in his mouth.

It says in the report to which I refer that, “there is an absence of training programmes in Trinidad and Tobago to meet the needs of child-care workers in children's homes.” As far as I am aware, we still do not have training programmes for that. The Minister is telling me about eight scholarships. Is that his contribution to his ministry and to the welfare of the children of this country? If since 1982 you have such facts facing you, have a crash programme to train people to look after child-care in the country.

Talking about training, Mr. Speaker, these so-called programmes that they have introduced, trying to give the country and the youth the impression that they are being trained, I think that is a cruel joke; an extremely cruel joke. A gentleman, whom they brought down from London to help them in that training programme, has now left. Before he left he came to my office to say that he could not be a part of the deceit that this Government is perpetrating upon the young people of this country. He says that they are telling them that they are being trained at YTEPP and so on and after four months they let them out and the people feel that they are trained. He says nothing could be further from the truth. That period and the method that is being used in YTEPP is a total act of deceit. The children are not being trained. They are being fooled and deceived and they come out even more frustrated, because now they believe that they are qualified to get jobs and they do not get any. They cannot get jobs because they are not trained. So the gentleman has returned. He was brought down by this Government but he said, “no no I will not be a part of that because we need a more structured programme, a longer programme to really train children.” Make the training worthwhile. Do not to fool them and put it on the statistics that we have trained so many in YTEPP and so many in YESS and so many in “NO” and so many in “MAYBE” and so forth.

What is even worse, not only is there an absence of training programmes to meet the needs of the children in the children's homes, but the comment in this report was that “generally inadequate and insanitary conditions prevail, particularly in the dormitories, toilets and bathrooms.” That is my concern. My concern is that these children are being abused. Yes, we must move them. I am supporting your



bill for that. Yes, they must be taken out of that environment. All I ask is: Are you going to take them out of that environment and put them into an environment where there is a hostile attitude between staff and inmates; where there is no training programme in some places? An environment where there are programmes, which are unstructured; where the dormitories and the toilets and the bathrooms are inadequate and insanitary; where—and I quote from the report again—“very dilapidated physical conditions exist, especially at the St. Michael’s Home for Boys”?

It says here: “One of the major problems of the homes is that children are committed to them for too long a period.” That was the point I was making a little earlier, Mr. Speaker. “Further, they are without any hope of having this process reviewed at some point before the statutory age of discharge, that is 16 or 18 respectively.”

I come to this legislation and I examine it and I ask, as we see from it what is going to happen is, that where officers designated by the Minister are of the view that children are being abused—

**Mr. Speaker:** Your 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.*

**3.20 p.m.**

**Mr. Panday:** As I was saying, Mr. Speaker, the child may be taken to a place of safety. But suppose there is no system of review, that child could get lost without hope. A child goes into an institution and there is no mechanism for review because, really, it does not prescribe within what time that child must be brought before the magistrate.

I want to say that we have tried to do some work to find out really, the extent of abuse which this Act seems to encompass. In the Chief Probation Officer’s Report—I thought that this is what the Minister would have been coming to this House and saying that these are the facts and these are the statistics, and therefore this is how we intend to deal with the problem. But then, if he had them and he did not read them, then he must treat this House with great contempt. But that seems

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to be a style of the former regime, and this one. Of course they came out of the same womb so that is to be expected.

The Chief Probation Officer's Report of 1986 speaks of about 208 cases of abused children, 47 physically abused and 61 were sexually abused. The child psychiatrist and child guidance unit reports that for the period January, 1986 to April, 1987, there were 32 cases of abuse and the range of sexual abuse seems to take place between the ages of 3 and 17, whereas the cases of neglect seem to take place between the ages of three and 15. According to police statistics for 1968, there were 190 cases of abuses, 46 were physically abused, 38 were sexually abused, 83 were the victims of neglect, 20 had been abandoned and 8 had been emotionally abused. The medical social workers of San Fernando's report for 1985 to 1986, speaks of 34 cases of abuse.

So that this is indeed an extremely serious problem. I think that this Government ought to treat this problem with greater urgency than they seem to do, by the mere introduction of this legislation. I would like the hon. Member to indicate to this House what improvements have been made from 1982 to date with respect to the problems identified in these homes, which he knows, or if he were a responsible Minister, ought reasonably to have known. I want to point out that in Barbados they have introduced a Child Care Board in which they have sought to set up a specialist institution for dealing with the problems that face our children. I noticed that you have not thought of that or considered that matter. As a matter of fact, I would have thought that something in that nature would have dealt with the problems that were raised in this report, that I have just read to you, where the services of the state are so unstructured, that you cannot get the benefit of them. I was talking about the statement that the institutions are unable to draw effectively upon the existing support resources, because they are too widely diffused among the various ministries and Government. If that is the case—I believe that still obtains—then in order to deal with that, the Government of Barbados had introduced this Child Care Board which seems to pull together all the resources so that they can be effectively used.

So I make that suggestion and ask whether the Government has considered that. If they have, is there an objection to introducing some kind of institution such as that in order to deal with the problems mentioned in the report. But there is another thing that has bothered me, and that is, it has been drawn to my attention that the United Nations, in 1989, adopted the Convention on the Rights of the Child, unanimously, by its General Assembly in 1989. Would the hon. Minister be so kind

as to tell me if his caring Government has ratified this UN Convention? Because you see, I think that the Government of Trinidad and Tobago subscribed to that Convention, when it was passed at the General Assembly of the United Nations. You see, if they have not, then this is further evidence of their hypocrisy where in the UN, *bravé danger*, they stand up and make great speeches about the children and the abuse of children, as indeed they have done in this hallowed House today. But when it comes to taking the serious action, the rhetoric stops, there is a great difference between rhetoric and reality as far as this Government is concerned.

I note that they have done the same thing, with an enormous number of conventions of the ILO that have been passed by the UN which this Government will not ratify or introduce into legislation in its own Parliament. There have been several on human rights—I think this is the worst to record. I will not speak about the former regime. I will not speak about the old PNM. Their human rights record is to beat up workers when they protest, tear gas them, and so on. That is their right.

With respect to human rights, not only child abuse, this Government has been sadly lacking in ratification of UN resolution with respect to human rights. Children are human, are they not? If children are human, why are you so reluctant, not only to ratify them but as far as the implications of ratification, I thought that you would come to this House and introduce legislation so that they could become part of the national legislation. That is how I understand the UN resolutions when we support them.

So that there exists this convention on the rights of the child to which this Government subscribed, and which was unanimously adopted by the General Assembly of the United Nations, in 1989. I should be grateful if the hon. Minister would state, if this has been ratified by the Government of Trinidad and Tobago, what steps have been taken to introduce the provisions contained therein into enforceable legislation of the laws of Trinidad and Tobago.

[MR. DEPUTY SPEAKER *in the Chair*]

**3.30 p.m.**

**Mrs. Muriel Donawa-McDavidson** (*Laventille*): Mr. Deputy Speaker, I understand the concern of the Government and the Member for Tunapuna, in particular, for bringing this piece of legislation to Parliament. However, in looking at the bill, I want to ask the Minister to look again at the objectives, how they set out to achieve the objectives. He has indicated to us that some of the things that they looked at were: the examination of Family Services, the amount of child abuse

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that takes place in the country; the delivery of services, *etc.*, the issues relating to child-care and I think he also made reference—if I understood him correctly—to the United Nations Convention on the rights of the child. Did I hear you? *[Interruption]* He did not make such comments.

The Member for Couva North did make a point—I believe it is the only real point he made—when he spoke about the fact that we must be extremely careful in the way we take the children away from their parents and place them into areas of care. I am sincerely asking the Minister to re-examine the method he is using to bring this about. First of all, let me clear the air. The hon. Minister, in his presentation, did say that the Children Act has not been amended or improved or anything done to it since 1925. I have here, before me, in the Laws of Trinidad and Tobago that the Children Act has been amended: No. 20 of 1936, 14 of 1939, 24 of 1946, 44 of 1946, 6 of 1953, 40 of 1961, 16 of 1962, 136 of 1976, 20 of 1979 and 45 of 1979. So I suppose in his response the Minister would explain to me what he really meant when he says there has been no improvement and no amendment to the Act. I cannot waste too much time and energy in going down our records. It is the same thing that you hear every single time, what was not done. I am going to concern myself with what ought to be done at the present time.

The situation that he raised is really very alarming. It seems to me that in many cases of child abuse, it is the menfolk of this country—whether it is father, uncle, cousin, whoever it is. I am repeating that the time has come for the women to organize themselves and to take a stand in Trinidad and Tobago; to come forward more effectively and aggressively in dealing with all the issues facing them, wherever they find them in this country. Because it is sad. I want to take yet another opportunity to appeal to the women of the country that in the upbringing of their children, to do their best in trying to train the males as they do the females.

I would like also to appeal to the church organizations to see what they can do, to get more men coming to church, participating in the activities of the church. I call on all emancipated men of Trinidad and Tobago to come forward and organize men's groups and organizations just as we have women at all levels in this country making an effort to do something. What annoys me with the women in this country—whether they are in the Chamber of Commerce, or the politics of this country, wherever you find them—is that they are still willing to move aside and park aside in every area of decision-making and to allow the men to continue to rule and create for us more and more confusion, and not only in Trinidad and Tobago, but in the entire world.

It seems to me, therefore, that if we are to address this serious problem of abuse of women and children in our society—I think the Minister did make reference to the question of education and putting services in place and doing a number of necessary things. That is why I say I have my eyes on the women over there, because when they make mistakes, I get very worried. If anything has to be done in this country—with all due respect—it is the women. I am really getting concerned and I am going to do something about it beginning July 27, 1991. On July 27, 1991, I give notice that I am starting in this country a series of symposiums in every nook and corner and I am asking the women of this country to forget the political party to which they belong, and come forward and see what we can do together to balance this nation and to save it.

It is annoying every day in a Parliament to stand up and hear from persons who are supposed to be educated with degrees, with a lot of knowledge, talking the kinds of things that they talk in this country. The time has come to put an end to that sort of matter. It is threat.

Through you, Mr. Deputy Speaker, I am asking the Minister that in whatever programmes his ministry will institute, what is very obvious in the country is that spiritual values must be now number one on the agenda among the entire nation of Trinidad and Tobago. I do not care what your church or religious belief is, the fact remains that number one on the agenda, should be the values of the real things that make us what we are, beautiful people.

**3.40 p.m.**

It is important [*Interruption*] Since 1956 we have been trying to deal with you all and this time we will deal more effectively. In the education of the men, the community organizations in this country will have to co-ordinate their efforts. [*Interruption*] I belong to all. Mr. Speaker, let me clear the air. As far as I am concerned there is one single religion in this world. It is a religion of love. Whether you are Christian, Hindu, Buddhist, whatever you are, the end result is to bring out that value. So, just leave me fiercely alone.

I would also like to suggest that in our television and radio programmes, some special time must be taken to project the higher attributes of home and family life. For those persons who are doing censorship, please take it very seriously and look again at the kinds of programmes that we are exposed to in this country. It is not very nice for the young people and the children to be with guns in their hands.

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There are problems. I do not know if we should close down all the rum shops in Trinidad and Tobago. I do not know what are the other things that we might do.

Sometimes when I pass through St. James I see young girls and boys with beer bottles in their hands. They are children who have passed through an education system to help them to improve their quality of life. There is no person in this universe who could tell me that any amount of money, or lack of money, unemployment, what they have and what they do not have can cause them to behave in that particular manner. I am reminded of a little saying—I am not sure if it is from the Quran or wherever it is—for every difficulty, there is relief. The relief never comes after the difficulty. The relief and the difficulty always come together.

The time has come when all of us must really work to see whether we can really bring genuine relief for the difficulties that many of us have to face in Trinidad and Tobago. It is no point in putting people under, instead of motivating them upward to make them recognize that in spite of the odds they could struggle *[Interruption]* We cannot work together when we have obstructionists like you in the society. When we have obstructionists in the society they make things very, very difficult. We must have a mandate to rule; then we must rule. I do not understand these gentlemen in the front benches.

There is one other point I must clear before I go back to the debate. The hon. Member for Couva North, spent a lot of time and energy making reference to the people of Laventille. I want to put into the records of this Parliament, that the constituency of Laventille, like every other constituency in this country, has men and women of the highest level of education. They are in the police service, in the banks, in the Government service; there are doctors and businessmen. They are in every walk of life; they are parliamentarians. Also, like Goodwood Park, and any other part of Trinidad and Tobago, there are people, because of the lack of, or low consciousness who misbehave.

What makes the big difference in this country is that when something happens in Goodwood Park or Ellerslie Park or any other “Park” in Trinidad and Tobago, it does not take the headline in Trinidad and Tobago. But the slightest event that takes place in Laventille is taken out of proportion. Laventille has the same measure of development and the same measure of poverty as any other part of Trinidad and Tobago. I am asking in this country to discontinue making the people of Laventille feel and believe that they are less than any other citizens of Trinidad and Tobago, moreso the citizens of Couva, Caroni or any other part of Trinidad

and Tobago. There is poverty in Laventille and there is even more poverty in Couva North. Do you understand what I am saying?

For 30 years in Trinidad and Tobago whether you like it or not, this country has made progress in all aspects of life. Reference continues to be made to the DEWD programme. I am certain that persons who are now dealing with the LID programme will understand how much work there is yet to do with the citizens of this country, to make them consciously aware that to work is the best form of worship and to do their duty is what the realization of God within them is all about.

When the PNM Government instituted that programme, it was a social relief programme to give on-the-job training to improve the quality of life in this country. The programme had its successes and failures just as the LID programme has its area of successes and the area of challenges or failures. It is the business of the powers that be now, to carry forward from where we have left off and to do whatever they can to improve that. The gentlemen in the front bench have no right talking at all because they are the ones who profess to have all the knowledge. They were given an opportunity to be part of solving the problem but because of their inert inability to work positively in the area of solution finding, they now find themselves on the opposition benches of this country. They will remain there. And no threat from the Member of Couva South because if he feels that whatever comes out from his mouth will fool people again in Trinidad and Tobago, I think he is making a mistake.

This afternoon, I am saying that the time has come when the Member for Couva South speaks in this House, he must come with suggestions and recommendations as to what should be done and to indicate how he will be prepared to join with me in bringing solutions to the problems of Trinidad and Tobago.

My real concern is that it seems to me to be a very risky thing if you do not prove or have evidence that this particular crime was committed. It is quite possible that people can plan; they can plot; parents themselves may feel that they cannot maintain their children and may want to get rid of them and can create a situation knowing fully that there is no means to prove them guilty or innocent.

Am I getting the point over to you? The point I am trying to get over to you is the section which says that if a child is abused and you take that child away and you put him/her in a foster home it is possible for the child's parent to come and

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take that child. If a child or young person has been abandoned, neglected or ill-treated by his parents and has been placed by social workers, those foster parents have no lawful authority for the care they are providing to that child or young person, as the court under our present law could make no order to put the child or young person in the care of the foster parent as a fit person, unless the parents are committed or convicted for an offence or the child is the subject of a warrant. That is the present law. You are amending it to say that without finding the evidence of being convicted, the child should be allowed to go to that foster home. Is that what you are saying ?

**Dr. Hosein:** It is clear that it must be evidence given on oath. Secondly, it is not a question only of proving abuse but even the belief that harm may result. It goes further because with the present law you have to wait until a child has been harmed and someone has been convicted and even while they are awaiting trial, the child has to remain with that same person.

**3.50 p.m.**

**Mrs. Donawa-McDavidson:** The same point I am making, Mr. Deputy Speaker. That is why I am saying that there is a concern because anything can happen with that concern. Remember that the person is not convicted and one never knows. I am just looking at the society as it is. The very thing that you are trying to avoid, may happen. There may be opportunities to abuse this particular bill. Mr. Deputy Speaker, this is what my main concern would be on this bill. I noted very carefully the proposals which you had put forward and the arrangements by Government to improve immediately the staffing, and so forth, of that particular division. I want to urge also that before the staff is put into that division that there may be some extra training, because to me, a degree alone brings out some of the most foolish people that you can find in this world. It must be the kind of training that will allow the real balanced development, the human—

**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. M. Marshall*]

*Question put and agreed to.*

**Mrs. Donawa-McDavidson:** Mr. Deputy Speaker, I am to ask Government to pay a lot more attention to the work of the people in the social services in this country for which no amount of money can be paid, whether they work in the



social welfare division or the community development division, *etc.*, and to provide all the support, all the services, to continue to develop that particular institution for which there is great need. Above all, I want to urge that greater effort be made to give assistance to the NGOs in this country, but in doing so, I want sincerely to urge that everything be done to further assist the NGOs, particularly in the areas of training, development and expansion.

My colleague here is whispering to me that there are some things that you do not bring political patronage in, particularly the things that pertain to the social welfare services in Trinidad and Tobago. I promise, Mr. Deputy Speaker, that we on this side of the House will definitely give support to this bill. For me, personally, that is up my alley and that is what I will do from now until whenever I pass from this earth, working among the people of Trinidad and Tobago, which provides for me continued education, greater motivation, a lot of life. I sincerely hope now that I have spoken, that some Members in this honourable House will understand that politics and government is very serious business in Trinidad and Tobago. Maybe, the time is very near when they will have to change the whole system of what goes on with government in the whole world.

**Mr. Kelvin Ramnath** (*Couva South*): Mr. Deputy Speaker, I am concerned about a few matters which have been raised in this debate and therefore I am taking this opportunity to spend the next 75 minutes to deal with some inaccuracies coming from some of my colleagues in the back bench. However, Mr. Speaker, I would like to concentrate on certain aspects of the bill before us.

I really had planned not to refer in my debates to the remnants of the PNM and the backward elements in the back bench, but I will simply make some reference to some of the statements made by my hon. friend from Laventille. Before I do that, I would like to share the concern of hon. Members about the high incidence of child abuse in the country. I think we all are agreed upon that. While this legislation is designed to protect these innocent lives, we cannot escape the fact that there are serious problems in the society, particularly with respect to child abuse. I want to join with the Leader of the Opposition in expressing my own concern about the lack of proper facilities in the country to deal with the victims of child abuse, whether it is emotional, physical, sexual or otherwise. I think that as a nation, if we were to concentrate some efforts on the protection of these abused children, we would have done something to the social conscience of this population and the Caribbean region. There must be tangible evidence of our concern for the oppressed and the abused, not merely making statements at international

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conferences and subscribing to international agreements. You do not need a lot of money to do that. What you need is greater co-ordination so that the facilities which we now have in the country, having regard to all the problems the Minister claims that he has in implementing his programmes, could be expanded to make for a better set of facilities for these children. I refer here, to the provision of homes, or the provision of safe places, as has been discussed earlier on.

Where I live in the beautiful constituency of Couva South, in one area there are now five empty government bungalows and by extension, bungalows which were once occupied, now vacant. First-class bungalows, Mr. Deputy Speaker. From the moment the occupants left the bungalows, the vandals took over. Now it is going to cost a fortune to replace the plumbing and certain fixtures. These bungalows could have been used, not only for government offices, if you required such offices, but they could have been used as a place, because they are homes. They have bedrooms, bathrooms, living area, playing area and so forth. They could have been used as a place of safety for children and women and others who are abused, without much expenditure. But one has to have the will and the concern of these people to use the initiatives so as to maximize the use of our resources.

**4.00 p.m.**

Very shortly those bungalows will become totally useless. They are in a state of disuse at the moment. I had raised time and time again, the question of inadequate staffing with respect to the health and social services in the country. Over the years, in this Parliament, I have raised the inadequacy of the present arrangements, whereby a social medical worker is responsible for an entire county. In fact the rule is, they usually have one such medical social officer in charge of an entire county. In the county of Caroni alone there are about 2,000 persons who have been declared persons with mental illnesses. More than 2,000 persons in County Caroni are known to have been suffering from mental illnesses. I am quite sure that if you go to the other counties you might find a higher incidence of illnesses. One social medical worker cannot, in fact, service even one small area because of the increasing problems relating to the breakdown in family life and relating to the incidence of mental illness in those areas.

This is not a problem only associated with the present Government. It is a problem that has been existing for a very long time. If we had taken some of the vast amount of money that was stolen during the construction of the homes at the Couva housing—stolen because of an arrangement between PLIPDECO and the ESTANE Corporation—and put that money in securing adequate staff, we would

have found ourselves in a situation today where we would not have to complain about the lack of trained personnel to handle these very serious social problems which afflict our society. What we are experiencing today is as a result of the criminal acts of the regime that today talks about child abuse and their concern for young people.

I was looking recently at the newspaper and I saw a form of child abuse where they took poor little children and gave them balisiers to raise—somewhere in La Horqueta; exploiting little children, giving them balisiers to raise—like Goebbels and Hitler, placing the children of Germany after they had no more menfolk to send to the front. That, Mr. Deputy Speaker, is a form of child abuse. So when those who were given the power and the authority to do something with the nation's wealth failed to do so, and have been guilty of criminal profligacy, come to the Parliament today to give advice on what should be done, one should look at them twice, and many times, before one should even consider what they have to say.

I want to take serious issue with the Member for Laventille. She sought to give the impression that there are those in this Parliament who are criticizing the people of Laventille by referring to them as poor, and as if it is something she is proud of referring to people as poor—

**Mrs. Donawa-McDavidson:** On a point of order. I would advise the hon. Member, if he wants to quote me, quote me correctly. I made my statement in the context of the kinds of things that were said about Laventille. So quote me correctly.

**Mr. Ramnath:** You see the kind of puerile arguments that are raised?

When the Leader of the Opposition and others refer to the squalor, when they refer to the legacy left by the PNM, the poverty, the squalor, the inhumane conditions in which these people have to live, it is not an attempt by anyone to discredit decent people. In fact, they should be ashamed. They had an opportunity to do something for those people and to improve their conditions. If she wants me to say that in Couva there are poorer people, I am prepared to do so, because there are, in fact, very poor people where I come from. There are very many poor people; there are many people whose children are the victims of child abuse and so forth. That is not to be critical of the people who live here. That is to be critical of those who were in the government for 25 years and 30 years, and who had an opportunity to do something when the country had a great deal of money.

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Where are the homes? Where are the social workers? Where are the wards in the hospitals? I do not want to enter into a debate with respect to the condition of Couva hospital. But we cannot boast as a country, living in the last decade of the 20th Century, that we have the most modern health services, when you take people and you show them the condition of the Couva hospital. They brought plans to this Parliament. Mr. Kamaluddin Mohammed brought a plan to show an industrial hospital that was to be constructed and said, “you better stop attacking the Government; we are going to do something now.” If there is an accident in Point Lisas, have you ever thought about the consequences? Has anyone ever sat down and thought about what can happen? Methanol is carcinogenic. It can cause blindness. Ammonia is dangerous. There can be major industrial accidents at Point Lisas, at the Port, at the Iron and Steel Mill, and so forth.

Side by side with the development of an industrial complex, should have been the development of a medical complex, not only to deal with the pressing problems of the people of the area, but to have a specialized service for burns and for treatment of toxic chemicals which might enter the human being. They never considered that. They never had a social conscience. They got people to file writs against this Parliament, when we tried to investigate corruption; when we tried to bring them as witnesses. Sen. Myers, Sen. Furness-Smith and I, sought to bring the hierarchy of PLIPDECO before this Parliament to answer, and we were served with a writ as Parliamentarians, by a government that talked about accountability and one which is talking now about social conscience and a caring set of people. And today we are lectured to, about attacking people of Laventille—a very mischievous statement indeed. They behave as though they own Laventille and they own John John, as though they have a deed for those areas, politically.

I want to call on the Government to seriously look at the establishment of a special authority to deal with children's homes and to deal with the provision of facilities for children who are abused, a special unit of the ministry or authority, that will focus and concentrate on the provision of this special service to these dispossessed young citizens of this country. If you leave it to the ministry, you are going to be subjected to all kinds of problems of funding, of bureaucracy, and so forth, and there will always be an excuse that somebody is standing in the way of progress. I suggest that we have a special body to deal with these cases. I wish to include under that authority, the treatment of battered women, battered wives and persons who are the victims of very serious anti-social behaviour. In such a way we can attempt to focus on a major problem that is affecting our society.

**4.10 p.m.**

Many of these incidents of sexual, physical and emotional abuse are not reported to the police, or to social workers, or to people in authority for fear that there might be serious reprisals, and for fear that the little they have shall be taken away from them. But if people know that they have somewhere to go where in the interim they can be treated like decent human beings, they will not be afraid to leave and run because someone will be in a position to take care of them. Certainly the police stations and the hospitals are no places for them. Certainly, we cannot depend on private homes and NGOs to do that kind of work. While we congratulate them for their efforts, we must take the responsibility of providing these lesser fortunate citizens with these facilities.

There must be a serious concentrated effort on the provision of social medical workers in the country. Whether you send 12 people on scholarships, that will not impact in any significant way on the problem which we have. There can be short courses. There are professional people in this country who are prepared to use their already higher education and shift into certain fields. I am quite sure, as was done in the case of providing counselling for schools in the country, there might be many people who currently hold positions in the public service who can now be trained at the university and elsewhere, using the method of short courses of continued education so that we can begin to provide these social services. There can be no excuses, perhaps not any need for you to hire new people if you are seriously concerned about meeting the challenges. You can use people who are already under-utilized in the public service and provide them with the training, which I am sure they would like to acquire, in order to assist in the alleviation of the problems in this sector. But it requires some interest; it requires a great deal of concern and care and not simply talk about the problems.

I do not think we are going to solve our problems using the antiquated, archaic, backward suggestion of the Minister or the Member for Laventille. They have nothing to offer this country; they have no new ideas. They have had a chance for over 30 years, they have failed; they have put this country 20 years behind time, having regard to all the opportunities available to them. Today, the solution of a person who was responsible for policies with respect to family life, is to tell the women, "do not pull aside and park. Come with me, the Member for Laventille, and we will carry out a revolution against the men of the society." You had an opportunity in Community Development; you had an opportunity with all these ministries where they hired all their party faithfuls, used the worst form of

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patronage in the country in the Social Welfare Department, and this is the state we have reached. Today, we are hearing that the novel solution is to mobilize women in the country to go and march after July, 27. I do not know what that innuendo is supposed to mean, but I consider that to be a very significant day for us. Who do not wish to consider it significant, that is a matter for them, but for those of us who were here, it is significant. So I just want to make that point. But to pull aside and take people to demonstrate against men who are committing these crimes—

**Mrs. Donawa-McDavidson:** Mr. Deputy Speaker, the Member for Couva South is not going to be allowed to get away with misquoting me. He understood what I have said and I am not taking his mischief anymore. He has a B.Sc. in mischief-making. I am very serious. He heard as everybody else in this Parliament, what we said and I now call for his support in making certain that the men and people in his area who continue to abuse men, women and children, that something be done to lift their consciousness. So do not try to introduce anything that I did not say in this House. He is not getting away with it.

**Mr. Ramnath:** Certainly, we should not put up with such frivolity on a beautiful afternoon. She should have led a revolution against the men in the PNM who brutalized this society. That is what she should have done. She could have gone into her own party, even go to the Member for San Fernando East and carry out that kind of campaign against the men who abused the entire nation. Today, after 30 years, she comes with the novel suggestion of carrying out a campaign against the men. We know that they have nothing to offer the country; we know that they have nothing new to say; we know that they have absolutely no ideas. So one does not expect any suggestion of substance coming from the Member for Laventille, a former Minister of Government.

Let me advise her that there are women in this society who equally brutalize men, children and so forth. So the problem of emotional abuse, physical abuse and so forth are committed by all classes of citizens. Does she want the Member for Port of Spain East to now lead a march against these men who brutalize children? Is that the solution this new PNM is offering the country? She must decide whether she is old PNM or new PNM. I do not know where she fits into this whole thing. Certainly, her ideas are not new.

Let me say, that the provisions of the bill are quite acceptable to me and I am sure to all my colleagues and Members of this House insofar as they relate to the protection of children who are the victims of abuse. There is no doubt that someone would want to turn to some institution or some organization in the event

of brutality. There are well-known cases where people have nowhere to turn. If this Act simply gives the power, I am quite sure that what is now needed after that has been implemented is the kind of infrastructure to assist these victims of abuse in order to lead a decent life in the future.

I think it is an indictment against this government and the past Government to have that “orphanage” in Tacarigua. It is a serious indictment. You should not even attempt to refer to that as an institution which receives support from the state. I think it is an indictment to see the condition at the St. Ann's Hospital. My friend, a former ULF colleague, turned NAR and now retiring from politics, was the Minister and he knows what the children's ward at St. Ann's is like. If he does not know, he can ask me because I have first-hand knowledge.

**4.20 p.m.**

The Leader of the Opposition and I visited the children's ward of that institution and we observed the conditions. There is absolutely no rehabilitation possible in such institutions. You cannot rehabilitate people in that place. They are advised by all their specialist medical officers about the difficulty in rehabilitating people.

At one time, I was suggesting—I even consulted the Member for Couva North—that a good area for psychiatric patients will be Sevilla or one of those colonial empires now occupied by new colonials. They could have been used with all the spacious surroundings, golf courses and beautiful sceneries in order for us to rehabilitate psychiatric patients and mentally ill persons. We need to do something better than what we have at St. Ann's.

While you have legislation that will give some people the right to have access to the court, or to the magistrate to get an order, what is most pressing is the provision of facilities which will enable these children to be rehabilitated. I am not too sure that we have equipped our protective services, police in particular, with the kind of training to handle this aspect which relates to abused children and women. I am quite sure that there must be specialized training available if not here, abroad, in this subject area. We cannot expect people to call upon the policemen, many of whom are lower ranks, at 11. 00 p.m. and expect them to respond, when they are improperly or inadequately trained to deal with this particular aspect of service to the population. There has to be specialized training.

Women police officers are expected to do much more than they have been trained to do, and because of their being mothers they go the extra mile in order to

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look after lost and abused children. Certainly there is an opportunity to give them the additional training which will permit them to assist. When someone reports an incident of that nature, it might not necessarily be that they did not want to wait until you get a court order, there might be need for the police to take certain action under laws which currently exist and to investigate these cases of abuse. One of the main problems is that the police do not want to go into anybody's house and they do not want to interfere. Proper training in this aspect of investigation I am quite sure, will assist not only the victims, but it will assist the society as a whole.

When you look at what is happening today, where the policemen are really seriously complaining about transportation, that is another matter. Despite all what my honourable friend from Toco Manzanilla has had to say, I think it is a tribute to people who have to work under these conditions to perform at the level they have been performing.

When you call the Freeport Police Station the response each time is a function of the quality of the vehicles. It is a function of the batteries or a lack of batteries and lack of vehicles provided for them. So that while they are making police stations places of safety for these people, they do not have the equipment and the personnel to handle these matters. I want to appeal to those who have the authority to do so, to think seriously about setting up a special unit of the ministry or special authority.

Recently, there was the conversion of part of the car park opposite the Ministry of Industry, Enterprise and Tourism to accommodate lesser fortunate citizens currently known as vagrants. The fact of the matter is there is at least somewhere for them to go at this time. They can have a bath, probably get something to eat, but there is somewhere for them to go. If we concentrate on the use of existing facilities, we might find that the cost associated with all of these programmes would be considerably reduced. I am not recommending to take Edward Street car park and make it a place for battered children, but I am saying there are adequate Government buildings.

In my days, an inventory on Government buildings was done and it was discovered that we had a considerable number of Government buildings which were under-utilized and in some cases not utilized at all. Some of them were virtually abandoned.

This is my humble plea and to ask this country to think forward to be futuristic, and not to listen to mobilization of women to beat up men as a response to the



abuse of children. What we need is a programme of education. We need people to be conscious of their responsibilities to children, marriage counsellors and counsellors in schools. There are children in our secondary schools who are the victims of abuse by teachers. I am not making a general statement but there have been cases like that. What we need is some kind of counselling, some kind of positive approach to dealing with these sick people in our society.

Many sociopaths roam the corridors of this country, important offices and buildings. The country must seriously address itself to the existence of this kind of person in our midst through a programme of education. Instead of putting on a Minister who has been told the questions which they are going to ask him, on a government programme, you may want to discuss this burning question of child abuse and of the need for counselling. All of those things you must look for and education programmes directed to the children now entering secondary schools, so that they can understand the environment in which they are going to enter for the first time. They are going to understand that people push cocaine and weed in the schools and that there is violence in this new surrounding.

This is the kind of programme we need and not this backward, archaic antediluvian policy of a regime that should not be proud of its achievements, but should be ashamed for not doing things they should have done when they had the power and the money to do so. Thank you very much.

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

**5.15 p.m.:** *Sitting resumed.*

**Mr. John Humphrey (St. Augustine):** Mr. Deputy Speaker, I just want to deal with one issue that was raised during the debate this afternoon. It was dealt with ably by my colleague, the Leader of the Opposition, and that is, the institutional framework that is required to enable this legislation to be meaningful, with particular reference to the question of places of safety: where the children are going to be placed. Once the police intervenes and save the children from the violence in their homes.

The Member for Couva South had proposed that the Government is well placed to enable non-governmental organizations to make a meaningful contribution towards establishing satisfactory institutions. He mentioned the number of properties owned by the state that are under the control of the Government.

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Mr. Deputy Speaker, for the first three months of 1987, I was the Minister responsible for that portfolio, and my thinking on the basis of the *NAR Manifesto*, was in fact that the Government should have identified suitable properties that could have been put in the hands of non-governmental organizations committed to social service. Since the Government had no money—at least the Minister of Finance indicated that there was no money—those organizations could have rallied their resources, once they had these properties, to complete to their satisfaction the facilities required to render the kind of service. The work that I had done while I was Minister - and in fact we were doing very well until the Prime Minister decided, on April 3, that that portfolio should be under him, for some reason—was to put together a very competent committee impacting on several ministries, after consulting with the relevant ministers, and having these people identified. We were doing a proper inventory of the state properties, and, if my memory serves me right, there were nearly 2,000 properties owned by the state, many of which were not being utilized at all—valuable properties, placed all over the country, many of which were completely abandoned. While we were doing an inventory, that included a technical assessment of all the properties to determine the condition of the properties, what would be required to bring them into use, we included a spatial analysis, and this exercise was to be computerized so that by the touch of a finger, the government could be advised on the properties at its disposal. We were including at the same time an exercise with the private sector identifying unused properties owned by private citizens throughout Trinidad and Tobago, so that we would have been able to identify available space. Now that exercise collapsed when the Prime Minister decided to advise His Excellency the President, to exclude properties from the responsibility of the Minister of Works, Settlement and Infrastructure.

Mr. Deputy Speaker, the hon. Prime Minister, honourable, so-called, on the eve of his firing me from his Cabinet, did a serious mischief. He met with the NAR, Members of Parliament, Ministers and back benchers, he met with all the NAR councillors, he met with the women's group of the NAR and he misled all of them with a set of untruths; absolute and total distortions of the truth. One in particular concerns the children and I will never forgive him for that one. He told my parliamentary colleagues and others that he did not know where the National Association for Down's Syndrome got their property and led them to believe that because I have a granddaughter who has Down's syndrome, I abused my powers as a Minister to enable that association to get that property. I will never forgive

him for that. I am hoping he will stand up and try to refute that: stand up and say that is not true, that he never said such a thing.

**Mr. Robinson:** Mr. Speaker, lest it be misunderstood, the only reason that I will not reply to the hon. Member at this stage is that he is guilty of so much monumental mischief that I do not think it necessary. I give him an opportunity to continue and I will deal with him at the appropriate stage.

**Mr. Humphrey:** I look forward to that.

**Mr. Deputy Speaker:** Hon. Member, please return to the point.

**Mr. Humphrey:** This pertains to the bill because we are dealing with little children and we are dealing with the Government using its property portfolio in service of the people of this country through non-governmental organizations. I have a transcript of a report made by a Member of Parliament, in fact the Member for Port of Spain South, to his constituency executive of the NAR on November 25, 1987. Allow me to quote this little section dealing with the specific issue.

#### **5.25 p.m.**

This is a report of a Member of Parliament who met with the Prime Minister and who came back to his executive and reported what the Prime Minister told them. After this, the Member for Port of Spain South had reported that the Prime Minister had said that I was corrupt and gave instances of my corruption and all the kinds of things I was trying to do while I was a member of the Cabinet. The issue of the Down's Syndrome Association—I have been getting a number of calls and even, as I told you all, a member of a new committee with the Archbishop, and since the Down's Syndrome Association got a house, every organization is now asking us. They want a house for their association. The Prime Minister was totally unaware of how these people got their premises. As I said, I have nothing against the Down's Syndrome Association, but it is how it was done, that we are concerned about. Because then everybody is telling me, they say that PNM used to take things for their family, look at what you all are doing now, generally. That was it in a nutshell.

The Prime Minister was leading my colleagues to believe that I abused my power, as Minister, to enable an association that was related to the needs of my grandchild to get a property, and that was totally untrue. I want him to stand up here and say that he did not do that, or stand up and say that I was, in fact, guilty of doing that. Because that is the mischief—one of the things that he did—for

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which I will never forgive him. If he thinks that he can go on the platform and deal with me, as he has threatened, I am going on the platform to deal with him. I have not begun to deal with him. I am going to expose him for the fraud that he is; the mischief-maker that he is.

**Mr. Robinson:** I am none of those things.

**Mr. Deputy Speaker:** Let us get back to the Children (Amdt.) Bill, 1991.

**Mr. Humphrey:** I am on the bill, because, you see, what the colleague was saying is that when the National Association for Down's Syndrome got a property, many associations in the country sought to get properties. Now that was a problem for them, but in fact, that has been identified during the course of this debate as a solution to the problem. All these unused properties could be handed over to the NGOs and you could get voluntary assistance to look after the little children who need to be looked after. That is what came out here, and it is highly relevant.

The property portfolio was taken from me on April 2, 1987, by instrument from His Excellency, the President, and the Prime Minister became responsible. I have a copy of a letter from the Office of the Prime Minister, dated July 13, 1987, addressed to Mr. Martin De Gannes, President of the Trinidad and Tobago National Association for Down's Syndrome. That tells the true story. I quote:

"Dear Sir,

Your letter dated April 14, 1987, addressed to the hon. Prime Minister in connection with the provision of a government building for use by your Association has only just come to me for attention. I am referring your letter to the Director of Property Management Unit, Office of the Prime Minister, and you may rest assured that the request contained therein will receive active consideration.

Yours faithfully,

Permanent Secretary,  
Office of the Prime Minister."

So for those Members of this House who were told by the Prime Minister that John Humphrey abused his power as Minister, to enable the National Association for Down's Syndrome to get a house, it is the Prime Minister who was responsible,

and who met with the executives of the association, and who instructed that the association get a house. That is the only one thing.

**Mr. Robinson:** Mr. Deputy Speaker, on a point of correction. The very letter talks about consideration. May I say that that property was transferred when I was out of this country. Let him deny that.

**Mr. Humphrey:** Mr. Deputy Speaker, if the property was transferred when he was out of the country, whoever was acting for him was responsible for transferring the property. The Member for Ortoire/Mayaro participated in handing the key—if he recalls—on a very nice occasion, when the wife of the President was in attendance. The consequence of that mischief is that my wife disassociated herself thereafter from that association. You must pass by there one of these days to see how the property is now being used. My grandchild was not going to receive the benefits; not when I discovered the kind of mischief that the Prime Minister was up to.

This is the problem in our country. You have a head of Government who has absolutely no conscience, who is machiavellian to the core and who uses people and abuses them and then discards them.

**Mr. Robinson:** I will describe the hon. Member—if I should use the word "honourable"—as he deserves to be described, and I hope he would not cry all over the country about it, as he is wont to do.

**Mr. Humphrey:** You have the opportunity; you have the privilege to talk.

**Mr. Robinson:** Because you are a weeper; you will go weeping about it.

**Mr. Humphrey:** Say what you want now, if you have the courage.

**Mr. Deputy Speaker:** Order please! Order please! Could I once more appeal to the hon. Member that you have aired that issue. Could we move on, please? It is now beginning to be repetitious. Could we move on, please?

**Mr. Humphrey:** Sure, Mr. Deputy Speaker.

The point I am making is that the Government has the resources to address problems such as this, but as long as the Prime Minister is in charge of those resources, problems such as this will not be addressed, because his only concern is holding on to power at any cost.

**Hon. Member:** You want; you cannot get.

**Mr. Humphrey:** Mr. Deputy Speaker, if I wanted power, I would not have worked so hard to give him the Prime Ministership. I am one of the persons who worked the hardest to enable the Member for Tobago East to be Prime Minister of Trinidad and Tobago.

**Hon. Member:** I giveth and I taketh away.

**Mr. Humphrey:** It is not too late. I want to suggest to the hon. Minister who presented the bill—which we will support because he has noble intentions. In fact, I sit here at times and hear people condemning and criticizing him. But you see, I will never forget, and you, Mr. Deputy Speaker, should never forget, nor should the Prime Minister ever forget, the service that he rendered to all of us while we were held hostage in this Parliament. I will never forget the image—it is an indelible image that I will never forget—of seeing his boots with the metal straps, sitting on the Parliament floor. He had to take them off to be able to crawl across the floor, and seeing him dragging his leg—almost dead legs—to render medical service to all who needed it, and to use his medical expertise to advise us on how to survive. In my book, the Member for Tunapuna should be singled out as a hero of this country, certainly as a hero of those five days. But the Prime Minister wants to take all the credit for everything.

I want to suggest to the hon. Minister to go directly to the Property Management Division and have them identify suitable properties and invite the NGOs in this country—the associations, the voluntary groups—to come to him and indicate their willingness to serve in the capacity that is before us specifically, of providing facilities for the care of battered children. There are many, many citizens, resourceful citizens, who would come forward and volunteer, but you cannot expect them to take these children into their homes. So, if you make provision of properties to these people, they will care for the children, and an uncaring Government, led by the Member for Tobago East, would not be necessary, it would be made redundant. *[Interruption]* A lot is broken—a broken heart on behalf of the people of Trinidad and Tobago—a broken head too. But at least, I do not go down in the history of this country of destroying the “one love” and the unity that we have laboured so hard to build—not at all. The Member for Tobago East should go back from whence he came.

**Mr. Robinson:** You cannot put me out of this country.

**Mr. Deputy Speaker:** Hon. Member, could you address the Chair?

**Mr. Humphrey:** Why do you not ask the Member for Tobago East?

**Mr. Deputy Speaker:** Your contribution is what matters, so address the Chair.

**Mr. Humphrey:** Sorry, he is the Prime Minister and he has always preached the dignity of Parliament. He is a man of principle.

**Mr. Deputy Speaker:** We would want to avoid crosstalk so address the Chair, please.

**Mr. Sudama:** Are you saying that he is going to secede after this election?

**5.35 p.m.**

**Mr. Deputy Speaker:** We want to avoid the crosstalk, so please address the Chair.

**Mr. Robinson:** You cannot take when I start to give.

**Mr. Humphrey:** Mr. Deputy Speaker, believe me, I am looking forward to it. It takes me back to my school days when I had to deal with sissies who cannot stand up and say anything straight to your face. "A coward, a man of very questionable integrity", that is what he read from the platform and a lot more is going to be quoted.

**Mr. Robinson:** You have not done it yet.

**Mr. Humphrey:** I did it a long time ago, but I am going to do it in this election campaign.

Mr. Deputy Speaker, that is the point I wanted to make.

**Mr. Raymond Palackdharrysingh (Naparima):** Mr. Deputy Speaker, I always sympathize with the Member for Tunapuna because he seems to carry the cross for being the sacrificial lamb. He is one, in my view, who so very often has been set up, has been burned and has been demoted and he still has a big heart, probably until his final call.

**Mr. Sudama:** Is he going to the great beyond?

**Mr. Palackdharrysingh:** This evening, again, he has the onerous responsibility because I am not seeing anybody on that side supporting him in piloting a bill which, of course, would reveal so many weaknesses of the Government and their callous stewardship for the last four and a half years.

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He has been given the responsibility of attempting to put a human face, at this last hour, to the Government's programmes and policies. What has happened in the early days of the Government's administration was a total neglect of the welfare of the citizens. I have often made the point in all my contributions in this House. I think that when we get out to the public and because there is need to win some sort of confidence in the last hour, it is like offering a plaything to the population by bringing a bill such as this.

It is well known that the United Nations has repeatedly insisted that the disparity between the rich and the developing countries is widening. The United Nations has indicated over and over again that all those countries that made itself available to the stringent conditionalities of the IMF programmes and policies would have to suffer its citizens and its people because of increasing debt burdens, and of course because they determine the sort of structural adjustment policies that must be carried out.

Today, in this society, we are really now crying crocodile tears for the future of the nation—the young children. It is like our hearts are now beginning to function, our emotions now beginning to respond to the despair and destitution around us, so once more we are here to say that we have a piece of legislation that will bring caring to the nation's children. Be that as it may, I commend the hon. Minister for his heart and we, on this side, as has been indicated before, would support this piece of legislation.

**5.45 p.m.**

The bill before us seeks to amend the existing Children Act which was last amended in 1986. According to section 12 (2) of the Act:

"A child or young person at risk cannot be removed from the custody of a parent or legal guardian unless the parent or guardian has been convicted or committed for trial for the offence or cannot be found."

Therefore, concomitant with the Act, where the breach of parental duty takes the form of neglect, abandonment or some other omission, the common law criminal sections are inadequate to ensure the child's protection.

In other words, if a child or young person is being subjected to child abuse and is subsequently placed in the care of foster parents, the latter have no lawful authority for the care for which the child is provided unless the parents are committed or convicted for an offence, or a warrant has been issued on behalf of



the child. That means that under the provisions of the existing law, children who are abused will not be granted sufficient protection if the abuser is the parent or legal guardian.

The aim of the amendment is based on the principle that the child's welfare is of paramount importance. I think that one cannot articulate against that position, but it is sad to hear the Minister admitting that the term "welfare" has not really been defined. What is "the welfare of the child" being taken to mean? Is it as broad as one can imagine? Or is it prescribed by a set of variables that one would consider to be the basic necessities for the child? Unless he begins to work out this conceptual area in the legislation, I think we are going to be subjected to all sorts of interpretations.

Where do we begin in this process of humanizing the society, of caring for children who are at risk, of trying to ensure that the future of the nation is well protected by the quality of life that we are going to offer the children of our nation? Is it really in a piece of legislation only, or do we try to get to the fundamental unit of the society and the creation of that fundamental unit, and try to arrest the deviant perceptions about life and the society?

I have heard other Members attempting to put forth a religious view, that if we get back to religious principles we might be able to start the humanizing effect by the values which emanate out of those religious concerns. One must not forget that it does matter what your belief system is; religion is still primarily a personal adventure of faith. Therefore, it cannot be imposed upon those who choose not to believe.

On the other hand, if we are called to live in the society, as a community of people, there are certain basic ethical considerations that must be inculcated. They must be inculcated. Man, in a fraternal relationship has to understand his commitment to others. Man has to understand the cultural variations of other ethnic groups and man has to accommodate as valid, the life practices of others, insofar as they do not impinge upon the welfare of the community and the society.

The socializing process is most important because inherent in the socializing process are the attributes of values and early education which must start at the basic unit, the family. The socializing process must be transmitted. It has a sort of cultural transmission over the years and it becomes inherent in the total education system. Therefore, for those who do not ascribe to personal religious beliefs and convictions, there must be the ethical, moral, socializing values which are common

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denominators for the well being of all mankind. That must start at the family level and carried through the whole educational process.

You see, the family unit is in crisis in the nation. It is in crisis because the rate of development, perhaps, has taken place too fast without the concomitant measures taken to prepare the psyche of the people for social and technological adjustment. That has happened. Billions were spent in industrialization, job opportunities opening to a larger number of people, particularly those who are young parents eager to make a living and to set up the basic necessities of life such as a home and provision for some other meagre comforts. They went into the industrial world, in the process experiencing conflicting values, but not able to cope with it.

Is it not clear to you, that over the last two decades or so, there has been a transformation of the types of family units in this country? At one time people thought of the extended family concept in which there was the self-sustaining dynamics of interaction, assistance and support from other members from that family. As the developmental process continued on its way, the mode of family life started its change from the extended to the nuclear family. As pressures increased, very often, we found the single parent family, again, without the sort of social support to sustain them in that move forward.

**5.55 p.m.**

That has to be looked at because if the family unit becomes increasingly weaker and weaker, it indicates to us that offspring and siblings, who are not afforded the opportunity to be socialized by parents; to be educated in the very early stage of their development would be denied certain rights. Therefore, because of the lack of proper socializing by adequate parenting, we would have missed the opportunity to influence the environment of that new human being and, of course, provided another environment for the distortion of what is called, appropriate infant development. So, on the one hand we are impelled towards the type of industrial development that promises growth and increased GDP and, at the same time, it undermines the human system, thereby eradicating the values that are important for the nurturing and sustaining of the infant.

What, therefore, is critical in all this, is that the state ought to now have a responsibility to look at the parenting needs of children throughout the nation and to determine what sort of socialization would be necessary if parents have to go out in the industrial workplace or other places to earn a living, and to help to

enforce what other means might be necessary for proper socializing of children. If that has not been done, it is now incumbent upon the Government to make that assessment, for it is only when such an assessment is being made will any such piece of legislation have any effect. So you see, with weak family structures, it is possible for all types of things to happen to children.

Mr. Deputy Speaker, I want to point out that the legislation before us might not be able to deal with some of the deviants and exploitation of our children today. When children, because their parents are unemployed, have to take to the streets to earn a living, is that not a denial of their rights? Is it not violence against children because their very parents cannot provide the basics for them. In any situation, I hope the Minister would consider economic deprivation as part of the monstrosity against the well-being of children in this country. It has to take that into consideration because if we understand the endowment at birth of all human babes, we have not really been born superior or inferior to other people. It is because of the environment to which we were exposed that perhaps we manage to be different at different stages. I am saying today that for legislation such as this to be meaningful the family unit must be comprehensively examined with a view to determining whether that family can survive.

Mr. Deputy Speaker, you know some of the desperate areas in this country. You know them very well. We have had a debate as to whether it is John John, Naparima, Couva South or Couva North, wherever it is. Those of us who traverse this country will know that it is everywhere and it has no single group for its affliction. So that has to be a concern if this piece of legislation is to have any meaning. But it must not only stop there. In this country people have the right to form families. Some may do it through their religious institutions and those may be fortunate to have the assistance of trained ministers of religion who might have been exposed to pre-marital counselling, even post-marital counselling and how to cope with traumas in families. There are others—

**Mr. Wilson:** Can I ask the Member for Naparima if he has involved himself in any such counselling sessions?

**Mr. Palackdharrysingh:** Curiosity will always kill that Member, Mr. Deputy Speaker. If it were a question worthy of response, I would oblige, but he is just obstructionist and mischievous.

**Mr. Wilson:** Mr. Deputy Speaker, I thought I was giving the Member an opportunity to demonstrate his humanity. Obviously, he has not seen it fit—

**Mr. Palackdharrysingh:** Mr. Deputy Speaker, a leopard never ever changes its spots. I know the Member too well.

**Mr. Wilson:** One must remember that he has been a trained minister of religion. That is the only reason I asked the question.

**Mr. Palackdharrysingh:** It is time that he stops begging the question now, Mr. Deputy Speaker. I do not know if I have been contaminated by the early leadership of this political experience.

**6.05 p.m.**

The point I am making is that the process of family bonding and its expansion, is a very delicate and serious matter in the lives of people. Therefore, for those who do not have the privilege of being administered to by ministers of religion who are trained, the state must take the responsibility to make it known that when people are entering into relationships, be they legitimate or illegitimate, that a certain amount of counselling is necessary. They ought to have that. I am not here to pontificate on being legitimate or illegitimate. The point is, there is a need for such relationships to be nurtured by counselling, for it would open the eyes of people who are going to be involved in family relationships on what are their responsibilities.

**Mr. Wilson:** I would just like to ask the Member for Naparima if he is prepared to give any of his time for such counselling activities.

**Mr. Palackdharrysingh:** Once he can provide me with an opportunity as a Minister of Government, I shall seriously consider his offer.

**Mr. Wilson:** I thought he would want to do it out of concern and out of his own humanity.

**Mr. Palackdharrysingh:** Mr. Deputy Speaker, I do not think that they want me to be very short this afternoon and I hope you will consider injury time for me.

The Minister, in his presentation, indicated—I am coming back to this because I remember on a previous occasion how bigoted he was on a matter on the Convention of the Rights of the Child. Mr. Deputy Speaker, I am disturbed that

the Minister is prepared to merely state that this country is a signatory to the convention, and that we have not ratified the convention. The convention indicates that there are programmes that would be very valuable for us if we ratify the convention, whereby we would have a sort of deep moral obligation to adhere to the terms of the convention, with of course, the right of the United Nations to monitor the activities taking place in the country.

I am afraid that I am not satisfied with being a mere signatory to the convention and I think that the Government must move full speed to ratify it. I am sure that the Prime Minister would agree that it is one convention that he could ratify without any repercussions to him politically, or otherwise. He would win the hearts of many young people if he does something like this. But I do not know if he has that intention. So I have noted how important these matters are.

Education in the schools: There is a high correlation between early pregnancy and child abuse. We cannot escape that. It is in our schools all around. I have heard that we have had educational programmes in our schools—

**Dr. Hosein:** I heard the Member for Naparima say that there is a correlation between early pregnancy and child abuse. Can I ask him to quote his source on that? That correlation I have not heard about. I have recently had to look into the matter.

**Mr. Palackdharrysingh:** I think that everyone is aware that in the Caribbean we have a number of teenage pregnancies, and therefore, a number of these pregnancies arise because of abuse—*[Crosstalk]*

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

**Mr. Palackdharrysingh:** You will find out where that information comes from. I know a statement like that will worry him. Is he denying that?

**Dr. Hosein:** He cannot stand in the Parliament and say something like that.

**Mr. Palackdharrysingh:** We must be concerned about children today and their state of health. Anytime you talk about health, the Member for Ortoire/Mayaro is asleep. A measure of senility has stepped in, I must say. There are cases, enough for us to be concerned about, children being diagnosed HIV positive, because of sexual molestation. Let us know what would be done about it.

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How would the Minister handle matters like this? How would the Government cope with that sort of abuse of children? Are we not aware of incestuous relationships in this country?

What mechanisms are there for us to detect these, and to deal with them? If you go to the communities today and you offer some measure of services, once you are going to deal with social problems in the community a number of people will come seeking assistance. Those who come seeking assistance would indicate that they are not gainfully employed, and as a result, they cannot send their children to school, and more than that, there is hunger in the home.

**6.15 p.m.**

We are all aware of the 18 per cent, and possibly more of our population below the poverty level. I know some Members of the Government do not like to hear it, but it must be spoken because it is there. You would start to realize that in the frustration of parents not being able to offer their families the basic necessities of life, they attempt to find escape routes through alcohol and so me, possibly through drugs. At the same time, it results in physical abuse of children at home when needs cannot be met and we must take cognizance of that fact.

It is important that in depressed communities, there be an outreach programme by the Ministry of Family Services with a multi-disciplinary team of social workers, of counsellors, of those who are therapists in particular fields and also with the sort of avenues for finding employment for parents who are not employed. That is where a number of conflicting dynamics takes place, within the family, and then the spiralling effect in the community and we have all sorts of crimes in the society, the loss of human values.

We must also be prepared to offer some measure of crisis intervention services. There must be crisis intervention in the lives of families because there are several potent reasons families become distraught; why the feeling that the world is coming to an end. Therefore, they may need some sort of therapy one way or the other to cope when there is emotional crisis; to show them a way out when there are blocked goals. All of us in the community must be prepared to do our bit. Legislation is only one means.

In this society where we have the economy poised for a take-off, where we have a turnaround—the turnaround is only for those who are the big conglomerates and not merely for the mass of people who are struggling to survive—some measure must be found where we must be able to have some sort

of funding, some innovative or creative way to help families in need. We must not only wait for the Member for St. Augustine to go and rebuild houses when they are broken down, we must have some other valid way of doing things—something like a children's trust fund—to prevent the despair that people experience.

In the midst of plenty sometimes, there is too much desperation and poverty and, therefore, we must be able to draw from the resources of other agencies and organizations which are willing to contribute, make sure that we have the avenues for filtering down whatever is contributed, because there are a number of agencies nationally and internationally that will respond to situations of helping any nation to deal with some of its problems, particularly among the young.

We are going to support the bill, but we need always to have a critical overview of what is happening in the society and how to balance human development with growth because merely an increase in GDP one cannot calculate and say we have a turnaround in the economy. A turnaround in the economy must be accompanied by an increased amount of good for various families, particularly the poorest in the society. If we do this, then surely whatever legislation we have, backed up by outreach programmes, we would make a significant contribution by eliminating some of the abuses we have in the society, especially child abuse. Thank you.

**The Minister of Education (Hon. Gloria Henry):** Mr. Deputy Speaker, I want to take the opportunity to be supportive of this bill, especially in light of the fact of some of criticisms that have been raised by people who do not know what really went into the making of this bill.

This Government started work on this bill more than two years ago and we have had public consultations with the people who were most interested in the provisions of the Children Act. So that we did not rush to bring into place legislation that might have been in any way faulty. What we have done is a great deal of homework and a certain amount of consultation, so that once we have come with this bill, it forms part of the whole package of social legislation that this Government has brought into play.

It is important to note that we have a package of social legislation. We have dealt with senior citizens in a certain way; we have dealt with the homeless and the displaced persons in another way. We have had legislation that affected women directly and now we have brought legislation for children. At the same time, we have in place support for all the disadvantaged groups in the society.

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I remember that before the election of 1986, one of the rumours we had to fight was that if the NAR became the Government, we would take away old age pension. In 1989 and 1990, we raised old age pension because we have a concern for senior citizens to the extent that we recognized that the amount of money they were receiving was insufficient and we brought it up to a level where it was closer to what they needed in order to live. At the same time, we supported senior citizens' homes. We continued to give subventions to homes and we also improved a home that was in place for years which required improvement—that is, the St. James Infirmary—and provided additional accommodation for 100 senior citizens in that home. The previous government just did not bother with it. There was the usual waste and it was incomplete. We completed it last year in 1990. In addition, we have provided a capital grant for the Finbar Ryan Geriatric Home, which grant they had requested since 1984. This Government with a smaller budget than the previous government, provided a capital grant to assist that home.

So we have looked at that age in the society; we have dealt with the specific problems of women through the Attachment of Earnings Bill which is still to be proclaimed, but we have to put in place an extensive administrative structure to ensure that the provisions of that bill are carried out expeditiously.

We have passed the Domestic Violence Bill which will provide another form of protection for women in our society. Now we come with a bill that will provide additional protection for children. As I have said, we have come to it after a series of consultations and discussions.

**6.25 p.m.**

One thing this Government has done is listen to those who have the experience, taken up their recommendations and not allowed reports to sit on the shelves and gather dust.

In 1987, the then Attorney General appointed a committee to investigate the delivery of family services. We received the report and acted on the recommendations. We have put in place a ministry which is responsible for the delivery of family services as a follow-up on those direct recommendations of a committee, which this Government had put in place. We have in fact done the work which we were put there to do. We have done it in a most effective way and in the short four and a half years, there is a clear indication that we have done the work which we were put there to do.



We have done a considerable amount of work especially in the social areas. For example, when you look at the social work programme which is in place in the University of the West Indies, this Government actively supported that programme. It was a new programme which was about to begin and the active support came from this Government in the form of scholarships to people within the state system, to go and pursue those programmes, in addition to persons who are in non-governmental organizations and whoever wish to pursue those programmes. This Government is doing the work that is required to assist those who are willing to do the social work that is there to be done.

There is a need for training and we have put in place assistance for those who wish to be trained. We have before Cabinet a report on the task force of options for children in need of special care. When we are free to make the report on that task force public, we will see that there are recommendations that will be supportive of this Children (Amdt.) Bill because we have pursued it in a logical manner. We are making sure that once the bill is amended, that the support required will be in place to ensure that the bill does not just stay in the statute books, but that it will be possible to carry out the provisions of the bill.

One of the Members who spoke expressed concern that we have only been signatories to the convention of the rights of the child. This amendment will be, in fact, one step in the direction of ensuring that the provisions of that convention are carried out within Trinidad and Tobago, so when we get to the point of ratifying that convention, we will have in place some of the provisions of that convention. This bill is one step in that direction. This bill has dealt effectively with a number of children who fall in the cracks as it were, because they are not provided for in any definite way largely because it is not legally possible before this bill, for them to be looked after legally by persons other than their parents.

We have also made the provision that if there is even a suspicion of ill-treatment or neglect, that it is possible for the court to remove the children who are at risk and put them into places of safety. The places of safety are the ones to which we are going to be paying more attention. This as I said, is not something that we have suddenly done; we are moving towards it in gradual steps. I think there is a proverb which says and it is one that I like: "Hurry birds do not build good nests." If it has taken us four years to reach this point, then it is because we are taking the time to do it properly.

We have supports for all of this within the family life education programme which is executed through the schools and is on the curriculum of the schools. We

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have seen it fit to improve that programme and put supports in place for the curriculum area which is responsible for family life education, including a system of pastoral care which is currently under review, so that children who are at risk, who are within the school system are also provided for.

In supporting this bill, I think it is important that we bring to the attention to those Members opposite who are not aware, that we have come to this bill after a series of consultations; that we have put in place effective support for the bill and we have looked at a number of areas of support for people. A lot of people are concerned that we are not doing anything for the people. It is because they are uninformed. At every age level, we have put provisions in place for people. Maybe we do not blow our own trumpet enough. I am sure the Member for Port of Spain East understands where in the whole scheme of things, the senior citizens are provided for; where the homeless are provided for; where the young people are provided for through training systems and so on. The people who are within the primary school system who are without food are provided for efficiently; where our taxpayers' dollars in fact go to work for the people within the system, who are not able to look after themselves.

The welfare dollar does welfare work. It has done it with the assistance and the partnership that we have established with non-governmental organizations that was not necessarily in place before. We have made the non-governmental organizations the kind of social partners with Government, that make them accept how important they are to us in the carrying out of our social work.

We have ensured that we put in place the supportive legislation and that the legislation has the support of the administration. Since we have put in place the Ministry of Social Development and Family Services, we also have a staffing arrangement which has been continuously under review and being beefed up which will support that ministry. We have put in place the legislation which will ensure that the work of that ministry is being effectively done. We have ensured that all the partners in the whole social welfare programme are consulted every step of the way and they are made essential parts of the work of the Government in carrying out a social development programme.

I would like to stop here and indicate very clearly that I strongly support my colleague, the Minister of Social Development and Family Services for bringing this bill to the Parliament and for the provisions that it has put in place for the support of our children. I thank you very much.

**The Minister of Social Development and Family Services (Dr. The Hon. Emanuel Hosein):** Mr. Deputy Speaker, may I begin by thanking all hon. Members for their support for this important piece of legislation, notwithstanding the general tone and comments from members opposite.

In the end I think we all recognize that this measure has the support of all Members of the House and for that I am grateful. I am sure that all Members of this honourable House recognize the need for the provisions in this bill. I want to thank my colleague, the Minister of Education and Member for Arouca South who provided some of the information on what programmes the Government has put in place in the past few years.

**6.35 p.m.**

Mr. Deputy Speaker, I do not want to take too long but attempt to respond to some of the points made by Members opposite in commenting on the bill. The first point I want to make is in relation to the contribution of the Member for Couva North, who has departed the House, having, in his usual style, politicked and ran. His major point in the initial part of his contribution, was the question of places of safety and he used the term that "there has been a lack of attention to places of safety and that there has been no amendment to the definition of places of safety." The hon. Member is a legal person by profession and he understands very well the need to have hospitals, police stations, *etc.*, be places of safety because it means that when a child is taken to a police station, especially as an immediate response to some situation—whether the child is injured or abused, what have you—that that police station is now beyond the bounds of the abuser because it is a place of safety. Similarly, if a child is ill because of abuse and that child is in the hospital, insofar as the hospital is a place of safety, then it is a source of refuge, for the time being, while that child is in need of attention, otherwise you may have the prospect of a parent who has abused and neglected that child to the point where that child is ill, coming into the hospital, and exercising their right to remove that child. So there are obvious reasons why, this Act, which has been in existence since 1923, clearly designates certain places as places of safety.

Mr. Deputy Speaker, this amendment really creates a situation where a magistrate may make a clear order to put a child, in certain circumstances where there is no criminal prosecution, into circumstances and into the care of a fit person and even permits for a situation where the very parent may continue to care for the child under supervision. In other words, it is an advance in the concepts in the law and in the existing bill and, I know that the Member for Couva North

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appreciates that very well. He has merely taken the opportunity to politic about the state of police stations and hospitals and went on to talk about who was demoted and who was not demoted and who he brought into politics.

I want to go on record as saying that I am eternally grateful to the Member for Couva North for giving me the push in politics. The difference between us is that I have been moving forward ever since he has been backing back. He is going in the wrong direction. I want to say that I intend to continue to go forward. I want to say that the perpetuation of grouches and the exploitation of resentments on the part of people do not get those very people any further in life than where they are now. There will always be difficulties that citizens face in any country, which can be exploited by engendering resentment in people because they say they lack care and attention for one problem or another.

Mr. Deputy Speaker, my duty, in politics and in life—and I perform my duty in this House in certain circumstances that the Member for St. Augustine referred to, and what he did not mention, as you will recall is that I was as caring to my captors as I was to my fellow captives. In other words, I do my duty at all times and I will do so now as a member of the Government. So, I have no problem with what the Member for Couva North had to say, but I think he is the one who has the problem.

The question of the government providing places of safety. The government supports what is described in the law as industrial homes and orphanages. There are problems in these institutions and a lot has been done to assist them in supporting themselves and in rectifying some of the problems, but there are still many problems. More recently, we have had a particular problem in the Tacarigua Home referred to by the Member for Tacarigua South, for which the government just, I believe it was two weeks ago, took a decision in Cabinet to assist that institution to deal with some of those immediate and acute problems to the extent of quite a sum, including tackling the issue of the management of these homes to which the Member for Couva South rightly alluded.

The point I want to make is that the concept that it is the government who must continue establishing institutions, manning them and staffing them is one that has failed in the past. It is the same story with those who hold on to certain economic theories despite the fact that all over the world where they have been tried, they have failed and collapsed. When we realize that the empirical evidence that a certain course of action has failed, we must abandon it and look for something else. That is the problem with the PNM, Mr. Speaker. After 30 years of

experience, they hold on to things that have failed and the institutions that have been established, that provide certain kinds of care, and managed by the government, in which the government's hand is heavy, have not only been inefficient, standards have deteriorated—even the very hospital is being referred by the Member for Couva North, and I think to a lesser extent by the Member for Naparima—and when you try to change the management structure, they resist it because they want to hold on to old things that have not worked. Why bother with what has not worked?

The point I am making Mr. Speaker is that this government has pursued a policy of encouraging NGOs, have recognized, to put it simply, that the dollar goes further and the standard of care provided by the NGOs with the assistance of the government, is better. It is better in sociological context and it is in the context of a recognition as it is the entire national community that must be responsible for our less fortunate citizens. It is not only this question of turning to the government for everything. I am amazed when I hear, time after time, people asked to comment on the problems in the country and the first words out of their mouths is "the government must do this; the government must do that". We are past the stage in history where people look towards government continuously to do things. The entire national community must be involved. It is the government's duty to so manage the resources of the society and function in a way not only to mobilize all the resources, but to assist and provide a framework where the care will be provided. We must all be caring citizens, not just the government. The real question is: what is the government's duty? That is the point. And this government is living up to its duty, Mr. Deputy Speaker.

The question of reports. The Member for Couva North was quoting from reports from 1982 and what have you. We have gone further than that and the very Care Report alluded to by the Member for Arouca South, which is now receiving the attention of Cabinet, had as its basis the very 1982 report. But I am grateful to the Member for Couva South or pointing out that that report was available to the former government who had money at the time and did nothing. zero. Zilch. So that when we inherited problems, we, with lesser resources, have done our bit.

What we are engaged in here today, Mr. Deputy Speaker, is a legislative measure which permits for certain solutions and certain amelioration to problems which are not sufficiently provided for in the existing law but it comes as a part of a package of legislation which attempts to pay attention to a whole range of social problems, whether it be the issue of battered persons within the home; whether it be the welfare of the child as in this specific piece of legislation, or the Child Care

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Services Bill, which is to come, the Sex Discrimination Bill, which is to come, or certain other administrative arrangements. It comes as part of a package. There is a part of that package that I want to address to the Member for Naparima who talked about the debt burden and how things are bad in the economy. Mr. Speaker, taking the measures this government took to save the economy, we prevented more social disruption, more lack of care and suffering. To say that the suffering is caused by the measures is to totally miss the point. It is totalling erroneous and misses the point.

**6 45 p.m.**

When we manage the economy, when we manage the debt, when we preserve the level of our foreign exchange and the value of our dollar, and we ensure that businesses become profitable, we have done more for the sociology of this country, than any other single measure we may take to rectify specific problems. The level of unemployment, the economic mess we would have been in, would have created far more suffering. I would leave that for the economists to argue.

The Member for Couva North spoke about a crash programme for persons to take care of children. I am asked: what about the system of review and he mentioned a Child Care Board in Barbados. We have done a similar thing with our co-ordinating council. That is what the council does in effect. So we have already done that. With the question of a crash programme, because he referred to insufficient personnel and he took up the plight of the Member for Couva South about numbers—just for the records, Mr. Deputy Speaker, there are 110 or so trained and qualified social workers in the country and if we are to look at persons who work in the field, or who may be untrained, I think the figure is another 262 persons between social welfare workers, community development workers, even probation department. If you go beyond that to people like nurses, police officers, officers who work in the children's homes and any persons who work in voluntary organizations, the figure may go even higher than that.

The point I was making in response at the time is that it is this Government, having recognized the lack of trained personnel, who have instituted, in conjunction with the University of the West Indies, a proper training programme to get qualified persons. But when it comes to training of persons—and I think it was the Member for Couva South who asked, if we are attempting to train or in any way assist personnel in voluntary organizations—I have here a list of all the seminars for different categories of personnel, including persons, with NGOs, over the past two years. It goes back to 1987. In 1988 we started working with the

media. PAHO sponsored seminars in December, 1988—Caribbean Regional Conference on Child Abuse and Neglect; indeed, the Member for Couva North quoted from the report that resulted from that consultation. 'Police training,' the Lionesses Club—50 persons; County St. George Team; Child Care; UWI Students; the County Victoria Team, April and May, 1991; Children in need of places of safety—over 100 persons participated in that seminar. It goes on and on—sponsored by UNICEF, 50 participants. I could go on and on.

So, we have done that and we have worked with the personnel in the NGOs to upgrade their knowledge and training and understanding of the issues involved. All of this have been in the context of a package of events which will lead us up to our ratification of the Convention on the Rights of the Child. I want to assure the Member for Naparima of that and to thank the Member for Couva South for making the point, that we are not signing a piece of paper for signing sake. We intend to put in place the administrative mechanisms and the legal mechanisms to give genuine effect to that convention. I am sure that in the very near future—I am being told we are almost ready—that recommendation will be acted upon in the appropriate way.

Mr. Deputy Speaker, if I could just quickly go on. There is a question of the lack of statistics. I was a little surprised that the Member for Couva North made an accusation about lack of statistics. I held up a piece of paper with a number of statistics and shook it at him and he said, this was contemptuous by not bringing statistics. But he made this point five seconds after quoting from a report, where the author of the report was saying that the statistics did not really matter; there are certain things you had to do anyway. I do not know whether the House wishes me to quote the statistics now, except to say the statistics do not really matter. I do not see the point in pursuing this at 6.50 p.m. except to say that the statistics are there. What is clear is that there is a problem and there is a need to respond. If the Member wants the statistics, I will send them to him.

The Member for Laventille, apart from being generally supportive, made a point that I think I need to clarify, because she raised a matter that may appear to be very sensitive. That is, the amendment may permit a situation where, because of mischief on the part of some person, a child may be taken away from a parent. I want to make the point to her that the amendment does not create that danger *per se*. I want to point out that in section 44 of the existing Act it says:

1. "Any person may, without a warrant, bring before a Magistrate any person apparently under the age of fourteen years who—"

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and it goes on to list a number of things:

- "(a) is found begging or receiving arms,
- (b) is found wandering and not having any home or settled place—
- (c) is found destitute..."

But it goes on to say:

- (e) under the care of a parent or guardian who, by reason of criminal, or drunken habits is unfit to have the care of the child."

So anybody may bring a child before the court under those circumstances. It goes on, of course.

What does the magistrate have the power to do? If that magistrate "is satisfied on enquiry of that fact, and that it is expedient so to deal with him, may order him to be sent to a certified orphanage." In other words, in the existing Act which has been in existence since 1923, any person can take a 14-year old child or younger, into court and say, "this child is with his parents, but I am saying that the parent is a drunkard." The magistrate has the power now, having enquired into the matter, to order that child to an orphanage. So that the amendment does not create that problem. If one perceives that as a problem, then it is already there. The point is, with this amendment the court must always have as a paramount interest, the welfare of the child. The magistrate now has greater leeway in so having the consideration and the welfare of the child at heart.

**Sen. Valley:** Before you go on, please, given what the Member has said with respect to section 44 of the Act, could the Minister then say, really, what is the purpose of the amendment? Because it seems to me that section 44 covers exactly what I thought we were doing here today.

**Dr. Hosein:** Because he has to put that child in an orphanage, first of all, and secondly, the question of someone who is at risk. In other words, with the amendment, the scope of options available to the magistrate are increased in what he can do with the child in the first place. He can designate a fit person. In addition, he can permit the child to remain with the parents, but under supervision. So there is the concept of being with a person, or being in the care of a person and that person is himself under supervision. Because you see, with what I have just read out, the magistrate is obligated to send that child to an orphanage, to the very institution, the standards of which the Member for Couva South and others



queried. So you have institutions which are in a poor state, one of the reasons being that magistrates commit children to these orphanages all the time.

**Sen. Valley:** I do not know, unless I am misunderstanding the section, because (5) says that:

"Where, under this section, a court is empowered to order a child to be sent to a certified Orphanage, the court, in lieu of ordering him to be so sent, may, in accordance with the provisions of Part I, make an order for the committal of the child to the care of a relative or other fit person named by the Court, and the provisions of that Part shall, so far as applicable, apply as if the order were an order under that Part."

That is subscribed on page 29.

**Dr. Hosein:** I am not disputing that, Mr. Deputy Speaker. The point I was making by quoting this section is that the danger being referred to by the Member for Laventille was not created by the amendment, which is the impression she gave.

**Sen. Valley:** What then is the purpose of the amendment that we went through today? Because if we have this section 44 which now appears to be doing exactly what we spent today doing, I am asking, really, what was the purpose?

**Dr. Hosein:** Now, I am a little lost with regard to the nature of the question. I thought what we were doing today was clear. The fact that these powers exist in the law now, is not what the amendment is about. What the amendment is about is going beyond all of this. It is widening it beyond this, which is already available to the court—

**Sen. Valley:** I understand that. What I am asking is this: Could you just tell this lay person how?

**Dr. Hosein:** Mr. Deputy Speaker, I am at risk of being repetitive. I made an initial presentation where I thought I had made it clear what we are doing. If the Member could not understand, I am sorry. I do not know if repeating myself is going to help him. I could send him a copy of my contribution. If he is saying to me that he fails to understand what I have been saying on a number of occasions, I cannot help him any further.

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**6.55 p.m.**

The point I was on is the question of welfare. The Member for Naparima made heavy weather of the fact that I had mentioned that the term “welfare” was not defined in the law. May I say that while that is so, there is jurisprudence on the meaning of the word “welfare”—much jurisprudence. A good explanation is to be found in the case of Walker vs. Walker and Harrison, 1981 in New Zealand and the recent law cited in the United Kingdom by the Law Commission there in its Working Paper No. 96—“Children in Care”, where Judge Hardy Boyce commented, and I will quote for the benefit of the Member for Naparima.

“Welfare is an all encompassing word. It includes material welfare both in the sense of adequacy of resources to provide a pleasant home and a comfortable standard of living and in the sense of adequacy of care, to ensure that good health and due considerations for a new personal pride are maintained. However, while material considerations have their place, they are secondary matters. More important are the stability and the security, the loving and understanding care and guidance, the warm and compassionate relationships that are essential for the full development of the child's own character, personality and talent.”

I hope the Member for Naparima is satisfied. I was hoping to have spared the Parliament the definition and attempted to satisfy the concern by saying there is adequate jurisprudence. I can send him the rest of the paper if he so wishes.

The point is, as usual, he was looking for something to say, attempting to put people to sleep and all sorts of things [*Interruption*] The Member for Ortoire/Mayaro reminds me that he succeeded with him. I really do not think I need to pursue the points that the Member for Naparima made, all sorts of funny things—in fact, attempting to link child abuse with teenage pregnancy. I really do not need to go on and on about what he had to say.

The point of more relevance was that of instilling spiritual values in programmes and having outreach programmes. The county co-ordinating teams—and I want to refer to that because the Member for Couva South said that in each county there is an inadequate number of medical social workers. I recognize that there is an inadequacy nationally of trained persons in the field of social work. But how we have attempted to respond is, at the very county level to have co-ordinating committees, where all the persons involved in delivering social services meet regularly and they go through the case histories. So that if perchance a

medical social worker is needed, then that medical social worker could focus his or her attention on the particular case, if you do not need the intervention of a medical social worker, you could pass the case on to someone who has the training to deal with the particular problem. So we have attempted to deal with that, and of course, to deal with the problem of increasing our trained personnel, as I have mentioned before.

I want to assure the Member for Naparima that all our programmes, policies, indeed our legislative measures, are considered very much within the context of the promotion of family life, of which the inculcation of spiritual values is an integral part. I can say no more than to assure him of that. But in our family services division, when we staff that division, as we will very, very shortly—and as I mentioned, only a few days ago, Cabinet approved a measure to expedite that—we will be providing counselling where necessary. Because not on every occasion do you want to resort to court or legal measures. Even if you do, one of the types of support that you need for the case will be counselling by trained persons. I am sure the Member for Naparima may be willing to help us having regard to his own training.

I do not know if there is too much that I need to respond to again, except in conclusion, to thank hon. Members for their support and say, like the Member for Couva South, I do not think all the problems of this nature are caused by men. I am not going to necessarily speak here in my capacity as a man, but my Ministry has the responsibility for the status and welfare of women and I could not help reacting to the statement that somehow the solution to all of this is in the hands of women and that women must organize.

I want to say that all our citizens need to respond. All our citizens may be part of the problem and all our citizens must be part of the solution. If there are some among us, whether male or female, who are excessive in their behaviour, then it is our duty to rectify that situation. The Government is playing its part, both legislatively and administratively, providing the financial support. There will always be something to do. Ten years from now, I am sure this House will be debating other social problems that may continue to exist, or which may emerge over the next 10 years.

So the fact that there are people in need of assistance, care or a response from the Government, that will always be so. But insofar as this measure is concerned, I am sure all Members agree and I commend it to the entire House, and I am sure it will have the support of all. Thank you.

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*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 to 8 ordered to stand part of the bill.*

*Question put and agreed to, That the bill be reported to the House.*

*House resumed.*

*Bill reported, without amendment; read the third time and passed.*

**7.05 p.m.**

#### **BUSINESS OF THE HOUSE**

**The Minister of Industry, Enterprise and Tourism (Dr. The Hon. Bhoendradatt Tewarie):** Mr. Deputy Speaker, I seek leave of this honourable House to proceed with Private Business motions 6, 7, 8, 9 and 10, and under Bills Second Reading.

*Question put and agreed to.*

#### **FAITH CENTRE (INC'N) BILL**

*Question put and agreed to, That a bill to provide for the incorporation of a Faith Centre, be now read a second time.*

*Bill accordingly read a second time.*

*Bill referred to a special select committee of the House chosen by the Speaker as follows: Dr. Anselm St. George (Chairman), Mr. J. Fox, Mr. E. Shand and Mr. R. Palackdharrysingh.*

#### **EDINBURGH DHARMIC SABHA (INC'N) BILL**

#### **Adoption**

**Mr. Oswald Hem Lee (Pointe-a-Pierre):** Mr. Deputy Speaker, I beg to move, that this House adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a private bill for the incorporation of the Edinburgh Dharmic Sabha and matters incidental thereto.

*Question proposed.*

*Edinburgh Dharmic Sabha (Inc'n) Bill*

*Friday, July 12, 1991*

*Question put and agreed to.*

*Report adopted.*

*Question put and agreed to, That the bill be now read the third time.*

*Bill accordingly read the third time and passed.*

**ORISHA RELIGION (SHANGO) (INC'N) BILL**

**Adoption**

**Mr. John Humphrey** (*St. Augustine*): Mr. Deputy Speaker, I beg to move that this House adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a private bill for the incorporation of the Orisha Religion (Shango) of Trinidad and Tobago.

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

*Question put an agreed to, That the bill be now read the third time.*

*Bill accordingly read the third time and passed.*

**GENERAL SERVICE BOARD OF  
ALCOHOLICS ANONYMOUS (INC'N) BILL**

**Adoption**

**Mr. John Humphrey** (*St. Augustine*): Mr. Deputy Speaker, I beg to move that this House adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a private bill for the incorporation of the General Services Board of Alcoholics Anonymous of Trinidad and Tobago.

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

*Question put and agreed to, That the bill be now read the third time.*

*Bill accordingly read the third time and passed.*

**GLOBAL ENCOUNTER MINISTRIES (INC'N) BILL**

**Adoption**

**Mr. Raymond Palackdharrysingh** (*Naparima*): Mr. Deputy Speaker, I beg to move that this House adopt the report of the Special Select Committee of the

*Global Encounter Ministries (Inc'n) Bill*  
[MR. PALACKDHARRYSINGH]

*Friday, July 12, 1991*

House of Representatives appointed to consider and report on a private bill for the Incorporation of Global Encounter Ministries and for matters incidental thereto.

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

*Question put and agreed to, That the bill be now read the third time.*

*Bill accordingly read the third time and passed.*

**7.15 p.m.**

**SCHOOL OF PHILOSOPHY (INC'N) BILL**

**Adoption**

**Mr. Raymond Palackdharrysingh** (*Naparima*): Mr. Deputy Speaker, I beg to move that this House adopt the report of the Special Select Committee of the House of Representatives to consider and report on a bill for the Incorporation of the School of Philosophy of Trinidad and Tobago and for matters incidental thereto.

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

*Question put and agreed to, That the bill be now read the third time.*

*Bill accordingly read the third time and passed.*

**HANSEN'S DISEASE RELIEF ASSOCIATION (INC'N) BILL**

**The Minister of the Environment and National Security (Hon. Lincoln Myers)**: Mr. Deputy Speaker, I beg to move,

That a bill to make provision for the Trinidad and Tobago Hansen's Relief Association, be now read a second time.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 and 2 ordered to stand part of the bill.*

*Question put and agreed to, That the bill be reported to the House.*

*House resumed.*

*Bill reported, without amendment; read the third time and passed.*

**FIELD NATURALISTS' CLUB (INC'N) BILL**

**The Minister of Health (Hon. Selwyn Richardson):** Mr. Deputy Speaker, I beg to move,

That a bill to provide for the incorporation of the Trinidad and Tobago Field Naturalists' Club and matters incidental thereto, be now read a second time.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 to 10 ordered to stand part of the bill.*

*Question put and agreed to, That the bill be reported to the House.*

*House resumed.*

*Bill reported, without amendment; read the third time and passed.*

*Motion made and question proposed, That the House do now adjourn to a date to be fixed by the Speaker. [Dr. B. Tewarie]*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.20 p.m.*